amendment on behalf of myself and a number of other Senators who cosponsored our original legislation. In light of the hour and the desire on the part of others to speak at this time, I ask unanimous consent that this amendment be set aside for further consideration later today.

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

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware. I remind the Senator that under the previous order, the Senate will recess at 12:30.

Mr. ROTH. Mr. President, I ask unanimous consent that we stay in session until I complete my statement, which will be roughly 10 to 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, I am sorry, I did not hear the Senator's closing comment. That we stay in session until what time?

Mr. ROTH. Until I complete my statement, which will be roughly 10 to 15 minutes.

Mr. DURBIN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Delaware.

Mr. ROTH. Mr. President, I also ask unanimous consent that I may speak as in morning business.

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

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH pertaining to the introduction of S. 2369 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

RECESS UNTIL 2:15

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:40 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ROBERTS].

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CAMPBELL. Mr. President, we have some housekeeping things before we go to the next amendment.

AMENDMENT NO. 3363

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for Mr. MACK, proposes an amendment numbered 3363.

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

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

The amendment is as follows:

At the appropriate place in title IV, insert:

SEC. ___. LAND CONVEYANCE, UNITED STATES NAVAL OBSERVATORY/ALTERNATE TIME SERVICE LABORATORY, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—If the Secretary of the Navy reports to the Administrator of General Services that the property described in subsection (b) is excess property of the Department of the Navy under section 202(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(b)), and if the Administrator of General Services determines that such property is surplus property under that Act, then the Administrator may convey to the University of Miami, by negotiated sale or negotiated land exchange within one year after the date of the determination by the Administrator, all right, title, and interest of the United States in and to the property.

(b) COVERED PROPERTY.—The property referred to in subsection (a) is real property in Miami-Dade County, Florida, including improvements thereon, comprising the Federal facility known as the United States Naval Observatory/Alternate Time Service Laboratory, consisting of approximately 76 acres. The exact acreage and legal description of the property shall be determined by a survey that is satisfactory to the Administrator.

(c) CONDITION REGARDING USE.—Any conveyance under subsection (a) shall be subject to the condition that during the 10-year period beginning on the date of the conveyance, the University shall use the property, or provide for use of the property, only for—

(1) a research, education, and training facility complementary to longstanding national research missions, subject to such incidental exceptions as may be approved by the Administrator;

(2) research-related purposes other than the use specified in paragraph (1), under an agreement entered into by the Administrator and the University; or

(3) a combination of uses described in paragraph (1) and paragraph (2), respectively.

(d) REVERSION.—If the Administrator determines at any time that the property conveyed under subsection (a) is not being used in accordance with this section, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

Mr. CAMPBELL. Mr. President, this amendment encourages GSA to convey property in Miami, should the Secretary of the Navy choose to access it. It is my understanding it has been accepted on both sides.

Mr. KOHL. We accept that. That is fine.

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

The amendment (No. 3363) was agreed to.

AMENDMENT NO. 3364

(Purpose: To establish requirements for the provision of child care in Federal facilities)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for Mr. JEFFORDS, for himself, Ms. LANDRIEU, Mr. DODD, and Mr. KOHL, proposes an amendment numbered 3364.

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

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

(The text of the amendment is printed in today's RECORD under Amendments Submitted.'')

Mr. JEFFORDS. Mr. President, the amendment before us on the Treasury-Postal appropriations bill concerns the provision of child care services located in federally-owned and -leased buildings. This amendment will go a long way towards ensuring that child care services located in federally-owned and leased buildings are safe, positive environments for the children of federal employees.

I have been working closely with the Senate Committee on Government Affairs which has jurisdiction over this legislation. Chairman THOMPSON and his staff have been extremely helpful, as has the ranking member of that committee, Senator GLENN. The Senate Rules Committee was instrumental in crafting the language related to the Senate Employees' Child Care Center. I want to thank Chairman WARNER, and Senator FORD and their staff for their assistance.

This amendment was first introduced as a stand-alone bill on November 7, 1997. It was drafted because of several serious incidents which occurred in federal child care facilities. At that time, it came to my attention that child care centers located in federal facilities are not subject to even the most minimal health and safety standards.

As my colleagues know, federal property is exempt from state and local laws, regulations, and oversight. What this means for child care centers on federal property is that state and local health safety standards do not and cannot apply. This might not be a problem if federally-owned or leased child care centers met enforceable health and safety standards. I think most parents who place their children in federal child care would assume that this would be the case. However, I think federal employees will find it very surprising to learn, as I did, that, at many centers, no such health and safety standards apply.

I find this very troubling, and I think we should be embarassed that child care in federal facilities child care cannot guarantee that children are in safe environments. The federal government should set the example when it comes to providing safe child care. It should not turn an apathetic shoulder from meeting such standards simply because state and local regulations do not apply to them.

My amendment will require child care services in federal buildings to meet a standard no less stringent than the requirements for the same type of child care offered in the community in

which the federal child care center is located. The child care provider would not be required to obtain a state or local license, although that is an option open to them. The Government Services Administration would be responsible for establishing the rules and regulations necessary to ensure that each child care facility in a federal building meets the same level of standards applicable to other child care services in the community.

In 1987, Congress passed the ''Trible amendment'' which permitted executive, legislative, and judicial branch agencies to utilize a portion of federally-owned or leased space for the provision of child care services for federal employees. The General Services Administration (GSA) was given the authority to provide guidance, assistance, and oversight to federal agencies for the development of child care centers. In the decade since the Trible amendment was passed, hundreds of federal facilities throughout the nation have established on-site child care centers which are a tremendous help to our employees.

The General Services Administration has done an excellent job of helping agencies develop child care centers and have adopted strong standards for those centers located in GSA-leased or -owned space. However, there are over 100 child care centers located in federal facilities that are not subject to the GSA standards or any other laws, rules, or regulations to ensure that the facilities are safe places for our children. Most parents, placing their children in a federal child care center, assume that some standards are in place—assume that the centers must minimally meet state and local child care licensing rules and regulations. They assume that the centers are subject to independent oversight and monitoring to continually ensure the safety of the premises.

Yet, that is not the case. In one case a federal employee had strong reason to suspect the sexual abuse of her child by an employee of child care center located in a federal facility. Local child protective services and law enforcement personnel were denied access to the premises and were prohibited from investigating the incident. Another employee's child was repeatedly injured because the child care providers under contract with a federal agency to provide on-site child care services failed to ensure that age-appropriate health and safety measures were taken—current law says they were not required to do so, even after the problems were identified and injuries had occurred.

In addition, I believe that the federal government can and should lead by example. Federal facilities should always try to meet the highest possible standards. In fact, the GSA has required national accreditation in GSA-owned and leased facilities, and has stated that its centers are either in compliance or are strenuously working to get there. This is the kind of tough standard we should strive for in all of our federal child care facilities.

For that reason, this amendment requires that within five years, all child care services located within federal facilities must become accredited by a professionally recognized child care accreditation entity. While state and local child care requirements generally ensure that those services meet the basic health and safety needs, child care credentialling entities go further. Accreditation also includes requirements that developmentally appropriate activities are an integral part of the program, that staff is trained, and that the program is a positive environment that contributes to the healthy development of children receiving child care services.

There are several child care accreditation entities providing these services around the country. The National Council for Private School Accreditation is a coalition of 13 entities providing private school accreditation, many of which issue credentials to child care service providers. The Council on Accreditation of Services for Families and Children, Inc. has developed standards and guidelines that are used by several child care accreditation entities to ensure a high quality of care for children. The National Association for the Education of Young Children provides accreditation for child care centers throughout the country. The Lutheran Church-Missouri Synod has been accrediting child care services longer than any other entity.

Child care providers in federally-owned and leased facilities will be able to choose which child care accreditation they will obtain. In addition, the General Services Administration is permitted to develop a child care accreditation process to add to the choices already available to programs in federal facilities.

Federal child care should mean something more than simply a location in a federal facility. The federal government has an obligation to provide safe care for the children of its employees, and it has a responsibility for making sure that those standards are monitored and enforced. Some federal employees receive this guarantee. Many do not. We can and must do better.

Senators LANDRIEU and DODD are original co-sponsors of this amendment. I urge my colleagues to help ensure high quality child care in federally owned and leased facilities by supporting this amendment.

Mr. DODD. Mr. President, it is my pleasure today to join my colleague from Vermont, Senator JEFFORDS and my colleague from Louisiana, Senator MARY LANDRIEU, in cosponsoring an amendment to require federal child care facilities to lead by example when it comes to child care quality.

Up to this point Mr. President, we in the federal government have not shown strong leadership when it comes to child care quality.

Many parents of children in federal child care facilities have been surprised to discover that these facilities are exempt from the state and local quality standards that apply to non-federal centers. Many parents have been surprised to find that the federal government does not require its centers to be accredited.

With this amendment, for the first time, the more than 200 federal, non-military, child care centers would be required to meet all state licensing standards. For the first time, these centers would be required to demonstrate that they provide high quality child care by becoming accredited by a nationally recognized accrediting body.

Child care shouldn't be like going to Las Vegas—where you roll the dice and hope for the best. Parents should be confident that when they are not able to be with their children, their children will still be well cared for. We shouldn't be gambling with our children's health and safety.

This legislation will go a long way toward giving parents of children in federal facilities peace of mind.

I should point out, Mr. President, that many of the child centers run by the federal government provide an invaluable service and excellent care to the children of federal workers and other families in the community. Many federal centers have even received accreditation from the National Association for the Education of Young Children—an outstanding private, non-profit accrediting entity.

But this excellence is not uniform. In some federal agencies, only a minority of child care centers are accredited. Too many centers are falling through the cracks. And too many children are unnecessarily being placed at risk.

Mr. President, at a time when we are asking our states and communities to take notice of the important research about brain development in young children—at a time when we all acknowledge how critical high quality child care is to helping children achieve their potential—shouldn't we, as federal government lead the way when it comes to providing the best care possible for our children?

Mr. President, this legislation enjoys broad bipartisan support. It was incorporated into the CIDCARE bill that I co-sponsored with Senator JEFFORDS and was a part of the Child Care ACCESS Act that I offered with 27 of my Democratic colleagues earlier this year.

This is an important step in improving the quality of our Nation's child care. I urge my colleagues to support this amendment.

Mr. CAMPBELL. Mr. President, this amendment relates to Federal child care facilities. This amendment has been cleared by both sides of the aisle. I ask for its adoption.

Mr. KOHL. We accept the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is agreed to.

The amendment (No. 3364) was agreed to.

Mr. CAMPBELL. Mr. President, I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Alabama is recognized.

AMENDMENT NO. 3362

Mr. SESSIONS. Mr. President, I would like to make a few remarks on the family impact statement amendment offered by Senator SPENCER ABRAHAM earlier today. It is an amendment that I supported last year. I think it is a very, very important signal and an important event for this Government.

I rise today in strong support of this important amendment and to voice my complete disagreement with antifamily action taken by President Clinton.

In 1997, President Ronald Reagan, recognizing the importance of the American family and the need to be aware of the negative impact that Federal laws and regulations can have on the family, signed Executive Order 12–606. The purpose was to ensure that the rights of the family are considered in the construction and carrying out of policies by executive departments and agencies of this Government.

Mr. President, even though we are faced with a staggering increase in out-of-wedlock births, rising rates of divorce, and increases in the number of child abuse cases, apparently President Clinton does not believe that considering the impact of regulations on families is good policy.

Much to my dismay, on April 21, 1997, President Clinton signed Executive Order 13045, thus stripping from the American family any existing protection from harm in the formulation and application of Federal policies.

President Reagan's Executive Order 12606, placed special emphasis on the relationship between the family and the Federal Government. President Reagan directed every Federal agency to asses all regulatory and statutory provisions ''that may have significant potential negative impact on the family well-being. * * *'' Before implementing any Federal policy, agency directors had to make certain that the programs they managed and the regulations they issued met certain family-friendly criteria. Specifically, they had to ask:

Does this action strengthen or erode the authority and rights of parents in educating, nurturing, and supervising their children?

Does it strengthen or erode the stability of the family, particularly the marital commitment?

Does it help the family perform its function, or does it substitute government activity for that function?

Does it increase or decrease family earnings, and do the proposed benefits justify the impact on the family budget?

Can the activity be carried out by a lower level of government or by the family itself?

What message, intended or otherwise, does this program send concerning the status of the family?

What message does it send to young people concerning the relationship between their behavior, their personal responsibility, and the norms of our society?

The elimination of President Reagan's Executive Order 12606 is just the latest in a series of decisions that indicates the Clinton administration's very different approach to family issues. From the outset of President Clinton's first term, it became clear that his administration intended to pursue policies sharply at odds with traditional American moral principles. White House actions have ranged from the incorporation of homosexuals into the military to the protection of partial-birth abortion procedures, to opposing parental consent in cases involving abortion for minors.

Mr. President, many have suggested it is community villages, in other words government, that raise children. But really it's families that raise children. Families are the ones who are there night and day to love, to care for, and to nurture children.

Many bureaucratic regulations produce little benefit, but can have unintended consequences. The examples are too numerous to mention.

What our amendment will do is to require the ''regulators'' to stop and take a moment to think through their regulations to make sure that, the most fundamental institution in civilization—the family, is not damaged by their actions. This is a reasonable and wise policy.

Mr. President, I find it very odd that of all the Executive orders that exist, President Clinton would reach down and lift this one up for elimination. This body should speak out forcefully on this subject and I am confident we will. The families of America deserve no less.

This amendment is a sound and reasonable piece of legislation which will restore a valuable pro-family policy that had been established for 10 years.

I urge all my colleagues to stand united, Republicans and Democrats, to show that the preservation of the family is not a partisan issue. Our voices united will send a loud and certain message to the President and this Nation that we consider family protection to be one of America's most important issues and we will not accept decisions that mark a retreat from our steadfast commitment to our Nation's families.

Mr. President, I strongly believe that American families must be considered when the Federal Government develops and implements policies and regulations that affect families. Therefore, I am honored to be an original cosponsor for this amendment, which will reinstate the Executive order of President Reagan.

I would like to thank my colleagues, Senators ABRAHAM, FAIRCLOTH, HUTCHINSON, for their dedicated work and help on this issue.

As we know, there is some dispute and controversy and concern in this body concerning the President's proclivity to utilize executive regulations to carry out various policies that he wants to carry out. He eliminated this regulation of President Reagan by his own Executive Order, and in fact has stated and reflected his view that the American family is not at times jeopardized by the actions of this Government, and special watch and attention is not necessary to that.

I just want to say this. Governmental policy in this country ought to consider what is good, wholesome, and healthy. The American family represents the finest opportunity to affect the growth, health, well-being, the mental attitude, and the lawfulness of a young person. Healthy families tend to raise healthy children. It is not always so. It is not always so. Families that have trouble raise good kids a lot of time, and families that are personally good have troubled children.

But fundamentally and historically we know, and there has been much data in recent months and years—you remember the article, ''Dan Quayle Was Right.'' So we know that there is a general consensus today that a healthy family is important.

I think it was a bad signal. I think it is sad that in this entire monumental bureaucracy of this Federal Government that involves $1.7 trillion in expenditures every year, you don't have to give special concern to your actions with regard to how they might impact the American family.

I think in that regard the President made a serious error, and he sent a signal to this great Government and those who work for him within the executive branch that they don't have to give special scrutiny to it. I believe it was a mistake. Senator ABRAHAM's amendment would restore that.

I thank Senator CAMPBELL for his interest and concern on these issues and for giving me a few moments to make these remarks.

Thank you, Mr. President. I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader is recognized.

AMENDMENT NO. 3365

(Purpose: To provide for marriage tax penalty relief)

Mr. DASCHLE. Mr. President, I ask unanimous consent that we lay aside the Abraham amendment, and I send an amendment to the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 3365.

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

The PRESIDING OFFICER. Without objection, it is so ordered. (The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

The PRESIDING OFFICER. The distinguished Senator from South Dakota, Mr. DASCHLE, is recognized.

Mr. DASCHLE. Mr. President, I thank the Presiding Officer.

Mr. President, as I noted this morning, Democrats have supported and continue to support tax relief for working families. In 1993, we supported tax cuts for millions of working families making less than $30,000 per year through an expansion of the earned income tax credit. Last year, we supported major tax relief proposals, including a $500-per-child tax credit, a $1,500 HOPE education tax credit, a 20-percent lifetime learning credit, the reinstatement of student loan deductions, full deductibility of health insurance premiums for the self-employed, a cut in capital gains taxes for investors and small businesses, and an expansion of estate tax relief for family farms and businesses. All of these tax cuts for working families had one thing in common. They were consistent with a balanced budget; they were fully paid for.

Democrats continue to have an ambitious agenda of tax relief for working families. But we also continue to insist that tax cuts be consistent with fiscal responsibility. This is because we understand that fiscal responsibility equals economic growth, and economic growth equals more jobs and higher wages.

Part of our continuing agenda to provide working families with tax cuts is to provide them with substantial relief from the marriage penalty. In many families, married couples pay more in income taxes than if they had remained single. Democrats would like to remedy this undesirable aspect of our tax system.

The amendment that I have just offered would let families deduct 20 percent of the income of the lesser-earning spouse. This deduction would be phased out for families making between $50,000 and $60,000 a year. The 20-percent deduction would be an ''above-the-line'' deduction, ensuring that that everyone could claim it, regardless of whether they chose the ''EZ'' form or itemized their deductions on a more complicated tax form. Also, the deduction would be factored into the earned income tax credit calculation; that is, it would help people making less than $30,000 who may have no income tax liability against which to take the deduction.

But, Mr. President, perhaps most important, contrary to the amendment offered this morning, this amendment is fully offset. The offsets include a number of proposals from the President's budget that have attracted broad support. Most of them would terminate unwarranted tax loopholes for corporations and investors. Because the amendment is fully offset, it is in keeping with the tradition and the practice that we have maintained all through the tax debate this year and previous years.

To summarize, unlike the Brownback-Ashcroft amendment offered this morning, the Democratic amendment, first, focuses roughly 90 percent of its tax cut on families who are actually penalized., compared with about 40 percent to 45 percent for the Brownback amendment offered this morning.

Second, it is fully offset. Its gross cost is $7 billion over 5 years and $21 billion over 10; but its net effect on the budget is zero. By contrast, the Brownback-Ashcroft amendment would have drained the Treasury and the Social Security trust fund by about $125 billion over 5 years and $300 billion over 10 years.

Therefore, if Senators are interested in delivering meaningful marriage penalty tax relief rather than simply grandstanding about it, they will want to support our amendment. Here are two examples of just how much tax relief our amendment would provide:

First, a couple making $35,000, split $20,000 and $15,000 between two spouses. With our 20-percent, second-earner deduction, this couple would receive an additional deduction of $3,000, or 20 percent of the $15,000 income of the second earner. That translates into an annual family tax cut of about $450.

Second, a couple making $50,000, in this case split $25,000 each between the two spouses. Under our 20-percent, second-earner deduction, the couple would receive an extra $5,000 deduction, or about $1,400 in actual cash-in-the-pocket tax relief.

Mr. President, my amendment provides Senators with an opportunity to help hard-working married couples without busting the budget or endangering our efforts next year to restore the Social Security system to solvency for future generations.

Mr. President, I yield the floor.

Mr. KOHL. Mr. President. I want to take a moment to explain my support for the Daschle amendment on marriage tax relief. As you know, earlier today I opposed the Ashcroft-Brownback amendment on the same subject. My concerns related to the wisdom of attaching such a substantial tax policy change to an appropriations bill. Also, the Brownback amendment was not offset—it would have thrown the budget off balance by approximately $125 billion. The marriage tax debate belongs within the context of a balanced budget and a comprehensive tax bill. And let me again state my hope that we will approve such a tax bill later this year.

However, it's clear that today's debate is primarily about political messages and maneuvering. And, in that case, the record should demonstrate that my voice and vote definitely stands with those calling for the elimination of the marriage penalty. Our tax code should be family friendly. Couples who want to get married should not be discouraged from doing so based on how much they will owe in taxes. And tax policy changes should be fully offset and respect the principles of a balanced budget. For these reasons, I intend to support the Daschle marriage penalty amendment.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Colorado is recognized.

Mr. CAMPBELL. Mr. President, we spent almost 2 hours on the Ashcroft amendment. I assume that much of the debate that we have already gone through will be repeated.

I don't think there is anyone on this floor who doesn't want to do something about the marriage penalty. We are all very comfortable with the fact that it is punitive, and I think all of us want to get rid of it, if we can. The question really has been, What is the vehicle to be able to do that?

I ask the minority leader, since we have spent so much time on this already in the previous debate, if he would be interested in trying to work out some kind of a time agreement, because we have about 56 amendments that we haven't cleared yet. It looks like it is going to be a long night, and a long day tomorrow, if we don't get some withdrawn, or some agreement on some of them.

I ask the minority leader if he would be interested in a time agreement.

Mr. DASCHLE. Mr. President, I think the distinguished Senator from Colorado makes a very good point, and our desire is certainly not to complicate his efforts and the efforts of the distinguished ranking member to complete action on this bill. I know there are some Senators who wish to be heard on this particular version of the amendment, but I do believe that we can accommodate those Senators. I would be willing to enter into a time agreement of 30 minutes, if we could assume that there isn't going to be a great deal of debate on the other side. I am not sure we have to equally divide it. I propose we ask unanimous consent the vote on this amendment occur no later than 3 o'clock.

Mr. CAMPBELL. Mr. President, I concur with that, but we have not checked with the majority leader yet. So if I could perhaps ask for a quorum call until we confer with him? I appreciate the Senator's offer to limit that time to 30 minutes equally divided.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CAMPBELL. Mr. President, Senator DEWINE has been patiently waiting for a while to make a statement

and possibly offer an amendment. I ask unanimous consent at the conclusion of his comments, I be allowed to suggest the absence of a quorum at that time.

The PRESIDING OFFICER. Is there objection? The Senator from Ohio is recognized.

Mr. HATCH. Mr. President, will the Senator from Ohio yield?

Mr. DEWINE. I certainly would.

Mr. HATCH. If the Senator will yield to allow me this opportunity to call up the reauthorization of the Office of National Drug Control Policy? I ask unanimous consent I be allowed to do so.

Let me withhold.

Mr. DEWINE. I will be more than happy to yield the floor for the Senator from Utah.

The PRESIDING OFFICER. The Senator from Ohio is recognized and retains the floor.

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

Mr. HATCH. Will the Senator yield again?

Mr. DEWINE. I will be happy to yield to the Senator from Utah.

Mr. HATCH. Will the Senator withhold on the amendment? As I understand, we can do it at this time and it will only take a minute.

I ask unanimous consent the pending Daschle amendment be set aside with the understanding we will immediately come back to it after my amendment.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

AMENDMENT NO. 3367

(Purpose: To extend the authorization for the Office of National Drug Control Policy until September 30, 2002, and to expand the responsibilities and powers of the Director of National Drug Control Policy, and for other purposes)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself and Mr. BIDEN, proposes an amendment numbered 3367.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. HATCH. Mr. President, this is the reauthorization of the office of the drug czar, National Drug Control Policy. I do believe it has been accepted by both sides. It is critical that we have this amendment agreed to at this time.

The PRESIDING OFFICER. Without objection—the Chair will observe the Chair is having difficulty hearing the Senator. Perhaps, if the Senator could speak up, it would be very helpful.

Mr. HATCH. This is an amendment to reauthorize the Office of the National Drug Control Policy.

In this era of passivity and neglect toward what I believe should remain a vigorous war on drugs, we as Americans must refuse to give up the fight against a youth drug plague that is threatening to erode the very core of our society. To do this, we must mount an unflappable effort against this drug scourge that continues to tighten its grip on our nation's children.

Faced with such an ominous task, it is essential that the Office of National Drug Control Policy be maintained as the principal clearing house for the formulation and implementation of our nation's comprehensive counter-drug strategy. As a nation we simply cannot continue to turn our backs while drug abuse continues to run rampant among our youth.

For this reason I implore each of my colleagues to support the Hatch/Biden amendment, a substitute to H.R. 2610. This amendment truly represents a bipartisan effort to craft legislation that gives the office a meaningful reauthorization period and strengthens ONDCP's authority over drug control program agencies. In an effort to erase this Administration's abdication of its responsibilities to the Congress, the bill requires enhanced reporting requirements on the effectiveness of the National Drug Control strategy thus imposing far greater accountability to the Congress. It also disposes with an annual strategy that, under the Clinton administration, simply has served as an opportunity to grandstand in an effort to show that the President was going to take the drug war seriously in the future to make up for his past disinterest. Instead, the bill recognizes the comprehensive long term strategy drafted last year, and further requires an annual report that requires each administration to report on the success or failures of its strategy in the previous year.

This substitute differs principally from the House bill in that it calls for a 4-year versus a 2-year reauthorization period; and, in that it does not statutorily mandate ''hard targets'' that must be achieved by 2001. Rather, consistent with ONDCP's previous authorization, it requires that ONDCP establish annual measurable objectives and long term goals. In addition, the legislation also officially authorizes ONDCP's Performance Measurement System which will provide the Congress and the American people with the specific data needed to ascertain whether the strategy is working and where changes are necessary.

The legislation also provides flexibility in the event of a change in Presidents or ONDCP Directors. In such case, the incoming President or Director has the option of either adopting and continuing with the current strategy, or abandoning it in favor of an entirely new strategy. In addition, at any time upon a finding by the President that the current strategy, or certain policies therein, are found not to be sufficiently effective, the President may submit a revised strategy.

We have worked with ONDCP, the Armed Services Committee, and Senator BIDEN to resolve a significant disagreement concerning ONDCP's involvement in, and authority over, the development of budgets of other agencies. We have crafted a process which allows ONDCP to have input at all stages of the budget drafting process and to decertify budgets which are inadequate to fulfill the responsibilities given to that agency. It also allows agencies who are forced to alter their budgets at the direction of ONDCP to submit an ''impact statement'' describing how such changes might affect the ability of that agency to fulfill its other responsibilities.

I oppose a proposal by the administration to disband the office of ''Supply Reduction'' headed by a deputy director, which was established to coordinate all law enforcement and interdiction programs, both domestic and international. As recognized by the legislation recently introduced by Senator DEWINE, which I cosponsored, supply reduction is an integral part of our anti-drug efforts, and we need a deputy director specifically responsible for these efforts. We have, however, incorporated significant reorganizations of the leadership of ONDCP, including the new position of Deputy Director and a Deputy Director for State and Local Affairs.

We have also strengthened the ONDCP office in many respects, including: (1) Clarifying the Director's authority by adding to his responsibilities that he shall represent the administration before the Congress on all issues relating to the National Drug Control Program, and that he shall serve as the administration's primary spokesperson on drug issues; (2) Requiring the U.S. Department of Agriculture to give ONDCP an annual assessment of the acreage of illegal domestic drug cultivation; and (3) In order to strengthen ONDCP's ability to obtain information from its program agencies, adding provisions that require, upon the request of the Director, heads of departments and agencies under the National Drug Control Program to provide ONDCP with statistics, studies, reports, and other information pertaining to Federal drug abuse programs.

I might also point out that the definition of ''drug control'' has been modified in the reauthorization to include underage use of alcohol and tobacco. This change codifies ONDCP policy begun under Republican administrations.

While I recognize that there remain some concerns over reauthorizing this office in light of the Clinton administration's abysmal record on drugs, it is my belief that we must employ every possible weapon that is available to fight the drug war, including the authorization of a national drug office with teeth, which will be held accountable to take real action in combating illegal drug abuse. This bill achieves

that goal. For this reason, I urge each of my colleagues to support this amendment, and to work in a bipartisan manner to address legitimate concerns as we go to conference.

Let me highlight why this issue is so pressing. Drug use by teenagers is one of the most serious domestic problems facing our nation today: In my mind, it may be the most crucial issue for our nation's ability to craft productive and law-abiding citizens. The worsening problem of drug abuse among our children and teens wreaks havoc on the lives and potential of thousands of young people each year. If we do not act decisively, we will pay a heavy price.

According to the highly respected Monitoring the Future study published by the University of Michigan, drug use among young people began a steady decline in the early 1980's which continued until 1992. Survey after survey demonstrated that we were on the right track in raising children free from drug abuse.

These declines, which I believe were largely the result of the strong leadership of Presidents Reagan and Bush, are not just statistics. The 1980's and early 1990's produced a generation of young adults with low rates of substance abuse. We reap the benefits of that fact every day as those young men and women succeed in the workforce and build their families and communities. We see the benefits of our work in the 1980's and early 1990's in the lower drug abuse rates and declining crime rates we find among adults today.

But just as we are realizing some benefit today from the hard work of the last decade, we will pay the price for the failures of the 1990's. Young people are being raised in an environment lacking in definition of moral leadership. As I saw these trends developing, I spoke out and demanded that this administration reverse course: I particularly recall, in 1993, President Clinton's first drug czar—Lee Brown—saying that drug control was no longer ''at the top of the agenda'' for the administration. Indeed, the administration's first drug control strategy in 1993 noted that there was developing ''a loss of public focus which has also allowed the voices of those who would promote legalization to ring more loudly.'' Mr. Brown's concerns regarding legalization, as we all know, were realized in some States. I feared then that the blame for this loss of public focus on the drug war would be laid at the feet of the Clinton administration. The Committee's warnings were frank, continuous, and bipartisan. In recent years, under the leadership of General Barry McCaffrey, we have seen some efforts to make up for the years of neglect. Yet, notwithstanding his efforts I believe drug control—and ONDCP—lack the full backing of President Clinton and the results are indisputable.

The steady downward trends of the 1980's and early 1990's were tragically reversed. Remember that each percentage point we discuss represents thousands of teens who are much more likely to become bigger problems for society as they become adults.

As measured by use in the past month, drug abuse by high school seniors jumped 27 percent in 1993, 20 percent in 1994, and an additional 9 percent in 1995. Past-monthly abuse by 10th graders skyrocketed by 27 percent in 1993. The 1996 National Household Survey on Drug Abuse published by Health and Human Services, published last year, shows that between 1992 and 1996 the number of 12- to 17-year-olds having used marijuana in the past year more than doubled—from 1.4 million to 2.9 million.

The annual use of any illicit drug among high school students has dramatically increased since 1991—from 11 percent to 24 percent in 1996 for 8th graders, from 21 percent to 38 percent for 10th graders, and from 29 percent to 40 percent for 12th graders.

Lifetime use statistics show a similar trend—from 19 percent in 1991 up to 31 percent in 1996 for 8th graders, from 31 percent up to 45 percent for 10th graders, and from 44 percent to 51 percent for 12th graders.

As for marijuana use for 8th graders, it is clear that marijuana use shot from 10 percent in 1991 to 23 percent in 1997.

Although marijuana is still the most readily available drug across the United States, teenagers can obtain just about any drug they desire with little problem. Today, illegal drugs are more easily obtained than alcohol or tobacco.

To those who suggested that marijuana does not serve as a gateway to even more harmful drug use, there are very few instances that I am aware of where the first drug a child ever tried was heroin or methamphetamine. Most teens tell you that they first experimented with marijuana. Studies show that if kids smoke marijuana, they have an 85 times greater propensity to move on to experiment with harder drugs. General Barry McCaffrey should be commended for his personal leadership in fighting the trends towards tolerance for marijuana use.

While marijuana use increasing, the use of other drugs—harder drugs—is growing at a dramatic rate. The use of methamphetamine has skyrocketed in the Western half of the country. Easy manufacturing and the increasing market have helped make methamphetamine cheaper and more available to kids.

What is the reason behind this surge in teen drug consumption? I believe several things. First, in recent years there has been a decline in anti-drug messages from elected leaders—like President Clinton—and similar messages in homes, schools, and the media, Second, the debate over the legalization of marijuana and the glorification of drugs in popular culture has caused confusion in our young people. Third, disapproval of drugs and perception of risk has declined among young people. The percent of 8th, 10th, and 12th graders who ''disapproved'' or ''strongly disapproved'' of use of various drugs declined steadily from 1991 to 1995. In 1992, 92 percent of 8th graders, 90 percent of 10th graders, and 89 percent of 12th graders disapproved of people who smoked marijuana regularly. By 1996, however, those figures had dropped significantly.

Previous administrations recognized that education and treatment programs were only effective if coupled with tough criminal deterrence and effective interdiction. Statistics clearly show that as the interdiction dollars go down, drugs use goes up.

I was recently pleased to hold a hearing on teen drug use. We heard from a teenager named Rachel who recounted her personal experience with drug addiction. We also heard testimony from two physicians, Dr. Nancy Auer and Dr. Sushma Jani who have seen in our emergency rooms and hospitals the devastating effects that drug abuse has had on our nation's youth. Lastly, we heard from Chris, an individual who works as an undercover officer in high schools in Ohio—to protect his continued ability to provide this valuable service, his identity was shielded during the hearing.

In conclusion, I think it is clear that the rates of youth drug abuse are neither stable nor acceptable, but are instead rising sharply. I was therefore very surprised to hear President Clinton claim on the world stage in his recent speech before the United Nations that ''drug use by our young people is stabilizing, and in some categories, declining.'' I believe that we are in the middle of a crisis and that the time for action long since passed.

Passage of this legislation will be a crucial part of that action.

As I understand it, this is acceptable to both managers of the bill. So I urge its adoption.

Mr. BIDEN. Mr. President, I am pleased to offer this amendment with Senator HATCH to reauthorize the Drug Director's Office. Senator HATCH and I have been assisted by several other Senators in this effort, and I would just note that the reauthorization bill reported by the Judiciary Committee last year was cosponsored by Senators THURMOND, DEWINE, COVERDELL, and FEINSTEIN.

I would also note that since then, we have worked closely with Senator MCCAIN to meet some concerns that he had raised relating to the Drug Director's budget certification powers. And, the language we have negotiated with Senator MCCAIN is incorporated into the text offered in this amendment.

This bipartisan legislation will, I hope, result in speedy action to keep the Drug Director's Office in place—no matter what perspective any of us have on any specific drug policy, this legislation is about whether we will have a

Drug Director and Drug Office to be responsible for—and accountable to—a national drug policy.

In 1987, before my legislation creating the Drug Office finally became law, There was no official in charge of the administration's drug effort; and, because there was no Cabinet official in charge, every Cabinet official could duck responsibility to talk about tough drug policy issues—and, guess what, that meant no administration talked about drugs and no administration was accountable on drugs.

Just as with my original drug czar legislation, the Hatch-Biden amendment retains its central goal—holding every administration and every President accountable on the drug issue.

The Hatch-Biden amendment does so in several ways:

First, and this was one of Chairman HATCH's top priorities, Hatch-Biden requires the Clinton administration to identify measurable objectives for the National Drug Strategy, and provide on February 1, 1999, specific answers about whether these objectives have been met;

Second, Hatch-Biden retains the current law about the administration submitting a detailed annual drug budget—every line of which is reviewed and changed in the annual congressional appropriations process.

To this, Hatch-Biden adds a requirement—called for by General McCaffrey—for budget projections covering the next 4 years. In other words, this prevents any ''pie-in-the-sky'' promises, which are not backed up by specific budget projections.

Third, and this is the major change proposed by General McCaffrey and included in Hatch-Biden, instead of the overall drug strategy, it requires a detailed annual report which will focus the administration and the Congress on the ''nuts and bolts'' of implementing the strategy.

As Senator HATCH points out—instead of a strategy in which an administration tells us what it is going to do about drugs; this report will force any administration to tell us what they have accomplished against drugs.

Hatch-Biden includes specific language requiring:

That the annual report include any necessary modifications of the drug strategy;

A whole new strategy if the current strategy proves ineffective;

An annual assessment of the progress on the specific, measurable goals identified in the drug strategy;

Goals that are required by law to address—current drug use; availability of cocaine, heroin, methamphetamine, marijuana; drug prices, and purity among many others; and

That any new President or new Drug Director submit a new drug strategy.

Finally, the key addition of the annual report included in Hatch-Biden is the ''performance measurement system''—which would add nearly 100 detailed measures, each with a definite timetable.

These measures are all about holding the 50 drug agencies and offices accountable to the drug policy goals of the administration—the one task that all Drug Directors have found exceedingly difficult to actually implement.

Just to identify a few of these specific measures:

Increase asset seized from drug traffickers by 15 percent; increase drug trafficking organizations dismantled by 20 percent in high intensity drug trafficking areas; and reduce worldwide coca cultivation by at least 40 percent.

Of course, we would all like each of these measures to be achieved immediately—but, even if we could do this efficiently, the costs would be staggering—an additional $60–$90 billion over just the next 3 years. So, achieving these goals will take time.

One final point on the general's performance measurement system—if we are to give him a fighting chance to increase the accountability of all the drug agencies, we have to put this system in law. For, if we do not, mark my words, the general will be defeated by all the career officials in all the drug agencies who want to stop this increased accountability.

Another element of General McCaffrey's proposal which has been included in Hatch-Biden is to require that the No. 2 official in the office—the Deputy Director—have to come before the Senator for confirmation just like the demand deputy, supply deputy and State and local deputy.

I favor this because the hearing, committee, and floor votes on the Deputy Director would give the Senate another important opportunity to hold any administration accountable on drugs.

In addition, the key mission of the Drug Office—holding the nearly 50 agencies and offices with drug policy responsibilities accountable—requires having officials with the credentials of Senate confirmation.

The Hatch-Biden amendment also includes specific language calling for ''scientific, educational, or professional'' credentials for whomever is nominated for the demand deputy job.

This is an issue that Senators GRASSLEY and MOYNIHAN have really been the leaders on—and I just acknowledge their key role in this aspect of Hatch-Biden.

I also note that, at the chairman's insistence, the length of time of this reauthorization has been drastically shortened.

While the general initially proposed to authorize the office for 12 years, Hatch-Biden reauthorizes for 4 years through September 30, 2002.

In closing, I would point out that this legislation has been through a long process here in the Senate and that this process has resulted in a strong, bipartisan bill.

I understand that the two managers of the bill, Senators CAMPBELL AND KOHL, are willing to accept this amendment. I appreciate their support, and the support of the full Senate for the reauthorization of the Drug Director.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I might add this amendment is acceptable to both sides. It is a very, very important program. It is basically the drug czar's program. We know we have spent an awful lot of money on this program in the last few years, but clearly it is having an effect on reducing teenage drug use in particular. I just wanted to add my comments to those of the Senator from Utah that this is a good amendment.

I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there objection? Hearing none, the amendment is agreed to.

The amendment (No. 3367) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

AMENDMENT NO. 3354

(Purpose: To prohibit the use of funds to pay for an abortion or to pay for the administrative expenses in connection with certain health plans that provide coverage for abortions)

Mr. DEWINE. Mr. President, I believe my amendment is already at the desk. I call up my amendment in regard to Federal employees.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from South Dakota is set aside, and the clerk will report the amendment of the Senator from Ohio.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], for himself, Mr. ABRAHAM, Mr. SESSIONS, Mr. BROWNBACK and Mr. SANTORUM, proposes an amendment numbered 3354.

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

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

The amendment is as follows:

At the end of title VI, add the following:

SEC. . No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. . The provision of section _____ shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

Mr. DEWINE. Mr. President, I rise this afternoon to offer an amendment on behalf of myself, Senator ABRAHAM, Senator SESSIONS, Senator BROWNBACK, and Senator SANTORUM.

This is an amendment that would maintain in force—and let me emphasize that—would maintain in force the current law, the status quo. This amendment would remain and keep in force the current Federal law restricting Federal employee health insurance

coverage for abortions except in cases of rape, incest, or to save the life of a mother.

This is the same amendment that was accepted by voice vote during the debate for fiscal year 1998, the Treasury-Postal appropriations. This is the same amendment that was accepted by this body during the debate for fiscal year 1996. And, in fact, this is the same language that has been consistently supported by a bipartisan group of Senators and Representatives from 1983 to 1998, with the exception of only 2 years. So from 1983 to 1998, that has been the law of the land with the exception of only 2 years.

Mr. President, I mention this to you and to my colleagues to make it clear that this amendment stakes out no new ground. It merely confirms what the status quo is today, what this body and what the other body have consistently voted in favor of.

The principle that we are dealing with today is a very simple one, one that goes beyond the conventional pro-life, pro-choice boundaries. I think everyone in this Chamber knows that I am pro-life and, therefore, wish to promote the value of protecting innocent human life.

I point out that the vast majority of Americans on both sides of the abortion issue—on both sides of the abortion issue—strongly agree that they should not pay for someone else's abortion, and that is what we are talking about today. Fairly stated, this amendment is not about abortion, it is not about the morality of abortion, or the right of women to choose abortions. This is a narrowly focused amendment that answers a key question: Should taxpayers pay for these abortions?

Mr. President, Congress has consistently agreed that we should not ask the taxpayers to promote a policy, in essence, of paying for abortion on demand for a Federal employee.

Again, this amendment would maintain the status quo. It limits Federal employee health plans to cover abortions only in the case of rape, incest, or threats to the life of the mother.

The vast majority of Americans oppose subsidizing abortions. That is clear. Employers, as a general principle, determine the health benefits their employees receive. Taxpayers are the employers of our Federal workforce, and a large majority of taxpayers simply do not want their tax dollars to pay for these abortions. Taxpayers provide a substantial majority share of the funds to purchase health insurance for the Federal civilian workforce. Over three-quarters of that premium on an average is paid for by taxpayers.

This amendment addresses the same core issue. It simply says that the Federal Government is not in the business of funding abortions. Abortion is a contentious issue, and we simply should not ask taxpayers to pay for them.

Mr. President, this issue has been debated time and time and time again on this floor. I will say the identical language has been debated time and time and time again.

Everyone in this Chamber has voted on this issue. Current law limits abortion availability in Federal employee health care plans to cases, again, of rape, incest, and to save the life of the mother. That is set in law. This has been the bipartisan position of the Senate and the bipartisan position of the House, and it has been approved by the President last year and the year before. We should not voluntarily take the money of many Americans who find abortion wrong to pay for those abortions. We should not go against the will of the people of this country. We should uphold the current law, and that is what this amendment would simply do.

Mr. President, I yield the floor.

Mr. SESSIONS. Mr. President, I thank my good friend from Ohio, Senator DEWINE, for offering this important amendment.

This amendment will maintain in force the current law restricting Federal funding for abortions to cases of rape, incest, or life of the mother.

This amendment would leave in place the restriction on Federal Employee Health Benefit Plans which prevents those plans from paying for abortions except in the case of rape or incest, and when the life of the mother is in danger.

The principle here is simple: Should the taxpayers, regardless of whether they are pro-life or not, be forced to pay for abortions?

Make no mistake about it, abortions provided under the Federal Employee Health Benefits Program would be subsidized by the taxpayers. Although employees are charged for the health plan they elect, a significant portion of the cost of those plans is offset by the Government using taxpayer dollars.

Therefore, by participating in a health plan, employees who oppose abortion are effectively subsidizing abortions when they pay their health insurance premiums. If the major health plans all fall in line and start paying for abortions, employees who are morally opposed to abortion are put in a very difficult position.

There are millions of Americans, myself included, who feel very strongly that abortion is the taking of an innocent human life. It is unconscionable to ask taxpayers to subsidize elective abortions.

Whatever your position on abortion is, this is one point we should all be able to agree on.

Congress has consistently agreed that we should not ask taxpayers to promote a policy, in essence, of paying for abortion on demand by a Federal employee.

This is the same amendment that was accepted by voice vote during the debate for fiscal year 1998 Treasury-Postal Appropriations; accepted by this body during the debate for fiscal year 1996; and in fact, this is the same language that has been supported by a bipartisan group of Senators and Representatives from 1983 to 1998.

Madam President, I will just say this. People in this country can disagree about the sensitive issue of abortion. The laws are as they are. Some people like them, some people don't like them. But with regard to the question of whether or not taxpayers ought to be required to fund abortions, this country and the law and the vote of almost every State and this Congress has been not to fund that, and not to take taxpayers' money from individuals who feel very, very deeply and personally about this issue and expend that money to eliminate life. That is not a choice that we believe this Congress ought to make. We ought to prohibit it as part of this legislation. Maybe we won't even need a vote on it. But if we do, so be it. I think it will pass again this year, as it has.

Again, I appreciate the work of the Senator from Ohio for reestablishing this year this important principle.

Mrs. MURRAY. Mr. President, I rise in strong opposition to the DeWine amendment which would prohibit female federal employees from accessing affordable, safe and legal abortion related services as part of their health insurance benefits.

I am always tempted to say, ''here we go again.'' Another assault on women's health and another barrier for women to safe, affordable reproductive health services. For some of my colleagues, the 1973 landmark Roe versus Wade decision was not clear enough or they continue to attempt to restrict a women's right guarantee in this decision.

Instead of standing up and arguing that a woman should not have choices or that women should not be allowed to access safe, affordable reproductive health services, some of my colleagues hide behind the issue of federal funding.

Health benefits have been, and always will be for the benefit of the federal employee. It is a form of compensation. Every worker knows that health insurance is part of their compensation package, not a gift, not a loan, but something that they have earned. Health benefits are part of one's salary. This is no different for a federal employee or an employee of Boeing.

We would never see an amendment on the floor of the Senate dictating to federal employees how they spend their salary. As long as the employee spends this compensation on a legal commodity, we cannot restrict his or her decisions. Simply because they are employed by the American taxpayer does not mean that we can dictate how they spend their salary.

However, some of my colleagues are proposing to do just that. We are telling female federal employees how they can or cannot spend their health insurance benefits. In addition to denying federal employees the basic constitutional rights afforded every other

woman, we are proposing to dictate how they spend their compensation.

Not only are health benefits considered employee compensation earned by the employee, federal employees are also responsible for up to 40 percent of the cost of the premiums as well as any deductibles or copays. So in fact we are telling female federal employees how to spend their take home pay as well.

If a federal employee uses his or her own salary to purchase a firearm is this federal funding of handguns? I would argue no. Even though there are federal taxpayers who oppose handguns, we do not restrict the right of federal employees to use their federal salary to purchase one. But, telling female federal employees how they can spend their insurance benefits is just as offensive. Only in this case it is probably more detrimental as it denies female federal employees access to safe, affordable reproductive health service.

One could argue that female federal employees should pay out of pocket for certain reproductive health services and not depend on her health benefits to cover or provide this protection. I would like to point out that federal employees by and large are not well paid CEOs. They live pay check to pay check and many are single mothers. Covering a $600 or $1,000 health care bill is just not possible. Economic barriers are just as solid as legal or social barriers. Denying health insurance coverage for a full range of reproductive health services, is denying access to these services for many female federal employees.

I urge my colleagues to oppose efforts to make second class citizens of female federal employees. They deserve our support and they deserve to be treated with dignity and respect. Instead of attacking a woman's right to make her own personal health decisions let's work to prevent unintentional pregnancies. I urge my colleagues to support federal family planning programs and contraceptive equity. The Supreme Court has already said that abortion with some restrictions is a legal right afforded all Americans. Let's not force federal employees to pay the price of political football, but rather let's do more to improve access to safe, affordable family planning benefits.

Ms. MIKULSKI. Mr. President, I rise in strong opposition to the amendment offered by Senator DEWINE.

The bill reported by the Senate Appropriations Committee would enable federal employees, whose health insurance is provided under the Federal Employees Health Benefits Plan, to receive coverage for abortion services.

The DeWine amendment would prohibit coverage for abortion, except in cases of life endangerment, rape or incest. It would continue a ban which has prevented federal employees from receiving a health care service which is widely available for private sector employees.

I oppose this amendment for two reasons. First of all, it is an assault on the earned benefits of federal employees. Secondly, it is part of a continuing assault on women's reproductive rights and would endanger women's health.

We have seen vote after vote designed to roll back the clock on women's reproductive rights. Since 1995, there have been over 81 votes in the House and Senate on abortion-related issues. It's clear that this unprecedented assault on a woman's right to decide for herself whether or not to have a child is continuing, as this amendment demonstrates.

Well, I support the right to choose. And I support federal employees. And that is why I strenuously oppose this amendment.

Let me speak first about our federal employees. Some 280,000 federal employees live in the State of Maryland. I am proud to represent them. They are the people who make sure that the Social Security checks go out on time. They make sure that our nation's veterans receive their disability checks. At NIH, they are doing vital research on finding cures and better treatments for diseases like cancer, Parkinson's and Alzheimers. There is no American whose life is not touched in some way by the hard work of a federal employee. They deserve our thanks and our support.

Instead, federal employees have suffered one assault after another in recent years. They have faced tremendous employment insecurity, as government has downsized, and eliminated over 200,000 federal jobs. Their COLA's and their retirement benefits have been threatened. They have faced the indignity and economic hardship of three government shutdowns. Federal employees have been vilified as what is wrong with government, when they should be thanked and valued for the tremendous service they provide to our country and to all Americans.

I view this amendment as yet another assault on these faithful public servants. It goes directly after the earned benefits of federal employees. Health insurance is part of the compensation package to which all federal employees are entitled. The costs of insurance coverage are shared by the federal government and the employee.

I know that proponents of continuing the ban on abortion coverage for federal employees say that they are only trying to prevent taxpayer funding of abortion. But that is not what this debate is about.

If we were to extend the logic of the argument of those who favor the ban, we would prohibit federal employees from obtaining abortions using their own paychecks. After all, those funds also come from the taxpayers.

But no one is seriously suggesting that federal employees ought not to have the right to do whatever they want with their own paychecks. And we should not be placing unfair restrictions on the type of health insurance federal employees can purchase under the Federal Employee Health Benefit Plan.

About 1.2 million women of reproductive age depend on the FEHBP for their medical care. We know that access to reproductive health services is essential to women's health. We know that restrictions that make it more difficult for women to obtain early abortions increase the likelihood that women will put their health at risk by being forced to continue a high-risk pregnancy.

If we continue the ban on abortion services, and provide exemptions only in cases of life endangerment, rape or incest, the 1.2 million women of reproductive health age who depend on the FEHBP will not have access to abortion even when their health is seriously threatened. We will be replacing the informed judgement of medical care givers with that of politicians.

Decisions on abortion should be made by the woman in close consultation with her physician. These decisions should be made on the basis of medical judgement, not on the basis of political judgements. Only a woman and her physician can weigh her unique circumstances and make the decision that is right for that particular woman's life and health.

It is wrong for the Congress to try to issue a blanket prohibition on insuring a legal medical procedure with no allowance for the particular set of circumstances that an individual woman may face. I deeply believe that women's health will suffer if we do so.

I believe it is time to quit attacking federal employees and their benefits. I believe we need to quit treating federal employees as second class citizens. I believe federal employees should be able to receive the same quality and range of health care services as their private sector counterparts.

Because I believe in the right to choose and because I support federal employees, I urge my colleagues to join me in defeating the DeWine amendment.

Mrs. BOXER. Mr. President, I oppose the DeWine amendment, which will curb the rights of women who work for the federal government to obtain abortion services through their health insurance. I strongly urge my colleagues to vote against this amendment.

Over one million women of reproductive age rely on the Federal Employees Health Benefits Program for their medical coverage. This amendment will stop them from using their own insurance to exercise their right to choose an abortion. The exceptions in this ban are inadequate to protect the rights of women.

Women who are employed by the Federal Government work hard. They pay for their health premiums out of their own pockets. They deserve the same, full range of reproductive health benefits as women who work in the private sector.

The question is: Should female federal employees or their dependents be treated the same as other women in the work force, or should they be treated differently, singled out, with their rights taken away from them?

In 1993 and 1994, Congress voted to permit federal employees to choose a health care plan that covered abortion. Unfortunately, this Republican Congress over-turned that right.

This bill provides funding for the full range of health benefits through the Federal Employees Health Benefits Program. We should ensure that these benefits remain in the bill by opposing this amendment.

Anti-choice forces are chipping away at the right of women in this country to obtain safe, legal abortions. They are making a woman's ability to exercise that choice dependent on the amount of her paycheck and the employer who signs it. It's simply unjust.

If there were an amendment to stop a man who happens to work for the Federal Government from getting a perfectly legal medical procedure, one that might protect his health, there would be an uproar on this floor. People would say, how dare you do that to the men of this country? Why not treat the men who work for the Federal Government the same way we treat men who work in the private sector?

Decisions about health care—including reproductive health care—should be made by patients and their doctors—not by HMO bureaucrats or politicians. Decisions about abortion are tough, personal, and private. We need to trust women to make that choice.

Let's ensure that all federal employees have the rights, the protections, and the healthcare coverage they deserve. I urge my colleagues to vote ''no'' on this amendment.

Mr. KOHL. Mr. President, I rise in opposition to this amendment. I am truly sorry we have to address it every year.

The bill we passed out of the Senate Appropriations Committee treats federal employees just as private employees with health insurance coverage are treated: they are permitted to join a health care plan that covers a full range of reproductive health services, including abortion. The bill returns us to the policy that was in place before November of 1995. Currently, two-thirds of private fee-for-service health plans and 70% of HMOs provide abortion coverage.

Like so many of my colleagues, I support a woman's right to choose, and I support policies that will keep abortions legal, safe, and rare. I also support anyone's right not to participate in a health plan that covers abortion, and federal employees can choose such plans under the bill as we passed it out of Committee.

Adding this amendment, and continuing the unfair policy of the past few years, will impose real consequences, and real pain for government workers.

Mr. President, I ask unanimous consent to have printed in the RECORD two letters that tell what these consequences were for two families of federal workers.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COMPOUNDING A TRAGEDY: CONGRESS GIVES MEDICAL ADVICE

SEPTEMBER 6, 1996.

DEAR SENATOR: I've been a federal employee for 13 years. My husband and I were elated this summer when I became pregnant. At age 36, I was in the ''advanced maternal age'' category, so my insurance company, Kaiser Permanete offered us genetic screening as routine pre-natal care. They didn't mention that Congress had erased the option to terminate a pregnancy, even on the advice of my physician.

I was scheduled for a sonogram at 14 weeks to make sure we'd correctly estimated how far along I was. My husband, my mother and my sister accompanied me to the ultrasound waiting room because seeing this baby was a big event.

I realized something was odd when both the sonogram technician and the radiologist spent so much time looking at my baby's head. The radiologist had detected abnormalities and recommended that only my husband be allowed in to see the sonogram. The radiologist termed it severe hydrocephalus—we saw an empty skull. A week later, the perinatologist at Fairfax Hospital's Antenatal Testing Center gave an even colder picture. She called it holoprosencephaly and said the fetal development was incompatible with life. All of the doctors I saw agreed there was no hope for the fetus, and recommended terminating as soon as possible.

We were devastated. To compound the tragedy came the news that as of January this year, companies insuring federal workers are prohibited from covering abortions. I have since learned that federal employees are the exception—coverage for medically necessary abortions is provided for others by my insurance company. In the end, we paid a very high fee to have the abortion because the fetal anomaly made the procedure more complicated.

My husband and I question whether Congress is implying we were immoral for aborting this fetus and hoping to get pregnancy with a healthy child. Our decision was no wanton or frivolous; it was heartbreaking. My abortion was the day before my 37th birthday, and each year I face a higher probability of having to terminate another pregnancy because of a genetic problem. Yet, we really want to raise a family and will keep trying.

Sincerely,

SUSAN ALEXANDER AND
CHRISTOPHER DURR,
Alexandria, VA.

SEPTEMBER 10, 1997.

DEAR REPRESENTATIVE: My name is Kim Mathis.I live in Talladega, Alabama with my husband who works at the Federal prison in town. We are both covered under my husband's health insurance plan for federal employees and their families.

In February of last year, we learned that I was pregnant. During a routine appointment my doctor performed a standard A.F.P. test. This is a test that they offer to check for neural tube defects and other problems. About a month later, my doctor told me that the test came back positive and he wanted me to go to a specialist for more tests.

I immediately scheduled an appointment with the specialist. During my exam, they performed an ultrasound and found that my A.F.P. test results were elevated because I was carrying twins.

My next appointment was in May. This time the doctor studies the ultrasound for almost and hour. After the doctor was finished, he wanted to talk with us privately. It was at that time that I knew that something was wrong. He told us that was an unusually rare pregnancy. He told me that my twins, which were boys, suffered from Twin-to-Twin Transfusion Syndrome. Both babies shared the same blood vessels. Because of this, the baby on top was giving his blood and water to the baby on the bottom. The smaller twin was about one month smaller in size than the larger twin. The doctor said the larger twin was growing too fast. He also told us that the smaller twin did not have kidneys and his heartbeat was very slow. At that time, he gave us a 20% chance of one of the twins surviving the pregnancy.

After consulting with the doctor, my husband and I decided that the best thing to do would be to end the pregnancy.It was the hardest decision of my life.

After we made our decision our doctor asked us what kind of insurance we had. My husband told him and the doctor informed us that he had never had a problem with their coverage. When we arrived home that evening, we looked in my husband's benefit plan book for 1996 which plainly stated that ''legal abortions'' were covered.

A few weeks after the termination we received the first letter from our insurance company. The letter stated that our claims were denied. After further inquiries we learned that they denied our claims because Public Law 104–52 was enacted on November 19, 1995 which limited federal employees health benefits plans coverage of abortion.

By this time, the hospital was harassing us. They turned our accout over to collections agency. We received countless threating letters and telephone calls at work. In the October, my husband and I were forced to file bankruptcy. Our lives and financial future have been ruined.

I am writing this letter so you will know what happened to us and so that you can change this law. Families like ours should not have to go bankrupt in order to receive appropriate medical care.

Sincerely,

KIM MATHIS.

Mr. KOHL. One had to abort a fetus with no brain. Not only did they have the heartbreak of a failed pregnancy, but they also faced the high financial burden of a major operation not covered by insurance. The second letter tells of a family that had to abort nonviable twins. The cost of this complicated and necessary abortion bankrupted them.

I understand and respect the deeply held convictions of both sides in the abortion debate. But it is not fair to allow our heated political debate to do real harm to the people who work for the government. I urge my colleagues to vote against this amendment.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CAMPBELL. Mr. President, before the Senator from Ohio came to the floor, we were in the process of trying to get a time agreement on the Daschle amendment. I ask the Senator if he would mind laying his amendment aside so we might finish the Daschle amendment as soon as we hear from the majority leader.

Mr. DEWINE. No objection.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

AMENDMENT NO. 3365

Mr. LOTT. Madam President, I call for the regular order with respect to the Daschle amendment and ask that there be 20 minutes, equally divided, prior to the motion to table, and I then be recognized to make the motion to table and with no second-degree amendments in order prior to the vote.

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

Mr. LOTT. For the next 20 minutes, the floor would be open for discussion on the pending amendment, or Senators could speak on other issues.

I yield the floor.

The PRESIDING OFFICER. Who yields time on the amendment?

Mr. CAMPBELL. Madam President, while we are waiting, we are making progress in reaching agreements on other amendments.

AMENDMENT NO. 3368

(Purpose: To provide for the adjustment of status of certain Haitian nationals)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for Mr. GRAHAM, for himself, Mr. MACK, Mr. KENNEDY, Mr. MOYNIHAN, Mrs. FEINSTEIN, Ms. MOSELEY-BRAUN, Mr. KERRY, and Mr. DURBIN, proposes an amendment numbered 3368.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. GRAHAM. Madam President, I rise today to offer an amendment to the Treasury-Postal appropriations bill that will bring justice to thousands of Haitian nationals who fought for democracy and freedom against the greatest odds.

Last November, Congress passed the Nicaraguan Adjustment and Central American Relief Act to protect those who fled Communism and oppression in Central America during the 1980s.

But while that legislation was a monumental step forward for fairness, it left one deserving group completely unprotected.

Just as brave Central Americans resisted tyranny in their native countries, Haitians struggled to free themselves from oppression.

In fact, many Haitians seeking asylum in our country are here because they challenged a regime that was wantonly violating basic human freedoms.

Mr. President, these brave Haitians have suffered greatly for the causes of freedom and democracy.

They should not be forced to endure serious disruptions in their life once again.

Even though conditions in Haiti have improved greatly since 1994, Amnesty International reports that human rights abuses still occur.

As people who contribute mightily to the strength of our communities, the Haitians living in the United States should not be forced to risk returning to the scene of their prior persecution . . . to face the possibility that it might happen again.

This amendment is a bipartisan effort. Senators MACK and I—along with the cosponsors of the bill I introduced last year, Senators KENNEDY, ABRAHAM, MOSELEY-BRAUN, D'AMATO, MOYNIHAN, FEINSTEIN, KERRY of Massachusetts, DURBIN, and LAUTENBERG—have joined together to ensure that the Haitian people who have sought fairness and justice for so long receive it in 1998.

We have the bipartisan support of leaders ranging from President Clinton to Republicans like Jack Kemp and my Florida colleagues ILEANA ROS-LEHTINEN and LINCOLN DIAZ BALART.

Mr. President, we have left no stone unturned in crafting this legislation. We've asked for input from all sources.

Senator ABRAHAM held a hearing on this bill in December of 1997. The bill was marked up and passed out of the Senate Judiciary Committee on April 23, 1998.

I have personally met with Senator LOTT and explained the importance of this legislation to my state of Florida.

Now we ask our Senate colleagues to take action. The 40,000 Haitian nationals in the United States face deportation in December if Congress does not act.

Our nation was built as a bastion of freedom and a haven for those fleeing oppression around the world. We embrace that heritage in this legislation.

Specifically, our bill helps three groups of individuals—a total of 40,000—adjust their status to legal residency.

Those who were paroled into the United States from Guantanamo Bay, after careful screening by immigration personnel.

These individuals were flow to the United States for review because their asylum cases were deemed to be valid and credible.

Our bill also helps those who were not paroled from Guantanamo, but who came to our nation and filed an application for asylum before December of 1995.

Finally, it reaches out to a small group of unaccompanied or orphaned Haitian children.

The members of each of these three groups are legally here in our country.

They have followed all the laws of our land. This legislation will give them the chance to continue working here. It will help them as they build small businesses. It will keep their U.S. citizen children in school.

Most importantly, it will keep their vibrant spirit and determined work ethic alive in our cities and communities.

During our field hearing, I saw the problem that Haitians face through the eyes of a bright, young student. She couldn't come to the hearing because she was working at one of the two jobs she holds to pay her community college tuition. Alexandra Charles is eighteen years old.

She is an orphan who came to the United States when she was ten years old—after her mother was brutally murdered by Haitian military officials.

She has over a dozen relatives in the United States who are legal residents, but who are not closely related enough to be sponsors.

She has virtually no relatives left alive in Haiti.

Like many individuals in similar circumstances, Ms. Charles was granted a suspension of deportation.

But this relief was withdrawn after the Board of Immigration Appeals ruled that the 1996 immigration law retroactively affected cases like hers.

Alexandra's future in the United States looks bright.

She is a hard worker and a model student.

But without this legislation, our nation will lose the benefit of her special skills and her dedication to our community.

Alexandra is just one of the thousands of law-abiding, hard working individuals who will not be allowed to pursue their valid asylum claims due to the retroactive nature of our 1996 immigration law.

I ask for your help in this fight for justice and fairness.

Let us prove once again that our nation values those who put their lives on the line in the struggle for freedom and democracy.

Mr. MACK. Madam President, I rise today in support of the Graham/Mack immigration amendment to the Treasury/Postal Appropriations bill. I strongly believe that this amendment is the right thing to do for the Haitian community and that it is consistent with our treatment of similarly-situated immigrant groups.

I would like to provide the Senate with some background information on what has led Senator GRAHAM and me to introduce this amendment, a brief explanation of the amendment, and the policy rationale behind the amendment.

First of all, some legislative history on events leading up to the introduction of this amendment. Last year, Senator GRAHAM and I introduced legislation which was intended to ease the transition into implementation of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, otherwise known as IRAIRA. Our bill simply clarified that immigrants who were in the administrative pipeline for suspension of deportation when IRAIRA was enacted would have their cases for suspension considered under the rules in

place when they applied for suspension, not the new rules contemplated by IRAIRA. I was concerned with the unfairness of changing the rules on people midstream.

While this bill was under consideration in the Senate, an agreement was reached in the House of Representatives which gave even greater relief to the Nicaraguan community—the ability to adjust to legal permanent resident status.

Once it was apparent that Nicaraguans would be granted the opportunity to adjust to legal permanent resident status, the Haitian community made an attempt to be included in the relief. Although they, too, had a compelling case, it was not possible to include them in the final bill at that point in the negotiations. However, Senator GRAHAM and I made a commitment to seek appropriate relief for the Haitians this Congress, and received assurances from the Administration that they would defer potential deportation decisions of the affected Haitians until after Congress had an opportunity to consider legislative relief.

This amendment, identical in text to Senate bill 1504, which was reported favorably out of the Judiciary Committee, would provide permanent resident status to certain Haitians who fled Haiti after the Aristide regime was toppled in a brutal military coup in 1991 and were either paroled into the country or applied for asylum by December 31, 1995.

This amendment is more narrow than the legislation passed last year which gave permanent resident status to Nicaraguans, since the scope and number of people covered is much smaller. Under last year's bill, nearly every Nicaraguan in the United States before December 1, 1995 was made eligible to adjust their status, approximately 150,000 people. Our amendment helps only a limited class of Haitians, estimated at 30,000–40,000, who have sought the help of the United States in fleeing persecution. Let me emphasize that point again—this amendment is for those who have actively sought U.S. help, not those who came illegally and sought to evade detection.

There are two different categories of Haitians involved. The first category are those paroled into the country after being identified as having a credible fear of persecution. Nearly all in this category, approximately 11,000 Haitians, were pre-screened at Guantanamo Bay and found to meet a credible fear of persecution test. These 11,000 Haitians represent approximately 25% of those screened at Guantanamo, the other 75% were returned to Haiti. The second category are those Haitians who have applied for asylum by December 31, 1995. In the case of those in the second category, they are people who have been caught in an asylum backlog not under their control and may have a difficult time now, due to the passage of time, demonstrating a credible fear of persecution. In the meantime, they have put down roots in this country and are making positive contributions to their communities.

I am talking about a twenty-five year old woman, Nestilia Robergeau, who fled Haiti, where she had been beaten and raped and her brother was murdered. Even though she was screened into this country through Guantanamo in 1992, she is still waiting for an asylum interview. In the meantime, she has graduated from high school and hopes to attend college to become a nurse. She works most days from 7 a.m. to 10 p.m. to support herself and her teenage brother.

And then there is a little fourth grade girl in Miami, Florida, Louiciana Miclisse. Both of her parents were shot and killed in Haiti, and the only relative she has now is her Aunt Nadia, who came with her from Haiti. She wants to grow up to be a doctor. She has applied for asylum, but her case has still not been considered. Do we really want to send this child back to Haiti where she has no family? Is that what this country is all about? I believe we are more compassionate than that.

It's also important to mention that conditions in Haiti are not safe for the return of these people. At an immigration subcommittee field hearing last December, the committee was informed that the Haitian government has not yet established the civil institutions necessary to protect these refugees from further retribution by those who perpetrated human rights crimes. In fact, it appears that these criminals continue to operate with impunity.

As I mentioned at the outset, this amendment is consistent with our treatment of similarly-situated immigrant groups. As Grover Joseph Rees, former General Counsel of INS under President Bush, testified at the subcommittee field hearing last December, it has been the rule rather than the exception that when a human rights emergency has led to the admission of large numbers of parolees from a particular country, such refugees and others similarly situated have been subsequently granted permanent residency through Congressional action. Congress has granted permanent residence on this basis in the past to Hungarians, Poles, Soviets, Vietnamese, Chinese, Cambodians, Laotians, Cubans, and, most recently, Nicaraguans. This action for the Haitians is entirely consistent with our past treatment of similarly-situated groups from other countries.

This amendment is the right thing to do, and this is the right time to do it. The Haitians who are affected by this situation have been left in limbo far too long. I urge my colleagues to support the Graham/Mack amendment.

Mr. KENNEDY. Madam President, it is a privilege to join Senator GRAHAM, Senator MACK, Senator ABRAHAM and our other distinguished colleagues in supporting legislation to provide permanent residence to Haitian refugees. Last year Congress enacted the Nicaraguan Adjustment and Central American Relief Act, which enabled Nicaraguan and Cuban refugees to remain permanently in the United States as immigrants. That legislation also enables Salvadorans, Guatemalans, Eastern Europeans and nationals from the former Soviet Union to seek similar relief on a case-by-case basis.

Haitian refugees deserve no less.

Haitians have seen their relatives, friends and neighbors jailed, or murdered, or abducted in the middle of the night and never seen again. Like other refugees, they have fled from decades of violence and brutal repression by the Ton Ton Macoutes, and later the military regime which overthrew the first democratically elected president of Haiti.

The Bush and Clinton Administrations found that the vast majority of these refugees were fleeing from political persecution in Haiti. Thousands of these Haitians were paroled into the United States after establishing a credible fear of persecution. Many others filed bona fide applications for asylum upon arrival in the United States.

This legislation also includes a significant number of unaccompanied children and orphans who did not have the capacity to apply for asylum for themselves. Senator ABRAHAM and I proposed an amendment which was approved by the Senate Judiciary Committee to include these deserving children in this legislation.

This legislation concerns basic fairness. The United States has a long and noble tradition of providing safe haven to refugees. Over the years, we have enacted legislation to provide Hungarians, Cubans, Yugoslavs, Vietnamese, Laotians, Cambodians, Poles, Chinese, and many other refugees with permanent protection from being returned to unstable or repressive regimes.

Last year, we adopted legislation to protect Nicaraguans, Cubans and others, but, the Haitians were unfairly excluded from that bill. The time has come for Congress to remedy this flagrant omission and add Haitians to the list of deserving refugees.

By approving this legislation, we can finally bring to an end the shameful decades of unjust treatment to Haitians. Throughout the 1980s, less than 2 percent of Haitians fleeing the atrocities committed by the Duvalier regimes were granted asylum. Yet, other refugee groups had approval rates as high as 75 percent. Haitian asylum seekers were detained by the Immigration and Naturalization Service, while asylum seekers from other countries were routinely released while their asylum applications were processed. Until recently, Haitians have been the only group intercepted on the high seas and forcibly returned to their home country, without even the opportunity to seek asylum.

Like other political refugees, Haitians have come to our country with a strong love of freedom and a strong

commitment to democracy. They have settled in many parts of the United States. They have established deep roots in their communities, and their children born here are U.S. citizens. Wherever they have settled, they have made lasting contributions to the economic vitality and diversity of our communities and the nation.

This legislation has strong bipartisan support. It is also supported by a range of nation-wide organizations, including the U.S. Catholic Conference, the Church World Service, the American Baptist Churches, the Mennonite Central Committee, the Council of Jewish Federations, the Lutheran Immigration Refugee Service, the United Methodist General Board of Church and Society, the Presbyterian Church (USA) and many, many more.

We should do all we can to end this current flagrant discrimination under the immigration laws. Haitians refugees deserve too—the same protection we gave to Nicaraguans and Cubans last year. We need to pay more than lip service to the fundamental principle of equal protection of the laws.

Finally, the amendment has been modified to resolve a budget problem, deeming approximately 1000 Haitians ineligible for Supplemental Security Income and Medicaid. A similar budget concern was not raised last year when the Nicaraguan Adjustment and Central American Relief Act was considered. I am hopeful that this new injustice can be remedied as the Haitian legislation moves forward. I urge the Senate to accept this amendment.

Mr. CAMPBELL. This amendment is acceptable to both sides. I urge its adoption.

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

The amendment (No. 3368) was agreed to.

AMENDMENT NO. 3369

(Purpose: To express the sense of Congress that a postage stamp should be issued honoring Oskar Schindler.)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for Mr. LAUTENBERG, proposes an amendment numbered 3369.

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

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

The amendment is as follows:

At the appropriate place, add the following:

Since during the Nazi occupation of Poland, Oskar Schindler personally risked his life and that of his wife to provide food and medical care and saved the lives of over 1,000 Jews from death, many of whom later made their homes in the United States.

Since Oskar Schindler also rescued about 100 Jewish men and women from the Golezow concentration camp, who lay trapped and partly frozen in 2 sealed train cars stranded near Brunnlitz;

Since millions of Americans have been made aware of the story of Schindler's bravery;

Since on April 28, 1962, Oskar Schindler was named a ''Righteous Gentile'' by Yad Vashem; and

Since Oskar Schindler is a true hero and humanitarian deserving of honor by the United States Government:

It is the sense of the Congress that the Postal Service should issue a stamp honoring the life of Oskar Schindler.

Mr. CAMPBELL. Madam President, this amendment has been cleared by both sides. I urge its immediate adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 3369) was agreed to.

Mr. CAMPBELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, I ask unanimous consent that the Daschle amendment be temporarily set aside.

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

AMENDMENT NO. 3370

(Purpose: To improve access to FDA-approved prescription contraceptives or devices)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for Ms. SNOWE, for herself and Mr. REID, proposes an amendment numbered 3370.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. ___. (a) None of the funds appropriated by this Act may be expended by the Office of Personnel Management to enter into or renew any contract under section 8902 of title 5, United States Code, for a health benefits plan—

(1) which provides coverage for prescription drugs, unless such plan also provides equivalent coverage for all prescription contraceptive drugs or devices approved by the Food and Drug Administration, or generic equivalents approved as substitutable by the Food and Drug Administration; or

(2) which provides benefits for outpatient services provided by a health care professional, unless such plan also provides equivalent benefits for outpatient contraceptive services.

(b) Nothing in this section shall apply to a contract with any of the following religious plans:

(1) SelectCare.

(2) PersonalCare's HMO.

(3) Care Choices.

(4) OSF Health Plans, Inc.

(5) Yellowstone Community Health Plan.

(6) and any other existing or future religious based plan whose religious tenets are in conflict with the requirements in this Act.

(c) For purposes of this section—

(1) the term ''contraceptive drug or device'' means a drug or device intended for preventing pregnancy; and

(2) the term ''outpatient contraceptive services'' means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent pregnancy.

Ms. SNOWE. Madam President, I rise today, along with my colleague Senator REID, to offer an amendment to the Treasury-Postal appropriations bill that will produce two critical results: It will provide women who work for the federal government the equality in health care and the affordable access to prescription contraception coverage they need and deserve; and it will help reduce the number of unintended pregnancies and abortions in this country.

The Snowe-Reid amendment says that if a health plan in the Federal Employees Health Benefits Program, or FEHBP, provides coverage of prescription drugs and devices, they must also cover FDA-approved prescription contraceptives. It also provides that plans which already cover outpatient services also cover medical and counseling services to promote the effective use of those contraceptives.

That's it, Madam President. That's the extent and scope of the Snowe-Reid amendment. It only prevents health plans in the FEHBP from carving out exceptions for FDA-approved prescription contraceptives that prevent pregnancy.

It does not cover abortion in any way, shape or form. It does not cover abortion related services such as counseling a woman to seek an abortion. And it does not require coverage of RU–486, because RU–486 is not a method of contraception. Let me repeat, this amendment does not require coverage of RU–486.

The Snowe-Reid amendment also respects the rights of religious plans that, as a matter of conscience, choose not to cover contraceptives. Again, I want to make it clear that this amendment clearly exempts such plans.

Finally, the Snowe-Reid plan isn't going to break the bank or burden American taxpayers. In fact, CBO has estimated that the cost to the federal government would be less than $500,000, and under CBO's practice of scoring bills to the nearest million dollars, CBO stated: ''this provision would have no effect on the budget totals in FY 1999.''

So the Snowe-Reid amendment is a practical, common sense, cost effective approach to effecting the kind of public health policy that should set an example for the rest of the nation's insurers to follow.

The need for this visionary measure is clear. Today, nearly 9 million Federal employees, retirees, and their dependents participate in the FEHBP. Fully 1.2 million are women of reproductive age who rely on FEHBP for all their medical needs. Unfortunately, the vast majority of these women are currently denied access to the broad range of safe and effective methods of contraception.

In fact, according to the Office of Personnel Management, which administers the FEHBP, 81 percent of plans do not cover all five of the most basic and widely used methods of contraception and 10 percent of these plans do not cover any type of contraception at all.

The ramifications of this are dramatic. When 8 out of 10 women enrolled in the FEHBP aren't covered for the leading methods of contraception, their choices are unfairly limited. Who are we to pick and choose what method works best—or is most medically suited—for each individual woman?

The fact is, different women require different methods of contraception due to a variety of factors. If there is only one method of contraception her plan offers, where does that leave her? And even more to the point, why do we leave this decision to her health care plan, instead of her health care provider?

Across America, this lack of equitable coverage for prescription contraceptives contributes to the fact that women today spend 68 percent more than men in health care costs. That's 68 percent. And this gap in coverage translates into $7,000 to $10,000 over a woman's reproductive lifetime.

So I ask my colleagues: with 25 percent of all Federal employees earning less than $25,000—and nearly 18,000 Federal employees having incomes below or slightly above the Federal poverty level—what do you think is the likely effect of these tremendous added costs for these Federal employees?

Well, I'll tell you the effect it has: many of them simply stop using contraceptives, or will never use them in the first place, because they simply can't afford to. And the impact of those decisions on these individuals and this nation is a lasting and profound one.

Women spend more than 90 percent of their reproductive life avoiding pregnancy, and a woman who doesn't use contraception is 15 times more likely to become pregnant than women who do. Fifteen times. And of the 3.6 million unintended pregnancies in the United States, half of them will end in abortion.

I can't think of anyone I know, no matter their ideology, party, or gender, who doesn't want to see the instances of abortion in this nation reduced. Well, imagine if I told you we could do something about it, and do it at almost no cost to the federal government.

That is what the Snowe-Reid amendment does. When the Alan Guttmacher Institute estimates that the use of birth control lowers the likelihood of abortion by a remarkable 85 percent, how can we ignore a provision like the Snowe-Reid amendment that will make the use of birth control more affordable to our Federal employees, and do so with negligible cost to the Federal government?

And yet, as thoughtful an approach as the Snowe-Reid amendment may seem, I know that there will still be some in this body who will argue against it. Well, I believe these arguments do not withstand scrutiny, and I would like to take just a few minutes to explain why.

Some may voice concern that the Snowe-Reid amendment requires coverage of abortion of drugs that induce abortion, such as RU–486. To which I will reiterate, the Snowe-Reid amendment only requires coverage of FDA-approved methods of contraception—that means contraception to prevent pregnancy.

It is important to make it clear that we are only talking about methods of contraception under this amendment. And I might add, methods of contraception which will reduce the number of abortions in this country—so the fact is—if you want to see fewer abortions performed in the United States, you should support this amendment.

When it comes to the incredibly personal issue of abortion we should be celebrating common ground, not condemning it. This amendment achieves that goal. It does not pretend to settle the issue of abortion in America—far from it. It does, however, provide a rallying point for those who want to see abortions reduced—all of us, I would think—and that's the reason people like Senator REID who is prolife, support it on one side of the abortion debate and people like me on the other.

Some opponents may say that pregnancy isn't really a medical condition, and therefore we shouldn't be requiring its coverage in the FEHBP. Obviously, anyone who says this hasn't been through pregnancy or childbirth. If pregnancy isn't a medical condition, then I'd like to know what is!

And in this day and age when prevention is the buzzword—as it should be—how is it we can support prescription coverage to treat a variety of biological conditions but not to prevent one of the most dramatic and life-altering conditions of all?

Still others may argue, ''Pregnancy is a lifestyle choice, and shouldn't be covered like diseases that are not''. Such an argument simply ignores reality as well as the facts.

As Luella Klein, the director of women's health issues at ACOG, put it: ''There's nothing 'optional' about contraception. It is a medical necessity for woman during 30 years of their lifespan. To ignore the health benefits of contraception is to say that the alternative of 12 to 15 pregnancies during a woman's lifetime is medically acceptible.''

Of course, we shouldn't be too surprised at the attitude of our opponents. Indeed, it wasn't until 1978—only twenty years ago—that Congress passed a law requiring that maternity benefits be covered like any other medical care. Before we passed the Pregnancy Discrimination Act, 43 percent of insurance policies didn't include coverage of maternity care. Sound familiar?

So here we are, twenty years later, battling some of the same insurance companies that in 1978 didn't want to provide the same coverage we now take for granted. How can they still not cover the means to prevent what they already acknowledge through existing coverage as a medical condition?

The fact is, all methods of contraception are cost effective when compared to the cost of unintended pregnancy. And with unplanned pregnancies linked to higher rates of premature and low-birth weight babies, costs can rise even above and beyond those associated with healthy births.

As the American Journal of Public Health estimates, the cost under managed care for a year's dose of birth control pills is less than one-tenth of what it would cost for prenatal care and delivery.

So the question, then, is not ''How can we afford to expand coverage to prescription contraceptives?'' but ''How can we afford not to?''

No, the cost argument doesn't hold water, Mr. President, and neither do any of the other arguments. The bottom line is, the Snowe-Reid amendment makes sense from a standpoint of fairness, from the standpoint of compassion, from the standpoint of cost effectiveness and from the standpoint of good public health policy.

Maybe that's why the concept is supported by such diverse groups as the American Medical Association, the American Academy of Family Physicians, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the American Society for Reproductive Medicine, the American Medical Women's Association, and the Society for Adolescent Medicine.

Whatever the reason, as an employer and model for the rest of the nation, the federal government should provide equal access to this most basic health benefit for women. This amendment would allow federal employees to have that option, one already provided an option for contraceptives through the Medicaid program. Why shouldn't the same federal commitment be extended to women employed by the federal government?

In closing, Madam President, let me say that if we, as a nation, are truly committed to reducing abortion rates and increasing the quality of life for all Americans, then we need to begin focusing our attention on how to prevent unintended pregnancies. The Snowe-Reid amendment is a significant step in the right direction, and I urge my colleagues to join me in supporting it.

Ms. MIKULSKI. Madam President, I want to thank Senators SNOWE and

REID, for offering this important amendment today. I am proud to be a cosponsor of the Snowe amendment. I am also proud to be an original cosponsor of the Snowe-Reid bill on which this amendment is based.

This amendment is about two things—it's about equity and it's about women's health.

The Snowe amendment would help to narrow the gender gap for women in insurance plans. What it does it really is quite simple. It requires that any health plan for federal employees that covers prescription drugs must also cover prescription contraceptives.

Federal Employee Health Benefit plans routinely cover prescription drugs. But they routinely discriminate against women by not including prescription contraceptives. In fact, 81% of the plans under FEHBP fail to cover all five of the leading types of contraceptives. Ten percent offer no coverage at all.

Mr. President, I am a strong supporter of our federal employees. I am proud that so many of them call Maryland their home. They work hard in the service of our country. And I work hard for them. Whether it's fighting for fair COLAs, against disruptive and harmful shutdowns of the federal government, or fighting to prevent unwise schemes to privatize important services our federal workforce provide, they can count on me.

Today, I am fighting for equity in health insurance coverage for federal employee women. The failure of the majority of federal health plans to cover all forms of prescription contraceptions results in unfair physical and financial burdens for women. It forces women of reproductive age to spend 68% more for out-of-pocket health care costs than men.

This amendment would help to correct that inequity. That is one reason why I so strongly support it.

I also support the Snowe amendment because it will help to safeguard women's health. As a member of the Committee on Labor and Human Resources, I have worked hard for women's health. Whether it was establishing the Office of Women's Health Research at NIH, fighting for inclusion of women in clinical trials, or ensuring that women receive safe and accurate mammograms through the Mammography Quality Standards Act, I have fought to make sure that women's health needs are met.

Contraception is a part of basic health care for women. This amendment will ensure that federally-employed women will have the tools they need to plan their families, to avoid unintended pregnancies and to reduce the need for abortion.

Access to family planning is one of the most important issues facing women today. Family planning improves maternal and child health. We know that unwanted pregnancies are associated with lower birth weight babies and jeopardize maternal health. They also too often put a young woman's future academic and personal achievement in jeopardy. When the resources are available to help women make good, responsible choices about parenthood and their futures, we have no excuse for not making those tools available.

I am proud that my own state of Maryland has been a leader in this area. Earlier this year, Maryland became the first state in the nation to require insurers that cover prescription drugs to also cover FDA-approved prescription contraceptives. Maryland has once again shown itself to be on the leading edge of progressive health care policy.

Today, the Senate has an opportunity to take the first steps in following Maryland's example. We can adopt the Snowe amendment. We can ensure that women in the federal workforce have equitable access to prescription contraceptions.

I hope we will adopt this amendment today. And I hope we will bring to the floor soon the Snowe-Reid bill to ensure that all insurance plans that cover prescription drugs include contraceptive drugs and devices in that coverage.

Ms. MURRAY. Madam. President, I want to thank the sponsor of this important amendment for all his work and effort on behalf of women's health. As a Senator who has long championed women's health issues and fought to protect women's health, I commend him for his efforts. I am pleased to join with him today in support of women's health equity.

There has been a great deal of debate lately regarding contraceptive equity. Let me first start by explaining what this amendment does not do. It does not mandate benefits. Let me repeat that, this is not a mandate. If a plan does not have a prescription drug benefit then they do not have to add contraceptives. If a plan has a copy of deductible for prescription benefits, then contraceptives would also have the same copy or deductible. If a plan requires payments or deductibles for surgical services, then family planning benefits would also have the same copayments and deductibles. This is not a mandate. It simply says that plans cannot treat contraceptives any differently than medication to treat high blood pressure or to treat diabetes.

This amendment does not increase federal spending. CBO has scored this amendment as having a minimal effect on spending. The cost is such that CBO cannot even estimate as it falls below their threshold for calculating or determining budgetary impact. I would argue that in fact it will have a positive impact on spending. Currently, 50 percent of all pregnancies in this country are unintentional. Increasing access to safe, affordable family planning can only reduce this number. The average cost annually of oral contraceptives is estimated at $400 to $500. The cost of an uncomplicated delivery is close to $4,000, this excludes any prenatal or postnatal care. It does not take a budgetary expert to conclude that there will actually be savings from this amendment.

This amendment is also not about abortion. Let me make this very clear. This is not an abortion debate. No part of this amendment would require federal funding of abortions. It simply goes to those contraceptives that are currently approved by the FDA to prevent unintentional pregnancies. RU486 is not currently available in the United States. No plan would be required to cover RU486. If you ask any woman if there is a difference between abortion and contraceptives I can assure you that the answer would be yes.

Now let me tell you all what this amendment does. This amendment goes to the heart of women's health. Reproductive health and effective family planning are women's health issues. It is hard to go a week without hearing one of my colleagues talk about the importance of women's health. There are probably well over 500 pieces of legislation pending that impact women's health. Every member strives to have a solid record on women's health issues. Every member claims to be a champion of women's health. Yet denying access to safe, affordable contraceptives for federal employees poses a serious threat to women's health. On average, without effective, safe family planning, most women could expect to endure 12 to 13 pregnancies in her life time. While most women have safe and healthy pregnancies, for some it still can be life threatening. And for most women 12 or 13 pregnancies does pose a serious health threat.

In order to protect women's health and reduce infant mortality it is critical to plan for pregnancy. To place economic barriers for women to receive safe family planning services is to place a significant health burden upon us.

Many women may not even be aware, but women can expect to pay up to 68 percent more in out of pocket health care costs than men. Ask any woman if she is willing to pay 68 percent more for housing, or food or transportation and I can assure you the answer would be a resounding no. But, for health care this is actually what women face. I stand today to say we must reverse this trend. We already know that women can expect to earn 71 cents for every dollar earned by a man. Now we want to say that they should pay 68 percent more for health care or for any consumer product.

This is a basic question of equity and fairness. This is even more evident in the federal work force. By and large the federal work force is younger and paid less than the private sector. Effective family planning is even more essential in a younger work force. Many federal employees who live pay check to pay check. Yet, female federal employees have no guarantee that their insurance will not discriminate against them. If there is a health care benefit

program that should offer a wide range of affordable reproductive health benefits, I would argue it must be the Federal Employees Health Benefit Plan.

There are some of my colleagues who will argue it should be up to the plan or even some who will argue that Members of Congress should decide what methods of family planning are covered. It is these very Members of Congress who also argue that only the physician and patient should be making health care decisions. Not health plans or politicians. I urge my colleagues to think very carefully about who they want making life and death health care decisions. I would hope that my colleagues would concur that only physicians and the patient should be making these decisions. This is why the American College of Obstetricians and Gynecologists endorses this amendment. They know how dangerous it is to make life or death decisions based solely on economics or other arbitrary criteria.

Economic barriers and discriminatory insurance practices do threaten women's health. The National Commission to Prevent Infant Mortality determined that ''infant mortality could be reduced by 10 percent if all women not desiring pregnancy used contraceptives.'' With one action we could be reducing our tragic infant mortality rate in this country. The Institutes of Medicine's Committee on Unintended Pregnancy recommended that ''financial barriers to contraception be reduced by increasing the proportion of all health insurance policies that cover contraceptive services and supplies.'' As the largest purchaser of private health insurance in this country, the Federal Government should set the example for the private market. We should listen to the evidence of the medical community and research scientists and tear down economic barriers within the Federal Employees Health Benefit Plan.

I urge my colleagues to let women and their doctors decide, not politicians and certainly not economics. Having access to the most appropriate family planning method without economic sanctions is a women's health issue. Each woman must have the ability to make this decision based on the recommendations of her doctor. To most women, this is a major women's health vote. This is a question of equity and fairness but more importantly it is an issue of access to safe, affordable reproductive health care services.

How would any Member of this body feel if we found out that our insurance policies would only provide access to one form of high blood pressure medication, regardless of the side effects? How would we react if a plan operating in the FEHBP said that they would charge a higher copayment for prescription drugs to treat heart ailments? How we would respond to these discriminatory practices that threaten quality, affordable health care for FEHBP participants? I can tell you how this member would respond. I would be on the floor offering amendments to end discriminatory insurance practices that result in nothing more than economic sanctions that diminished access to safe health care services.

We owe our federal employees more and we should be a leader on women's health. I urge my colleagues to vote for women's health instead of just talking about it.

Mr. KENNEDY. Madam President, I urge the Senate to approve the amendment by Senator SNOWE and Senator REID to provide fairness in prescription coverage for family planning.

The provisions of this amendment will benefit millions of American women by helping to make the cost of preventing unintended pregnancy more affordable. They will also help to reduce the number of unintended pregnancies by providing women with greater access to a broad range of safe and effective family planning services.

Too often, insurance companies refuse to cover these costs. Only a third of all private health plans currently cover oral contraceptives—the most widely used prescription method of family planning. According to a study by the Alan Guttmacher Institute, nearly half of all large-group plans do not cover such prescriptions—despite the fact that 97 percent of traditional fee-for-service plans routinely cover prescriptions for other medicines and medical devices. In a recent column in the Washington Post, David Broder called this lack of coverage ''one of the great stupidities in the health care system.''

The result in that women are too often forced to rely on family planning without the full range of available methods. Women pay 68 percent more than men in out-of-pocket health care costs—in large part because of the high cost of preventing unintended pregnancies. As Ellen Goodman noted in a column in The Boston Globe, ''Some women are making hard economic choices between paying their bills and buying pills.''

Too often, women are forced to settle for the family planning method that is most affordable, rather than the one that is most effective. Inevitably, many of them are forced to settle for no method at all. The result is large numbers of unintended pregnancies each year, and large numbers of abortions. Clearly, greater access to reliable methods of birth control will substantially reduce the number of abortions.

In the United States, it is estimated that half of all pregnancies each year are unintended. Three million women use no method of birth control, and they account for half of all unintended pregnancies. Greater access to insurance coverage will significantly reduce this number. As an editorial in the American Journal of Public Health points out: ''Contraception is the keystone in the prevention of unintended pregnancy.''

The vast majority of women who use some form of birth control do not have insurance coverage to defray the cost. Often, they are forced to choose inexpensive methods with high failure rates. The proposal by Senator SNOWE and Senator REID is an important step in the right direction. It requires private insurance companies to cover FDA-approved, prescription birth control drugs and devices in a manner comparable to all other prescription drugs and devices.

Just as more effective birth control means fewer unintended pregnancies and fewer abortions, it also means more savings in health costs. An April, 1995 study in the American Journal of Public Health estimated that women who use prescription contraceptives will avoid far more in other health costs than the cost of the prescriptions.

According to the Guttmacher Institute, the increased cost to employers who provide this coverage to their employees would be $17.00 a person per year. That's an increase of just one-half-of-one percent over current costs per employee.

This bill is sound public policy. It is supported by all major family planning organizations and by the vast majority of the American people. In surveys, 75 percent of Americans express support for increasing access to family planning services. And, 73 percent of survey respondents continue to be supportive, even if contraceptive coverage modestly increases their insurance premiums.

Support for increasing this coverage clearly crosses party lines. It is sound public policy that has been too long in coming. I urge the Senate to approve it.

Mr. JEFFORDS. Madam President, over the past few years we have become increasingly aware of the need to improve women's health. I am an original cosponsor of S. 766, the Equity in Prescription Insurance and Contraceptive Coverage Act and am proud to support Senators SNOWE and REID today in their amendment to ensure contraception coverage for all women covered by the Federal Employee Health Benefit Program.

I held a hearing on this issue in the committee on Labor and Human Resources on July 21, 1998, and am pleased to see interest in and support for this issue growing. It has been too long in coming, but I am glad to have the opportunity to be part of providing equity in health care for women. I look forward to the day when all American women will enjoy the same equity in coverage this amendment provides to women employed by the federal government.

Out-of-pocket health care expenses for women are 68 percent higher than those for men, and most of the difference is due to noncovered reproductive health care. It is disturbing how rapidly some insurance plans began covering Viagra when it has taken so

long for many of them to begin covering contraceptives. This bill helps achieve gender equity in health benefits, and its passage would be a victory for women across the Nation.

''EPIC'' provides that if a health insurance plan covers benefits for other FDA-approved prescription drugs or devices, it also must cover benefits for FDA-approved prescription contraceptive drugs or devices. Further, ''EPIC'' provides that if the plan covers benefits for other outpatient services provided by a health care professional, it also must cover outpatient contraceptive services.

The bill does not require special treatment of prescription contraceptives or outpatient contraceptive services compared to other prescription drugs or outpatient care.

Each year more than half of all pregnancies in the United States—approximately 3.6 million pregnancies—are unintended, and almost half of all unintended pregnancies end in abortion. Reducing unintended pregnancies by making effective contraception more widely available would reduce the need for abortion. For that reason, surveys suggest that most people favor increasing coverage of contraception by health insurance plans.

The vast majority of private insurers cover prescription drugs, but many exclude coverage for prescription contraceptives. In contrast to the lack of coverage for reversible contraception, most plans do cover abortion and sterilization.

The gender equity issue has been highlighted recently by the willingness of many health insurance plans to cover Viagra. A Kaiser Family Foundation national survey on insurance coverage of contraception conducted in May of this year demonstrated that 75 percent of Americans 18 years and older supported coverage of contraception, but only 49 percent supported coverage of Viagra.

The Health Insurance Association of America (HIAA) has estimated that the extra cost to employers who do not now cover reversible medical methods of contraception is about $16 per employee per year—or less than one percent of current health care premiums.

Mr. LAUTENBERG. Madam President, I would like to express my support for the amendment offered by Senators SNOWE and REID.

I applaud the efforts of these two Senators in bringing to our attention the inequities that exist for men and women in federal health care plans.

Most federal employee health care plans (FEHBP) cover a wide range of prescription drugs without covering prescription contraceptive drugs. In fact, almost all federal insurance plans fail to cover all five of the most widely used forms of contraception. Ten percent have no coverage of contraception at all.

A health care plan's refusal to cover contraception is effective discrimination against women. Access to contraception should be a basic health benefit for female federal employees. And women should be able to choose the best method of contraception for them, depending on their medical history and personal health care needs.

If adopted, this amendment will certainly help lower the rate of unintended pregnancies and reduce the need for abortion. That result is something positive on which we can all agree.

The Federal Government should be conscientious and fair about how it treats its employees. It should be a model for private insurance plans, guiding them to provide the best health care possible for those who enroll in government-sponsored plans. Not allowing access to a full range of contraceptive services to the women who work in our own Senate offices, to the civilian employees in the Pentagon, to FBI and DEA agents, and to the female officers on the Capitol Police Force, to name a few examples, is unfair and essentially creates a two-tiered health care system for public and private sector employees.

I urge my colleagues to support this amendment.

Mrs. BOXER. Madam President, I strongly support my colleague's amendment to require Federal Employee Health Benefits plans to treat prescription contraceptives the same as all other covered drugs. This amendment is critical to improving both equity and health care for federal employees.

The Federal Employee Health Benefits plans should be a model for health insurance coverage for all Americans. Unfortunately, they fall far short when it comes to reproductive health. Ten percent of Federal Employee Health Benefits plans have no coverage for contraception. 81 percent of plans do not cover the range of contraceptive care for women, including the most commonly used reversible contraceptives, including (oral contraceptives, diaphragm, IUD, Depo-Provera, and Norplant.

This is an issue of gender equity. Women spend 68 percent more in out-of-pocket costs for health care than men. Much of this difference is due to reproductive health costs. For many women, contraceptives cost an additional $400 or more each year. By passing this amendment, we can take an important step toward eliminating this economic disparity.

I note with some concern that this amendment allows certain plans to exempt themselves from complying with this requirement. This exemption will limit the scope of these gains for American women. It was my hope that we could ensure contraceptive parity for all, not some.

I urge my colleagues to continue to pursue that aim, but I acknowledge that effort must be left for another day.

I urge my colleagues to vote ''yes'' for this amendment, ''yes'' for equity, and ''yes'' for the reproductive health of our Federal employees.

Mr. KOHL. Madam President, I rise in strong support of this amendment. It would require Federal Employees Health Benefit (FEHB) plans that cover prescription drugs to also cover FDA approved prescription contraceptives. This same amendment was included in the House version of our bill by a vote of 239–183.

The issue of family planning should be one that brings together both sides of the abortion debate. Close to half of all pregnancies in the United States are unintended, and tragically, those unintended pregnancies often lead to abortion. By providing federal workers with the most appropriate and safe means of contraception, we can reduce the number of abortions performed and increase the number of children who are born wanted, planned for, and loved.

I thank Senators REID and SNOWE for their leadership on this issue, and I hope the Senate follows the House's lead and gives this amendment our overwhelming support.

Mr. REID. Madam President, this amendment will help to create gender equity in health care, will provide for healthier mothers and children, will lower the rate of abortion and it will cost the government nothing—in fact it may save money.

We can do all of this requiring the Federal Employee Health Benefits (FEHB) plans to cover prescription contraception just as they cover other prescriptions.

Currently, women of reproductive age spending 68 percent more in out of pocket health costs than men.

The proposed amendment would require FEHB plans to treat prescription contraceptives the same as all other cover drugs. In so doing, it would help to achieve parity between the benefits offered to male participants in FEHB plans and those offered to female participants, there by narrowing the gender gap in insurance coverage.

The vast majority of FEHB plans offer prescription drug coverage, but fail to cover the full range of prescription contraceptions.

I have said it many times now, but I believe if men were the ones who needed prescription contraceptives, I have no doubt they would have been covered by insurance years ago.

the FEHB Program should be the model for private plans. the United States Government, as an employer, should provide basic health benefits for women and families insured through FEHB.

Eight-one percent of FEHB plans do not cover all five leading reversible methods of contraception. (Oral contraceptives, diaphram, IUD's, Norplant and Depo-Provera)

Ten percent of FEHB plans have no coverage of contraceptives—they do not cover any of the five leading methods.

Women should be receiving health care coverage equal to the coverage that every man receives from the federal employee health care benefits

plan—which is probably a majority of the male Senators in this chamber.

Contraceptive services also help to promote healthy pregnancies and healthy birth outcomes. A study of 45,000 women suggests that women who used family planning services in the 2 years before conception were more likely to receive early and adequate prenatal care.

The National Commission to Prevent Infant Mortality estimated that 10 percent of infant deaths could be prevented if all pregnancies were planned; in 1989 alone, 4000 infant lives could have been saved.

Now, we have all gone through the long abortion debates on this floor. they are heated passionate debates.

Senator SNOWE and I come from opposite sides of that debate. I am prolife. Senator SNOWE is pro-choice. But we have one thing in common regarding this issue: We both believe that abortions are to be avoided and that the number that occur in this country every year needs to be reduced.

How do we reduce the number of abortions? We reduce the number of unintended pregnancies by providing women with the means to acquire birth control.

Contraceptive help couples plan wanted pregnancies and reduce the need for abortion. There are 3.6 million unintended pregnancies in this Nation each year—about 60 percent of all pregnancies. And almost half of these unintended pregnancies end in abortion.

I have a chart here that shows as the unintended pregnancy rate drops, so does the number of abortions.

From 1981 to 1987 the unintended pregnancy rate dropped by about 1 percent and the abortion rate also slightly dropped. the unintended pregnancy rate dropped 8.8 percent from 1987 to 1994, and the abortion rate per 1000 women during those years dropped from 24 to 20. Given this trend, I think it would be wise to do whatever we can to speed up the drop in unintended pregnancies.

The cost effectiveness of family planning is well documented. Studies indicate that in the private sector, for every dollar invested in family planning, between $4 and $14 are saved in health care and pregnancy related costs.

CBO has estimated that this amendment will cost less than $500,000. Under CBO's practice of scoring bills to the nearest million dollars this provision would have no effect on the budget total in fiscal year 1999.

AMENDMENT NO. 3371 TO AMENDMENT NO. 3370

(Purpose: To provide a rule of construction relating to coverage)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3371 to amendment No. 3370.

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

Mr. CAMPBELL. Madam President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will report the amendment.

The assistant legislative clerk continued to read as follows:

At the end of the amendment, add the following new subsection:

(c) Nothing in this section shall be construed to require coverage of abortion or abortion related services.

Mr. CAMPBELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

AMENDMENT NO. 3365

Mr. ROTH. Madam President, as I stated earlier today, I am a strong proponent of fixing the marriage penalty. it is a top priority of the Finance Committee in our efforts to reform the Tax Code. But it must be done properly. And such is not the case with this amendment—nor with the amendment proposed this morning. As I said this morning, the bill on which my colleagues are trying to attach marriage penalty legislation is an appropriations bill. It is not a tax bill.

As this Treasury-Postal appropriations bill is not a revenue measure—and as all revenue measures must originate in the House of Representatives—this one amendment could subject the entire bill to a blue slip. In other words, Madam President, adding a revenue measure that originates in the Senate to a nonrevenue bill, will sink the entire bill. Under the rules, any member in the House can raise an objection and kill this appropriations bill. And that is in no one's interest.

So while I agree in principle with the objective of reforming the marriage penalty—I would be remiss in my duties if I did not make it clear that passing this amendment at this time is inappropriate. Whether the marriage penalty fix is paid for, or not, it must be handled in Congress as the Constitution requires. Therefore, I urge my colleagues to vote against the amendment.

Mr. MOYNIHAN. Mr. President, with regret, I must oppose Senator DASCHLE's amendment to provide for marriage tax penalty relief. Although I support the idea of a revenue-neutral solution to the inequitable situation created by the Internal Revenue Code for millions of married couples, an appropriations bill is not the proper forum for debating and voting on resolution of this matter. To attach this amendment to this bill would violate the constitutional requirement that revenue measures originate in the House, and it would kill this important appropriations legislation.

I agree with the distinguished chairman of the Finance Committee, Senator ROTH, that the issue of the marriage penalty should first be considered by the Finance Committee and proceed to the floor in the manner normally associated with tax legislation. I look forward to working with him, and all the members of the committee in coming to a bipartisan agreement on a measure that provides relief to taxpayers saddled with the marriage penalty and is properly offset under the budget rules.

Madam President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CAMPBELL. Madam President, I further call for the regular order with respect to the Daschle amendment.

The PRESIDING OFFICER. The amendment is now pending.

Mr. CAMPBELL. I further tell Members, the majority side yields back all time.

The PRESIDING OFFICER. Ten minutes remains on the minority side for this amendment, controlled by the minority leader or his designee. Who yields time?

Mr. REID. Madam President, I ask the Daschle amendment be set aside.

The PRESIDING OFFICER. Is there objection to setting aside the Daschle amendment?

Mr. REID. And, if necessary, the DeWine amendment, which is next in order.

The PRESIDING OFFICER. Is there objection to setting aside the Daschle amendment and the DeWine amendment? Without objection, it is so ordered.

AMENDMENT NO. 3370, AS MODIFIED

Mr. REID. Madam President, on the Snowe-Reid amendment which is now pending, on page 2 of the amendment, line 3, the word ''all'' is listed. I would like to modify my amendment and delete the word ''all.''

The PRESIDING OFFICER. Is there objection to the Senator's request? Without objection the amendment will be modified.

The amendment (No. 3370), as modified, is as follows:

At the appropriate place in the bill, insert the following:

SEC. ___. (a) None of the funds appropriated by this Act may be expended by the Office of Personnel Management to enter into or renew any contract under section 8902 of title 5, United States Code, for a health benefits plan—

(1) which provides coverage for prescription drugs, unless such plan also provides

equivalent coverage for prescription contraceptive drugs or devices approved by the Food and Drug Administration, or generic equivalents approved as substitutable by the Food and Drug Administration; or

(2) which provides benefits for outpatient services provided by a health care professional, unless such plan also provides equivalent benefits for outpatient contraceptive services.

(b) Nothing in this section shall apply to a contract with any of the following religious plans:

(1) SelectCare.

(2) PersonalCare's HMO.

(3) Care Choices.

(4) OSF Health Plans, Inc.

(5) Yellowstone Community Health Plan.

(6) and any other existing or future religious based plan whose religious tenets are in conflict with the requirements in this Act.

(c) For purposes of this section—

(1) the term ''contraceptive drug or device'' means a drug or device intended for preventing pregnancy; and

(2) the term ''outpatient contraceptive services'' means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent pregnancy.

Mr. REID. I ask for the regular order.

AMENDMENT NO. 3365

The PRESIDING OFFICER. The regular order brings back the amendment by Senator DASCHLE. The time is being charged against the amendment on the minority side. All time has been yielded back on the majority side.

The Senator from North Dakota.

Mr. CONRAD. Madam President, I have been asked to yield back the rest of our time on our side.

The PRESIDING OFFICER. All time has been yielded back on both sides.

The Senator from Colorado.

Mr. CAMPBELL. On behalf of the majority leader, I move to table the Daschle amendment. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from South Dakota, Mr. DASCHLE.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is absent because of illness.

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

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—57

Abraham	Burns	Collins
Allard	Byrd	Coverdell
Ashcroft	Campbell	Craig
Bennett	Chafee	D'Amato
Bond	Coats	DeWine
Brownback	Cochran	Domenici
Enzi	Jeffords	Roth
Faircloth	Kempthorne	Santorum
Frist	Kyl	Sessions
Gorton	Lott	Shelby
Gramm	Lugar	Smith (NH)
Grams	Mack	Smith (OR)
Grassley	McCain	Snowe
Gregg	McConnell	Specter
Hagel	Moynihan	Stevens
Hatch	Murkowski	Thomas
Hutchinson	Nickles	Thompson
Hutchison	Robb	Thurmond
Inhofe	Roberts	Warner

NAYS—42

Akaka	Feingold	Lautenberg
Baucus	Feinstein	Leahy
Biden	Ford	Levin
Bingaman	Glenn	Lieberman
Boxer	Graham	Mikulski
Breaux	Harkin	Moseley-Braun
Bryan	Hollings	Murray
Bumpers	Inouye	Reed
Cleland	Johnson	Reid
Conrad	Kennedy	Rockefeller
Daschle	Kerrey	Sarbanes
Dodd	Kerry	Torricelli
Dorgan	Kohl	Wellstone
Durbin	Landrieu	Wyden

NOT VOTING—1

Helms

The motion to lay on the table the amendment (No. 3365) was agreed to.

Mr. GRAMM. I move to reconsider the vote.

Mr. WARNER. I move to lay it on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER (Mr. FAIRCLOTH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 3370, AS MODIFIED, AND 3371, EN BLOC

Mr. CAMPBELL. I ask unanimous consent that the Senate now consider amendment No. 3370 as modified and offered by Senator REID of Nevada for Senator SNOWE and ask for its adoption.

The PRESIDING OFFICER. The two amendments are pending; they are the pending amendments.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CAMPBELL. I further ask unanimous consent that amendments Nos. 3370 and 3371 be considered and accepted en bloc. This is the Snowe-Reid amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (No. 3371 and No. 3370, as modified, as amended) were agreed to en bloc.

Mr. REID. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that on the table.

The motion to lay on the table was agreed to.

Mr. REID. I ask unanimous consent that Senator MIKULSKI be listed as a prime cosponsor of the amendment just agreed to.

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

AMENDMENT NO. 3354

Mr. CAMPBELL. Mr. President, I call for regular order with respect to amendment No. 3354, the DeWine amendment.

The PRESIDING OFFICER. The amendment is now pending.

Mr. CAMPBELL. I know of no further debate.

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

The amendment (No. 3354) was agreed to.

Ms. MIKULSKI. I thought there was going to be——

Mr. CAMPBELL. It is my understanding this amendment has been accepted by both sides of the aisle.

Ms. MIKULSKI. I misunderstood the parliamentary situation. The Senator from Colorado is correct.

I ask unanimous consent that the RECORD show that had there been a recorded vote, I would have voted no.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. SNOWE. Mr. President, I ask unanimous consent Senator MOSELEY-BRAUN and Senator GORDON SMITH be added as cosponsors of the Snowe-Reid amendment.

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

Ms. SNOWE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

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

AMENDMENT NO. 3372

(Purpose: To require a study of the conditions under which certain grain products may be imported into the United States, and to require a report to Congress)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for Mr. DORGAN, proposes an amendment numbered 3372.

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

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

The amendment is as follows:

SEC. . IMPORTATION OF CERTAIN GRAINS.

(a) FINDINGS.—The Congress finds that—

(1) importation of grains into the United States at less than the cost to produce those grains is causing injury to the United States producers of those grains;

(2) importation of grains into the United States at less than the fair value of those grains is causing injury to the United States producers of those grains;

(3) the Canadian government and the Canadian Wheat Board have refused to disclose pricing and cost information necessary to determine whether grains are being exported to the United States at prices in violation of United States trade laws or agreements.

(B) REQUIREMENTS.—

(1) The Customs Service, consulting with the United States Trade Representative and the Department of Commerce, shall conduct a study of the efficiency and effectiveness of requiring that all spring wheat, durum or barely imported into the United States be imported into the United States through a single port of entry.

(2) The Customs Service, consulting with the United States Trade Representative and the Department of Commerce, shall determine whether such spring wheat, durum and barley could be imported into the United States through a single port of entry until either the Canadian Wheat Board or the Canadian Government discloses all information necessary to determine the cost and price for all such grains being exported to the United States from Canada and whether such cost or price violates any law of the United States, or violates, is inconsistent with, or denies benefits to the United States under, any trade agreement.

(3) The Customs Service shall report to the Committees on Appropriations and Finance not later than ninety days after the effective date of this act on the results of the study required by subsections (1) and (2), above.

Mr. CAMPBELL. Mr. President, this amendment asks the Customs Service to conduct a study regarding Canadian wheat. It has been agreed to by both sides. I urge its adoption.

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

The amendment (No. 3372) was agreed to.

Mr. CAMPBELL. Mr. President, we are not making very good progress on this bill. We have only cleared 14 amendments and we have yet to deal with 43. I just say to all of the Senators that this is our second day. We have been in here since 9:30 this morning. I urge them to help us expedite the process of dealing with these outstanding 43 amendments. It may be a very long evening and into the day tomorrow if we don't start clearing some of them. So I ask the Senators are watching the proceedings to come to the floor and help us move these forward.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. THOMPSON. Mr. President, I ask unanimous consent that Ellen Brown of my staff be allowed floor privileges for the duration of the discussion of the amendment that I am about to bring up.

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

AMENDMENT NO. 3353

Mr. THOMPSON. Mr. President, we brought up yesterday amendment No. 3353 to the bill. Senator HARKIN had a situation he had to attend to yesterday, so we set it aside for the consideration of other business. Now Senator HARKIN is here. I think he will be joining us momentarily. We wanted to take advantage of the opportunity at this time to bring it up. I have been discussing this item with Senator HARKIN to see if we could reach an agreement. I don't believe that we are going to be able to.

Just basically, in summary, Mr. President, this has to do with procurement legislation. This is a very complex area. I can't think of an area that is more boring and more complex than the procurement laws. For that reason, the staff of our committee—the Governmental Affairs Committee, which has jurisdiction generally over the procurement laws—spent many, many hours on this subject. The last two Congresses have produced reform legislation that balances the interest in the procurement field between the government and those who are selling goods and services to the government.

This provision, section 642 in this Treasury-Postal bill, essentially is a procurement piece of legislation. It has to do with child labor. It essentially prohibits the Government from buying from those who use child labor any goods or services produced by child labor. That is a laudable goal. I support that. My amendment incorporates that goal. I point out that it is already against the law. But it is certainly fine with me if we put in this Treasury-Postal bill another law that says we cannot procure services or goods from those who do that sort of thing.

My problem, other than the fact that I believe the best way to legislate in this matter is to have hearings on a complex subject like this, is that it sets up a procedure that basically is overreaching and unfair, and probably unconstitutional. Because with regard to this area, as in no others, a contractor is required to sign a statement with the Government that will allow a Government official at any time at his discretion to come in and look at the books and records, or talk to the individual at any time at his discretion to see whether or not a child labor law has been violated. He should not be required to give up the fourth amendment rights in order to contract with the Government.

As I say, trafficking in those kinds of goods and services is against the criminal law. There is provision that prohibits such immoral activity by that company when dealing with the Federal Government as it is. But it certainly does not call for an abrogation of rights that we otherwise hold near and dear.

It says that the Secretary of Labor shall publish a list of items that might have been produced by child labor. And then the contractor has to certify that he is not using any of those items. Evidently, it is difficult to determine sometimes whether or not child labor has been used. The Government's only responsibility is to determine whether or not they might have been used. And, yet, the contractor is required to certify that they have not been used.

I am afraid this is a Catch-22 with regard to people in good faith who are out trying to do the right thing and certainly would not consider using child labor; but would allow unlimited access and unfettered access, under the language of this statute as it is now written, and would allow any Government official to come in and have unlimited access to books and records.

One other feature of this provision that I think is erroneous is the exception. This does not apply to countries that have signed NAFTA, for example. There are a couple of other exceptions. But I will just concentrate on that.

If a foreign country has signed the NAFTA agreement, then presumably companies of that country do not have this law applied to them.

We are focusing in on our own companies. We signed NAFTA. But we are focusing in on our own companies requiring this kind of intrusion with regard to our own contractors, and we are not applying the same standard to contractors of another country who might be supplying child labor.

I don't think that is right. I don't think that is fair. I do not want to make a mountain out of a molehill.

I think this is important. I feel a responsibility, as chairman of the Governmental Affairs Committee, to bring this to the attention of the Senate, and simply say that in matters that are this complex that require a balancing of interests, we should go through the committee process.

Senator GLENN had a piece of legislation that we considered last year. We

have had the Clinger-Cohen Act, and lots and lots of working hours put into this in trying to reach the right balance.

We should not come in with a provision in an appropriations bill that basically upsets that balance and places new responsibilities, new requirements, new intrusions on contractors that in the wisdom of their deliberations the committees, after considering this thing for years, have not decided to do.

I respectfully urge the support of my colleagues with regard to my amendment.

I yield the floor, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CAMPBELL. Mr. President, I reserve the right to object. I will not object, but if the Senator will hold off just a moment. Apparently, we cannot find our copy of the amendment.

Mr. WELLSTONE. Mr. President, let me supply a copy.

Mr. CAMPBELL. I thank the Senator. If he would like to proceed, I have the amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 3373 TO AMENDMENT NO. 3362

(Purpose: To prevent Congress from enacting legislation which fails to address the legislation's impact on family well-being and on children.)

Mr. WELLSTONE. Mr. President, I send this second-degree amendment to the Abraham amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 3373 to amendment No. 3362.

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

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

The amendment is as follows:

At the end of the amendment insert the following:

SEC. . FAMILY WELL-BEING AND CHILDREN'S IMPACT STATEMENT.

Consideration of any bill or joint resolution of a public character reported by any committee of the Senate or of the House of Representatives that is accompanied by a committee report that does not contain a detailed analysis of the probable impact of the bill or resolution on family well-being and on children, including whether such bill or joint resolution will increase the number of children who are hungry or homeless, shall not be in order.

Mr. HARKIN. Mr. President, parliamentary inquiry?

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Parliamentary inquiry. Before the Senator from Minnesota starts, what is the order of precedence at the desk right now, of amendments? What amendment are we on right now?

The PRESIDING OFFICER. We are on the Wellstone amendment to the Abraham amendment.

Mr. HARKIN. Further parliamentary inquiry, I thought we were on the Thompson amendment.

The PRESIDING OFFICER. That amendment has been temporarily set aside.

Mr. HARKIN. I understand. Thank you, Mr. President.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. WELLSTONE. Mr. President, do I have the floor? I believe I do.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. I was not aware the amendment was set aside. I called it up. No one moved that it be set aside that I am aware of. Maybe I am mistaken. I thought we were on it. Senator HARKIN is prepared to address it.

Mr. WELLSTONE. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The Senator from Tennessee could call for the regular order, which would bring his amendment back.

Mr. THOMPSON. I call for the regular order, Mr. President.

Mr. WELLSTONE. We have two different views. Might I ask what regular order is? Is regular order the Abraham amendment that I have now second-degreed? Or not? I was under the impression that it was.

AMENDMENT NO. 3353

The PRESIDING OFFICER. The regular order is the underlying Thompson amendment. When we finish that, we will return to the amendment of the Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair and I thank my colleagues.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

Mr. HARKIN. Mr. President, I apologize to my friend and colleague from Minnesota. Senator THOMPSON and I were prepared to engage in some colloquies and debates and things on this amendment. I was surprised. I thought it had been called up. I apologize to my friend from Minnesota. We were scheduled to start this debate on the issue of child labor.

Mr. President, the Thompson amendment, which is the pending amendment, seeks to strike from the bill a provision that was incorporated at the committee level—subcommittee level and committee level—by unanimous consent. I don't know of any votes that were held on it. It seemed to be adopted overwhelmingly. No one raised any questions about it in full committee or anything like that.

The provision deals with setting some parameters on procurement policy for the Federal Government, to the maximum extent possible to preclude the Federal Government from purchasing items made by forced or indentured child labor.

I hardly know where to begin to respond to some of the issues raised by my friend from Tennessee, but let me attempt to start here. First of all, right now it is true that there are certain laws that we have that cover child labor in this country. But that gets to the point where if something happens, then you can take someone to court and you can fine them and debar them and all that. There is a long process and procedure for that.

What this provision that was put in the committee bill seeks to do is to set up a structure to try to avoid or to preclude this from happening in the first place. So that those who sell to the Federal Government would be on notice that, first of all, there is a list of items that would be promulgated—published by the Department of Labor in consultation with the Department of State and Department of the Treasury—a list of items which would be very small in number because there are not that many items, a list of items that have historically and traditionally been made with the use of forced or indentured child labor; that if you are a seller to the Federal Government and if you are procuring or selling those kinds of items—like hand-knitted carpets, for example, or certain leather items, some apparel, rattan furniture, things like that—where the Department of Labor over the last 4 years in studying this issue has issued about four volumes on the use of forced and indentured child labor and the products that are made and that type of thing. These are very extensive studies that are made by the Department of Labor. What this provision in the bill does is it sets up a list. They put out a list. Then, if you are selling to the Federal Government, you check a little box that you attest—''attestation'' they call it—you attest that the item that you are selling to the Federal Government was not made using forced or indentured child labor. That is basically it.

The list is necessary for two reasons. First, it would narrow the scope to only suspect industries, thus preventing a sort of widespread kind of provision or a burdensome requirement on industries where the use of forced or indentured child labor does not occur. For example, I heard some mention made of Boeing aircraft. Boeing aircraft does not make things made by forced or indentured child labor. There has never been a scintilla of evidence to show that, so none of their products would be on the list. So we narrow the scope right away to just a few suspect industries.

Second, the list is necessary because procurement officers need guidelines to enforce the intent of the legislation. Again, this list would be compiled based on the four child labor studies already released by the Department of Labor. Furthermore, the only companies that would be affected by this are

ones that sell an item that appears on the list. If you don't sell an item that appears on the list, you will not be affected by this. You would not have to attest; you would not have to check the box and attest that the item was not made by forced or indentured child labor if you are not even on the list. Boeing and all those wouldn't even be on the list, so they would not have to check the box. That is the first thing. We keep it narrow, and that is why we have the list.

Mention was made by the Senator from Tennessee about the Fair Labor Standards Act, that we already have this law. I say to the Senator from Tennessee that this law doesn't cover U.S. embassies abroad purchasing goods. For example, we could have an embassy, say in Pakistan, India, or whatever country, buying glassware or buying hand-knitted carpets or buying rattan furniture—I mentioned that—but they are not covered by this at all. I would like to have them covered by it. That is the intent of the provision that is in the committee bill. They are not covered by it. They would be covered by this. U.S. law, the Fair Labor Standards Act applies to the United States, but not to other countries. That is why this provision is necessary.

These are not new requirements, as I have said before and in private conversation with the Senator from Tennessee. There are similar requirements for companies that sell to the Armed Forces. I will get into that in a second. Even though it has to do with different types of contracts, they are similar. I think there is a difference without a distinction, but they are similar, and I will get into that in a second.

They said it would be duplicative. It is not really duplicative. Forced and indentured child labor is already illegal in interstate commerce, that is true, but what I am seeking to do, for debarment purposes, and what this amendment will do is have them attest up front that they are not using child labor. There are no provisions, as I understand, in law for that at this time.

Next, there was a question raised about the constitutionality of the provision. It requires a contractor to agree to allow official access to the records of the employees and premises. As I said, we already have such a provision, and as I said, we discussed that in private.

FAR, title 10 of Armed Forces, 10 U.S.C. section 2313 says:

Agency authority. Section 2313, examination of records of contractor.

(1) The head of an agency, acting through an authorized representative, is authorized to inspect the plant and audit the records of:

(A) a contractor performing a cost reimbursement, incentive, time and materials, labor hour or price redeterminable contract or any combination of such contracts made by that agency under this chapter and,

(B) a subcontractor performing any cost reimbursement, incentive, time and materials, labor hour or price redeterminable subcontract or any combination of such contracts under a contract referred to in subparagraph (A).

The head of an agency, acting through himself or through an authorized representative can already have access to premises and to records under Armed Forces procurement law, and that is under FAR.

I understand this has to do with different types of contracts. That is OK, but that is, I think, a difference without distinction. It may be a time reimbursable or cost reimbursement or labor hour or price redeterminable contract. It is all fine and good, but I don't think that is really a distinct difference with a contract that provides goods or services to the Federal Government. So I say I don't think we have any kind of a constitutional problem there.

Senator THOMPSON did raise, I believe, a good point, and I am going to correct that with a technical amendment, to track the wording that is already in the FAR and in title 10. I am going to make it specifically that it is the head of an agency, acting through an authorized representative, so that not just anyone would have access, but that it would have to come from the head of an agency.

There is another question that the Senator from Tennessee raised, and that is, why do we exempt NAFTA or WTO countries. I say to my friend from Tennessee, I wish we didn't have to, but I am told we have to because it is a treaty that we signed on NAFTA and WTO. My amendment will exempt those countries that are parties to these two agreements. I am not happy about it, but it is the current U.S. law. It is treaty, and I guess we have to adhere to it, as I understand. We can't change this law or negotiate new procurement agreements.

I will just point out that the Committee on Government Procurements, the parties to this under WTO and NAFTA, basically are countries we really don't have a problem with—Austria, Belgium, Denmark, Germany and places like that we really don't have much of a problem. The only problem that we do have, I say, in NAFTA is perhaps with Mexico. But then, again, that is part of the NAFTA agreement and, quite frankly, we are stuck with that for right now on that issue.

The Federal Acquisition Regulations govern acquisition by executive branch agencies. Much of this regulation implements various statutes and Executive orders. My amendment is not unique under the FAR in seeking to implement U.S. standards and policies.

For example, Federal agencies cannot acquire supplies or services originating from sources within or that are located in or transported from or through North Korea, Cuba, Libya, Iran, Sudan and Iraq. We already have that.

In addition, my amendment is not unique in seeking to address a policy concern, such as protecting domestic industries through Federal procurement legislation. For example, the Buy America Act provides an advantage to U.S. domestic producers through the competitive bidding process.

As a matter of fact, I include Senator THOMPSON's amendment as part of my provision already. However, I crafted my provision to be more targeted. My provision does treat forced or indentured child labor differently than other procurement regulations because of the illegal and hidden nature of the act it seeks to prevent.

For example, all goods shipped to the United States must carry a country of origin label. No such provision in current Federal procurement regulations exist for forced or indentured child labor. Likewise, the Buy America Act model is different because it operates through the bidding process. No such procedure exists for forced or indentured child labor. You don't know where the forced or indentured child labor is.

Therefore, it was necessary to create a special targeted mechanism to address this issue in a meaningful way that is the least burdensome to contractors. In short, to accomplish this, the provision that is in the bill, one, calls on the Secretary of Labor, in consultation with the Secretaries of Treasury and State, to draft a list of items which they feel historically has been made with forced or indentured child labor. That keeps the perspective narrow.

Next, this provision requires the contractor to sign an attestation that their products were not made with forced or indentured child labor and, yes, to provide access to records, premises and persons for a lawful investigation arising from allegations that forced or indentured child labor was used to produce the product.

Again, I read that other one that is already in Armed Forces, that the head of an agency, acting through an authorized representative, can inspect a plant and audit the records of, et cetera.

Lastly, this provision provides a debarment option for 3 years for making a false certification. In other words, if you certify that you did not use child labor, and inspections prove otherwise, then you could be debarred for up to 3 years for making a false certification.

Senator THOMPSON's proposal, his amendment, is not targeted enough for two reasons: One, procurement officers need specific information in order to apply a statute. Senator THOMPSON's amendment will take away the list which gives contract officers specific areas to look for forced or indentured child labor problems. By removing this self-certification, and the threat of debarment for a false certification, you ensure that the provision will never be effectively enforced because the Federal Government may never be able to track the forced or indentured child labor practices of all of its contractors, much less ever investigating them.

Quite simply, I do not believe that signing a simple attestation, if you are providing items to the U.S. Government which appear on a list of problem

items, will prove a very difficult burden. It will be burdensome if you are illegally employing children. Then it will be burdensome. But if you are not, then it will not be. So again, this provision seeks to deter child labor, stopping it before it happens, or before the U.S. Government buys goods made with forced or indentured child labor.

Obviously, the Thompson amendment seeks to debar those who have been convicted or fined for using child labor. Nothing wrong with that. But that is included in the provision that is in the bill already. But what he carves out is a provision that seeks to prevent it from happening in the first place by saying that if you use it, the U.S. Government just simply will not do business with you.

I say, the difference might be that Senator THOMPSON's approach is: ''We'll do business with you. Now, if we can take you in and prove through a lengthy court process and stuff, then we'll debar you.'' But mine comes up front and says, ''Look, if you are using child labor, and you are on this list, you are making these items, you have to attest that you are not using child labor.'' That right away puts them on notice—puts them on notice that they are going to be in for some problems if they are on that list and that they would be subject to a head of an agency to come in and inspect them and inspect their records to see whether or not they actually were using child labor.

Mr. CAMPBELL. Would the Senator from Iowa yield for a question?

Mr. HARKIN. Yes, I would be glad to, without losing my right to the floor.

Mr. CAMPBELL. The child labor issue is important to all of us. I point out something I mentioned awhile ago. I say to the Senator, we have 43 amendments yet to clear. I wonder if the Senator would agree to a time limit on the debate. I talked to Senator THOMPSON. He is agreeable to a 20-minute time debate equally divided on both sides. Would the Senator from Iowa also agree with that?

Mr. HARKIN. How much time?

Mr. CAMPBELL. Twenty minutes equally divided; 10 minutes on each side.

Mr. HARKIN. I will consider that. Just a second. Let me finish my statement. It does not sound totally unreasonable.

Mr. CAMPBELL. Thank you.

Mr. HARKIN. Again, you might ask, well, why should they have to look for this? Why should procurement officers have to be concerned about this? Under 48 CFR 9.406–2, ''Causes for Debarment,'' there is a whole list of things that they should look for that they made. The ''Made in America'' inscription that I have mentioned, violations of the Drug-Free Workplace Act—there is a whole list of things about which they have to be concerned.

The fact is, they do not have to be concerned about child labor right now. It is not even a concern of theirs. So we find ourselves in a peculiar position that procurement laws for the Federal Government say that you have to meet certain standards—a drug-free workplace; you have to have a ''Made in America'' inscription if it is made in America; you have to have country of origin—but you do not have to be worried about child labor. I find that rather odd.

What this all really arises out of is that in the 1930 Tariff Act, a provision was added that barred the entry into this country of any item made with forced or indentured labor. That has been part of our law since 1930.

Well, forced or indentured labor—what does that mean? It has been interpreted to mean prison labor. There are other forms of forced or indentured labor. A year ago I wrote a letter to the Department of the Treasury asking for a clarification of this: Did forced or indentured labor cover forced or indentured child labor? The letter they wrote back was sort of: ''Well, yes, we think it does because we say 'forced or indentured labor.'' ' We didn't specify it has to be adult labor, but it has never really been clarified. So we have sought to clarify that.

Again, procurement officers have to take into account they have to be aware of whether or not something is made by prison labor. Can the Federal Government buy items made by prison labor? The answer is no, absolutely not. Can the Federal Government today buy items made by forced or indentured child labor? The answer is yes. We do it all the time overseas. We buy carpets, we buy furniture, we buy glassware, we buy leather. We buy a lot of items made by forced or indentured child labor. And that is what this provision seeks to get to.

The Fair Labor Standards Act does not reach that far, does not reach overseas, does not reach to these items. Our procurement policies do not reach to our embassies abroad, for example. They are part of the Federal Government. They are part of the executive branch. They do buy items. But right now they are blind as to whether something is made by forced or indentured child labor. That is why this provision is in the bill.

Lastly, Mr. President, I just point out that the administration is in support of this section, 642, of the Treasury-General Government appropriations bill. I have a letter here from Secretary Alexis Herman saying that this provision, a prohibition against the Federal Government's purchase of Federal products made by forced or indentured child labor ''would establish a system to ensure that contractors take steps to avoid providing products to the Government that have been mined, produced, or manufactured using forced or indentured child labor.

The Administration agrees that we should tap the purchasing power of the U.S. government in our efforts to eliminate egregious forms of child labor. In addition, the President's FY 1999 Budget includes an $89 million increase to address both international and domestic child labor abuses. We believe [this] amendment, coupled with our FY 1999 initiatives, will help reduce the prevalence of these forms of child labor.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Again, I think that the provision stands foursquare on constitutional grounds. I do not believe there is any constitutional problem with it. I do not believe it runs far afield of provisions that we already have in present procurement law. It simply identifies one aspect, that is, like the ''Made in America'' or the ''drug-free workplace'' or ''prison labor.'' It identifies another one, and that is ''forced or indentured child labor'' as one of those items that we want to put up front and to have those who seek to sell items to the Federal Government attest that they are not using forced or indentured child labor in the provision of those goods.

Again, this will be based upon the list. There will be a list, yes, publication of a list of prohibited items.

The Secretary of Labor, in consultation with the Secretary of Treasury and the Secretary of State, shall publish in the Federal Register every other year a list of items that such officials have identified that might have been mined, produced, or manufactured by forced or indentured child labor.

So we work from that list. And that list has to be published.

The head of an executive agency shall include in each solicitation of offers for a contract for the procurement of an item included on a list published under subsection (b) [the list I just mentioned] the following clauses:

Again, the clauses stating that the contractor has not indeed used forced or indentured child labor in the production of any of the items that are on that list.

Mr. President, I yield the floor.

Mr. KOHL. Mr. President, I rise in opposition to the amendment by the Senator from Tennessee. The Senator, I believe, shares the concerns of those of us who drafted section 642—we want to make sure the Federal government does not buy goods made with child labor. However, his amendment, by eliminating the list of suspect goods that Section 642 requires the Department of Labor to make, will make it very difficult for Federal contractors to know whether they are buying a product manufactured by children.

Section 642 requires the Department of Labor print a list of products that may have been produced with forced child labor. Any federal contractor that sells these products to the government will be put on notice that the items he or she sells might have been produced by child labor. Those businesses then will have to check their suppliers and get assurances that they are not illegally selling a goods produced by children to the government.

The importance of this list of products that are potentially made with

child labor cannot be underestimated. This list will allow federal agencies to focus on specific industries that use child labor most often. It will allow us to be vigilant in our efforts to stop the procurement of such goods. When the government buys soccer balls for the West Point soccer team, we need to be sure they were not sewn together by children. When the government buys tea for the cafeterias and commissaries of federal facilities, we ought to know those leaves were not picked by children.

I want to commend Senator HARKIN for his tireless work on behalf of the exploited children of the world. By putting in place a process by which Federal contractors can know about and be held accountable for products they sell to the government, Senator HARKIN has done a significant patriotic act. He has ensured that the United States is not in any way sanctioning, promoting, or even tolerating shameful exploitation of children.

I urge my colleagues to vote against the Thompson amendment—and to vote against diluting protections against government purchase of goods made with child labor.

Mr. THOMPSON. Mr. President, I say to my colleague from Colorado that I think I will need perhaps 5 minutes.

Mr. CAMPBELL. If the Senator from Iowa is willing to agree to a time agreement, I will make a unanimous consent request.

Mr. HARKIN. I have a couple of other items, then I will be ready to yield.

Mr. CAMPBELL. Would 10 more minutes be enough?

Mr. HARKIN. As I said, after I get the floor again.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. THOMPSON. Mr. President, a couple of comments with regard to the remarks of my distinguished colleague from Iowa.

First of all, let's keep in mind my amendment makes the use of child labor grounds for disbarment and suspension. We need to keep that in mind. We set it out in bold type. It is already against the law, and now we are saying in addition to that you can't do business with the Federal Government if you engage in that kind of activity. So we get that out of the way to start with.

That is not the issue. The issue here is whether or not we want to set up a mechanism whereby some Federal official has unlimited access to your books and records and persons. Now, this whole area was entirely rewritten in 1994. Senator GLENN's bill, the Federal Acquisition Streamlining Act, provided for very circumspect, specific audit authorities for agencies, and GAO provided some subpoena authority in a very limited way. All this was debated and considered on a bipartisan basis and the competing interests were balanced out over a period of several days, and we came up with a law that we have now.

What we have here in the bill that we are seeking to amend departs from that substantially. There can be no comparison with the bill currently in force with existing law. Existing law under section 2313, chapter 137, procurement generally, is so long and detailed that I am not going to burden the record by going into it, but suffice it to say that there are very limited circumstances. Only certain kinds of contracts, certain circumstances are dealt with where subpoena authority is issued under certain kinds of contracts—limited authority, over contracts over $100,000.

Compare that with what we have before us in the bill today that says a clause that obligates the contractor to cooperate fully to provide access for it says any official—I understand that will be changed—but you must agree to provide access for some Government official of the United States to the contractors' records, documents, persons, or premises, if requested by the official, for the purpose of determining whether forced child labor is being issued. It is a total fishing expedition. You are not only going to have to give unlimited access to your books and records, but unlimited access to your person.

There is nothing I know of like this in law, much less procurement law. We are really doing something substantially different here. We can cover the child labor situation without opening up Pandora's box and running contractors away from us.

One of the reforms that Senator GLENN and others carried out had to do with the fact that we want to bring more contractors in. It is better for the taxpayer to have more competition, more people coming in to compete for these things.

My distinguished friend from Iowa suggests that we need to have a certification on the front end. Prior committee action got rid of all certification under the Governmental Affairs Committee and armed services jurisdiction for the simple reason, first, if you are going to violate the law, if you are going to use child labor, you are not going to certify something on the front end. It will not make you quit doing it.

Secondly, we got tired of raising so many hoops and intruding so much that we were discouraging people from coming in and contracting with the Government. Therefore, costs of things are higher than they ought to be. This whole area has been addressed. It cannot even be discussed in a limited period of time because it is so extensive.

But with regard to the question of opening up books and records and persons by some anonymous Federal official to see whether or not you might have done something wrong, and when they get in there they are not limited to look just for the thing that you say they are looking for. Their eyes can gaze on whatever it is they are to be gazed upon.

When you deal with something like that, you are dealing with very, very, important constitutional rights and nobody is going to put up with that. Nobody is going to contract or agree to do business with the Government if they have that kind of burden. It has been well thought out, it has been considered, it has been deliberated upon for a long, long time, and we should not address something this important and this complex in this fashion.

I respectfully urge this amendment be adopted.

Mr. HARKIN. Mr. President, this provision is not unconstitutional and does not interfere with the Constitution, and it does not interfere with the exercise of any fourth amendment right a Government contractor might have.

The provision makes it possible for the Federal Government to ensure that it does not purchase items produced with forced or indentured child labor. Without ready Government access to records, workers and worker places, meaningful enforcement would be impossible.

Now this principle applies in a whole range of worker protection laws. Now there is no need for a statutory probable cause requirement or a statutory procedure for challenging a search by a Government agency. A contractor who believes that a Federal agency had no probable cause to inspect his business would be free to refuse entry to the agency. It is a constitutional right. The agency would then be required to seek a warrant from a court, and if necessary, to ask the court to enforce the warrant. In this way, the court would ensure that the fourth amendment was followed.

Lastly, this is how the process works under comparable statutes, like the Occupational Safety and Health Act. Applying the fourth amendment, the Supreme Court has held that OSHA must show probable cause or the legal equivalent if an employer refuses OSHA entry. There is no statutory probable cause requirement and no statutory procedure for challenging a search. Government agencies can be expected to develop reasonable and neutral criteria for seeking access. They would do so in order to comply with the fourth amendment which the courts will apply.

OSHA, for example, has adopted such criteria, although the Occupational Safety Health Act does not prescribe this, and they have been upheld by the courts. Only Government agencies with a legitimate need for access would be entitled to access. The access provision in section 642 makes clear that the contractors' obligation is to provide access only to the head of an agency, a Federal officer, and only for the purpose of

determining whether forced indentured child labor was used.

So there is no reason to believe this provision would be invoked by an official acting without authority. But, if it happened, the contractor could not be sanctioned for refusing to cooperate, for example.

The fourth amendment may not apply in these certain cases in any case until a contractor's consent to providing access is required to provide access. The accession provision is intended to be incorporated in a Government contract. The contract provision would be required only for companies who wish to supply the Federal Government with an item from a list of items that may have been introduced by forced or indentured child labor.

I keep coming back to that. The Senator raises the specter that you will have the Government people all of a sudden going into Boeing and places like that. That won't happen, first of all, because they won't have anything on the list. So they won't have that. There will not be items that have been identified produced by forced or indentured child labor. Companies which choose to supply such items and which accept the terms of the contract have agreed to provide access.

As I said, there is no constitutional problem with this provision whatsoever.

Now, again, Mr. President, what we do have a problem with, and what this amendment really gets to, and for which there is no provision in law, is, when an arm of the Federal Government, such as the executive branch, acting through embassies overseas, procures items and those items are identified as having been produced by forced or indentured child labor, there is nothing that we can do about that—unless we adopt this provision, of course. And this is a good and reasonable place for this provision to be, in this appropriations bill, since we are providing appropriations for the running of the Government. So this is an appropriate place for the amendment.

I think there is some urgency to this also. The urgency is that we are gaining more and more information around the world about the use of forced or indentured child labor. The United States has, quite appropriately—and I am happy to see it—taken a forward position on trying to do away with forced and indentured child labor. I mentioned the letter from the Secretary of Labor indicating that the President had already asked for, I think, $89 million in the budget to address child labor abuses both here and abroad. We participate heavily in IPEC, the International Program for the Elimination of Child Labor, which has been increased this year from $30 million, up from $3 million.

So the U.S. Government has—and also through our work on the International Labor Organization, UNICEF, and others, we have been taking a very strong position against forced indentured child labor, as we should. But if one arm of our Government overseas is openly procuring items made by forced and indentured child labor, what kind of a signal does that send? So that is what this provision in the bill seeks to end, and would end, if this provision remains in.

Now, the things that the Senator from Tennessee is talking about we already incorporate in our amendment. There is a debarment procedure provision in the bill. That is already there. That debarment procedure is already there. What the Senator's amendment does is, it takes away those preliminary steps of publishing a list and then say to a procurement officer, look out for these items, and if you are buying one of these items, have that company attest on the form that they are not using forced and indentured child labor. If they do, then they are agreeing that you can, as we have under FAR—that the head of an agency is authorized to inspect the records of that company.

As I said earlier, the Senator from Tennessee, I think, raised one point that I think was very legitimate, and that was in the original amendment. It says, on page 99, the words ''any official of the United States.'' Quite frankly, that is too broad. As we look at the FAR and at title X for the Department of Defense, it uses the words ''the head of an agency.'' So I have a perfecting amendment that I am going to offer that would strike out ''any official of the United States'' and insert in lieu thereof ''the head of the executive agency or the inspector general of the executive agency.''

AMENDMENT NO. 3374 TO AMENDMENT NO. 3353

(Purpose: To provide a substitute that limits the scope of the requirement relating to inspection of a contractor's records)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 3374 to amendment No. 3353.

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

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

The amendment is as follows:

Strike out all after SEC. 642.'' and insert in lieu thereof the following:

PROHIBITION OF ACQUISITION OF PRODUCTS PRODUCED BY FORCED OR INDENTURED CHILD LABOR.

(a) PROHIBITION.—The head of an executive agency may not acquire an item that appears on a list published under subsection (b) unless the source of the item certifies to the head of the executive agency that forced or indentured child labor was not used to mine, produce, or manufacture the item.

(b) PUBLICATION OF LIST OF PROHIBITED ITEMS.—(1) The Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of State, shall publish in the Federal Register every other year a list of items that such officials have identified that have been mined, produced, or manufactured by forced or indentured child labor.

(2) The first list shall be published under paragraph (1) not later than 120 days after the date of the enactment of this Act.

(c) REQUIRED CONTRACT CLAUSES.—(1) The head of an executive agency shall include in each solicitation of offers for a contract for the procurement of an item included on a list published under subsection (b) the following clauses:

(A) A clause that requires the contractor to certify to the contracting officer that the contractor or, in the case of an incorporated contractor, a responsible official of the contractor has made a good faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture any item furnished under the contract and that, on the basis of those efforts, the contractor is unaware of any such use of child labor.

(B) A clause that obligates the contractor to cooperate fully to provide access for the head of the executive agency or the inspector general of the executive agency to the contractor's records, documents, persons, or premises if requested by the official for the purpose of determining whether forced or indentured child labor was used to mine, produce, or manufacture any item furnished under the contract.

(2) This subsection applies with respect to acquisitions for a total amount in excess of the micro-purchase threshold (as defined in section 32(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 428(f)), including acquisitions of commercial items for such an amount notwithstanding section 34 of the Office of Federal Procurement Act (41 U.S.C. 430).

(d) INVESTIGATIONS.—Whenever a contracting officer of an executive agency has reason to believe that a contractor has submitted a false certification under subsection (a) or (c)(1)(A) or has failed to provide cooperation in accordance with the obligation imposed pursuant to subsection (c)(1)(B), the head of the executive agency shall refer the matter, for investigation, to the Inspector General of the executive agency and, as the head of the executive agency determines appropriate, to the Attorney General and the Secretary of the Treasury.

(e) REMEDIES.—(1) The head of an executive agency may impose remedies as provided in this subsection in the case of a contractor under a contract of the executive agency if the head of the executive agency finds that the contractor—

(A) has furnished under the contract items that have been mined, produced, or manufactured by forced or indentured child labor or uses forced or indentured child labor in mining, production, or manufacturing operations of the contractor;

(B) has submitted a false certification under subparagraph (A) of subsection (c)(1); or

(C) has failed to provide cooperation in accordance with the obligation imposed pursuant to subparagraph (B) of such subsection.

(2) The head of the executive agency, in the sole discretion of the head of the executive agency, may terminate a contract on the basis of any finding described in paragraph (1).

(3) The head of an executive agency may debar or suspend a contractor from eligibility for Federal contracts on the basis of a finding that the contractor has engaged in an act described in paragraph (1)(A). The period of the debarment or suspension may not exceed three years.

(4) The Administrator of General Services shall include on the List of Parties Excluded

from Federal Procurement and Nonprocurement Programs (maintained by the Administrator as described in the Federal Acquisition Regulation) each person that is debarred, suspended, proposed for debarment or suspension, or declared ineligible by the head of an executive agency or the Comptroller General on the basis that the person uses forced or indentured child labor to mine, produce, or manufacture any item.

(5) This subsection shall not be construed to limit the use of other remedies available to the head of an executive agency or any other official of the Federal Government on the basis of a finding described in paragraph (1).

(f) REPORT.—Each year, the Administrator of General Services, with the assistance of the heads of other executive agencies, shall review the actions taken under this section and submit to Congress a report on those actions.

(g) IMPLEMENTATION IN THE FEDERAL ACQUISITION REGULATION.—(1) The Federal Acquisition Regulation shall be revised within 180 days after the date of enactment of this Act—

(A) to provide for the implementation of this section; and

(B) to include the use of forced or indentured child labor in mining, production, or manufacturing as a cause on the lists of causes for debarment and suspension from contracting with executive agencies that are set forth in the regulation.

(2) The revisions of the Federal Acquisition Regulation shall be published in the Federal Register promptly after the final revisions are issued.

(h) EXCEPTION.—(1) This section does not apply to a contract that is for the procurement of any product, or any article, material, or supply contained in a product, that is mined, produced, or manufactured in any foreign country or instrumentality, if—

(A) the foreign country or instrumentality is—

(i) a party to the Agreement on Government Procurement annexed to the WTO Agreement; or

(ii) a party to the North American Free Trade Agreement; and

(B) the contract is of a value that is equal to or greater than the United States threshold specified in the Agreement on Government Procurement annexed to the WTO Agreement or the North American Free Trade Agreement, whichever is applicable.

(2) For purposes of this subsection, the term ''WTO Agreement'' means the Agreement Establishing the World Trade Organization, entered into on April 15, 1994.

(i) APPLICABILITY.—(1) Except as provided in subsection (c)(2), the requirements of this section apply on and after the date determined under subsection (2) to any solicitation that is issued, any unsolicited proposal that is received, and any contract that is entered into by an executive agency pursuant to such a solicitation or proposal on or after this date.

(2) The date referred to is paragraph (1) is the date that is 30 days after the date of the publication of the revisions of the Federal Acquisition Regulation under subsection (g)(2).

Mr. HARKIN. Mr. President, what this perfecting amendment does, very simply, is it takes the suggestion of the Senator from Tennessee and strikes out ''any official of the United States'' and inserts in lieu thereof ''the head of the executive agency or the inspector general of the executive agency.''

Secondly, it strikes the word ''might'' from page 99, because in the original language it said that they shall publish in the Federal Register every other year a list of items that ''might have been mined. . ..'' We strike that out. That is a great suggestion, to say that they have to publish a list of items that such officials have identified that ''have been mined, produced, or manufactured by forced or indentured child labor.''

So this perfecting amendment tightens up my original amendment in two ways. It provides that only the head of an agency or the inspector general of that agency may be the one to do the inspection or authorize the inspection. Secondly, it says that the published list can only be of items that have been identified as having been mined, manufactured, or produced by forced or indentured child labor.

The rest of the provision remains the same as it is in the bill, but this tightens up those two provisions.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, with regard to the Treasury-Postal Service appropriations bill, I know there are amendments that are pending. They are trying to work out something on that. I urge my colleagues on both sides of the aisle to agree to reasonable time limits, and let's have a vote. But I am directing my remarks now more to other Senators who are not on the floor who may have amendments.

We need to make it clear that we are going to finish this bill tonight. We should be able to be through by 6 o'clock. But we still have a number of amendments that have not been resolved and haven't been worked out, or accepted, or offered.

We are going to have to just keep going. That could mean another late night. The managers of the bill would like cooperation to get this completed. But we are either going to be having votes at 11 or 12 o'clock, or we are going to agree to some process whereby we can finish the amendments that are still out there and get final votes on them in the morning in a stacked sequence. We can agree to that. But one of the things that is required is that Senators who do want to offer amendments have to come over here and offer them.

I am going to talk with Senator DASCHLE. I believe that he will support me in supporting the managers. If at a certain hour tonight Senators have not offered their amendments and have not come over here to debate those amendments, we will go out of session, and all amendments that have been agreed to would be stacked in sequence if they have to have votes in the morning.

Once again, while this week has been a difficult week because of the sadness we have all experienced, everybody has tried to be understanding of that, but now we are beginning to get back into the old routine. We have far too many amendments left on the bill that really shouldn't be that difficult to finish.

I plead again with my colleagues to come over here and offer their amendments. Let's get an agreement on how we are going to handle them and get votes on those amendments. If we don't get amendments, I can force votes tonight at all hours of the night. I don't want to do that. But it is going to take some cooperation again.

Mr. President, do we have an agreement on how to dispose of the present amendment? Do Senator THOMPSON and Senator HARKIN have something worked out in terms of a time agreement on this, or do I just need to move to table everything right where we are?

Mr. THOMPSON. Will the leader yield?

Mr. LOTT. I am glad to yield.

Mr. THOMPSON. If the leader will give us just a moment, I think we can ask for the yeas and nays momentarily.

Mr. LOTT. That would be very helpful.

Mr. President, unless somebody seeks the floor, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. THOMPSON. In response to the leader's request, I ask my colleague from Iowa, is he agreeable to having an up-or-down vote on the Harkin amendment, immediately followed by an up-or-down vote on the Thompson amendment?

Mr. HARKIN. That is fine.

Mr. THOMPSON. I agree with that. Are we prepared to vote?

Mr. HARKIN. I am prepared to move forward with that agreement right now.

Mr. THOMPSON. I ask unanimous consent, pursuant to that understanding.

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

The Chair informs Senators the yeas and nays have been ordered on the Harkin amendment.

Mr. THOMPSON. I ask for the yeas and nays on the Thompson amendment, and ask that vote occur immediately following that on the Harkin amendment.

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

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. At this time, the question is on agreeing to the amendment offered by the Senator from Iowa.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is absent because of illness.

I further announce that if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''no.''

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

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—46

Akaka	Feinstein	Levin
Baucus	Ford	Lieberman
Biden	Glenn	Mikulski
Bingaman	Graham	Moseley-Braun
Boxer	Harkin	Moynihan
Breaux	Hollings	Murray
Bryan	Inouye	Reed
Bumpers	Jeffords	Reid
Byrd	Johnson	Robb
Cleland	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Torricelli
Dodd	Kohl	Wellstone
Dorgan	Landrieu	Wyden
Durbin	Lautenberg	
Feingold	Leahy	

NAYS—53

Abraham	Faircloth	McConnell
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bennett	Gramm	Roberts
Bond	Grams	Roth
Brownback	Grassley	Santorum
Burns	Gregg	Sessions
Campbell	Hagel	Shelby
Chafee	Hatch	Smith (NH)
Coats	Hutchinson	Smith (OR)
Cochran	Hutchison	Snowe
Collins	Inhofe	Specter
Coverdell	Kempthorne	Stevens
Craig	Kyl	Thomas
D'Amato	Lott	Thompson
DeWine	Lugar	Thurmond
Domenici	Mack	Warner
Enzi	McCain	

NOT VOTING—1

Helms

The amendment (No. 3374) was rejected.

Mr. LOTT. I move to reconsider the vote.

Mr. BAUCUS. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, Senator DASCHLE and I are working with our colleagues on both sides of the aisle to identify the remaining serious amendments. I have here a list that looks like it is about 20, but I think that we can probably identify half a dozen or so amendments.

Senator DASCHLE, do you have some information on that?

Mr. DASCHLE. In response to the majority leader, we have, I think, four amendments that currently would require a rollcall vote. There are two of those four that may actually still get worked out, so I think we are getting relatively close to coming to closure on this bill. I hope all Senators who wish to offer amendments will stay on the floor because this could happen fairly quickly. I think it would be very helpful if you are right on the floor to offer the amendment. It would expedite our ability to complete our work on this bill.

Mr. LOTT. I thank Senator DASCHLE.

We have, it looks like, probably no more than two amendments left on our side that might require a vote. With regard to one of the four you identified, I believe Senator BAUCUS has an amendment. We are working very hard to see if we can't get some agreement on that right now.

For the information of Senators, with regard to schedule, we think the best thing to do is just keep going and not have a break for the mealtime because we think that actually might wind up wasting time. If we would stay on the floor and focus here, we could finish this by 8 o'clock and would be through with this bill and then could decide—Senator DASCHLE and I need to discuss further—then, exactly whether we are going to go to health care or go to the DOD appropriations bill. We could get on that tonight, and then that would be the final business for the week.

We need your cooperation. When you do offer an amendment, agree to a short time so we don't have to go straight to a motion to table. We want everyone to have a chance to explain their case. With your cooperation, we can finish this at 8 o'clock.

I also note there are some Senators who would like to be able to go to the funeral in the morning. If we could finish this at a reasonable hour tonight, we wouldn't have to have stacked votes in the morning. We tried very hard to not have a lot of late nights, but we are going to have to in order to finish this, but with your cooperation we could finish it in a couple of hours.

I urge Members to do that. I thank Senator DASCHLE. Let's keep this working and see if we can't get this down to no more than two or three votes.

Mr. THOMPSON. I ask the yeas and nays on the Thompson amendment be vitiated.

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

The PRESIDING OFFICER. The question is on agreeing to the Thompson amendment numbered 3353.

The amendment (No. 3353) was agreed to.

AMENDMENT NO. 3368

Mr. GRAMM. Mr. President, I enter a motion for reconsideration of the amendment numbered 3368.

The PRESIDING OFFICER. The Senator has that right.

Mr. GRAHAM. Is that motion debatable?

The PRESIDING OFFICER. The motion has been entered but it has not been made.

Mr. GRAHAM. I move to table the motion to reconsider.

The PRESIDING OFFICER. The motion is not before the body, so the motion to table would not be in order at this time.

Mr. WELLSTONE. What is the pending business?

AMENDMENT NO. 3373 TO AMENDMENT NO. 3362

The PRESIDING OFFICER. The pending business before the Senate is the Wellstone amendment numbered 3373.

Mr. WELLSTONE. If I could ask my colleague, I know Senator GRAHAM wants 10 seconds to dispose of an amendment, but I ask unanimous consent as soon as he does this that I then have the floor and go for a vote on my amendment.

The PRESIDING OFFICER. Is the Senator making a unanimous-consent request?

Mr. WELLSTONE. I am.

The PRESIDING OFFICER. The Presiding Officer, in his capacity as a Senator from the State of Michigan, objects.

Mr. WELLSTONE. Mr. President, the pending business is this amendment, correct, the second-degree amendment?

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The pending business is amendment No. 3373, the Wellstone amendment.

Mr. WELLSTONE. Let me explain this amendment and speak on it for a short period of time. I don't know that there will be a vote within the next 2 or 3 minutes, I say to colleagues.

Mr. President, my amendment, which is a second-degree amendment to the Abraham amendment, expands on what Senator ABRAHAM is trying to do. It applies to the Congress and not just to the administration. Furthermore, what my amendment says is that when the Congress prepares its report on family well-being —which I think is a real important concept; I think it is something that we should be about—the Congress also reports on the impact of our legislation on children.

The amendment doesn't strike the Abraham amendment. It expands on the amendment. I believe that my colleagues, if I am given a little bit of time, will want to support this.

Mr. President, I think the reason when we pass legislation out of committee, that in our report language we need to talk about the impact of children, is because of the reality of the lives of children in America. Part of our definition of family well-being, surely, has to do with parents, and we ought to make sure that parents are able to do their very best by their children, because when parents do their very best by their children, they do their very best by our country. It is also true if we are going to talk about parents, we have to talk about the impact of our legislation on children.

Mr. President, one out of every four children in our country under the age of 3 is growing up poor. One in three children will be poor at some point in their childhood. One in five children today under the age of 6 is poor today in America. One in three is a year or more behind in school. One in four children is born to a mother who did not graduate from high school. One out of every four children lives with only one parent. One out of every five children

lives in a family receiving food stamps. One out of every five children is born to a mother who received no prenatal care in the first 3 months of her pregnancy. One out of every seven children have no health insurance. One out of every eight children are born to teenage children. One out of every 12 children has a disability. One out of every 13 children is born at low birthweight. One out of every 25 children lives with neither parent. One out of every 132 children in America dies by the age of 1. And 1 in 680 children is killed by gunfire before the age of 20.

Let me do it a different way as to why I believe when we pass legislation we ought to talk about the impact of this legislation on children, and we ought to make it clear.

The PRESIDING OFFICER. We will have order in the Chamber.

Mr. WELLSTONE. I thank the Chair. I will say to my colleagues, if I don't get order, I will talk for a long time about this, because I don't think there is anything inappropriate about having a focus on the state of children in America.

So I hope that we can have order in the Chamber and I will be able to go on. I will take as long as necessary.

Mr. President, every day in America, one mother dies in child birth. Every day in America, three people under the age of 25 die from HIV infection. Every day in America, six children or young people commit suicide. Every day in America, 13 children and youths are murdered. Every day in America, 16 children and youths are killed by firearms. Every day in America, 36 children and youths die from accidents. Every day in America, 81 babies die. Every day in America, 144 babies are born at very low birth weight. Every day in America, 311 children are arrested for alcohol offenses. Ever day in America, 316 children are arrested for violent crime. Every day in America, 403 children are arrested for drug offenses. Every day in America, 443 babies are born to mothers who receive late or no prenatal care. Every day in America, 781 babies are born at low birth weight. Every day in America, 1,403 babies are born to mothers younger than 20. Every day in America, 2,377 babies are born to mothers who are not high school graduates. Every day in America, 2,556 children—babies—are born into poverty. Every day in America, 3,356 young people drop out of high school.

Colleagues, when I cite these figures from the Children's Defense Fund Report of this summer—this last report was July 17, 1998. When I cite the statistics that every day in America 3,356 high school students drop out, there is a higher correlation between high school dropouts and winding up in prison than between cigarette smoking and lung cancer. Surely, we ought to be looking at the state of children in America.

Mr. President, one quarter of all the homeless people in America are children under the age of 18, and 100,000 of these kids live on the streets right now. Mr. President, 5.5 million children go hungry in the United States of America today.

Mr. President, I commend my colleague for his emphasis on families. I commend my colleague for wanting to say that we want to do everything we can to enable parents to do well by their children. I want to commend my colleague for making the point that we want to make sure that parents are really able to exercise their responsibilities as parents with their children.

But I also want to say something else to my colleagues, which is that this second-degree amendment adds a lot of strength to what is on the floor. I don't think there should be any vote against this, because what the second-degree amendment says is, let's also apply this to the Congress. We simply say that whatever we vote out of committee, we also, in report language, have a very careful child impact statement. I see my colleague from Connecticut on the floor—probably the leading Senator for years when it comes to focusing on children. I say to my colleague, I think this is really an excellent idea. I think it is important for us to be looking at the impact.

Mr. President, I have one question that I can't let go of in my own mind, which I pose for every single colleague here: How can it be that right now in the United States of America, at our peak economic performance, we have one out of every four children under the age of 3 growing up poor in our country, and one out of every two children of color growing up poor in our country today? This is the most affluent country in the world, the most powerful country in the world, with record low unemployment, record economic performance, low inflation, a celebrated GDP, and we have a set of social arrangements that allow children to be the poorest group of Americans in our country. That is a national disgrace.

Now, Mr. President, I just want to go on and make one other point. In some of the debate that we have had over the years, colleagues have said, look, all right, Senator WELLSTONE, you disagree about proposed cuts in affordable housing, or Head Start; you disagree with proposed cuts in the Food Stamp Program, which is the major safety net food and nutrition program for children in America; you disagree with some of our other priorities, but we want to tell you that in no way, shape, or form are we not committed to children in America. I accept that in good faith. But what I want to say tonight is that, if so, we ought to at least be willing to look at our actions. We ought to be willing to look at our legislation, and we ought to be willing to analyze the impact on children in America.

Mr. President, I have traveled not just in Minnesota, but in our country, and the one thing that troubles me the most is, I just think we have to do a lot better for kids, a lot better for kids in our country.

We talk about low SAT scores; that is there. We talk about high rates of high school dropouts; that is there. We talk about children being arrested for substance abuse; that is happening. We talk about too many children taking their own lives; that is happening. We talk about too many children that are murdered; that is happening. We talk about too much violence in our schools; that is happening. We talk about too many hungry children in America; that is happening. We talk about too many children that are 3 and 4 years old and are home alone because the single parent is working and because there is no child care; that is happening. Second graders and first graders come home alone with no parent there, sometimes in very dangerous neighborhoods; that is happening. We talk about the poverty in our country and the number of children that are homeless children.

I say to the Chair, because of his commitment to veterans, that one of the most disgraceful things going on in our country is that about one-third of all the homeless are veterans—many Vietnam veterans. That is a scandal; that is simply unconscionable.

But the fact of the matter is that all of us say that we are for the children. All of us say that they are 100 percent of our future. All of us say that we care about children. All of us want to have our pictures taken next to children. All of us say that we are parents and grandparents and that this is our commitment. Well, I am saying that Senator ABRAHAM has brought a good piece of legislation on the floor. He wants to talk about the importance of parental responsibility. He wants to talk about the importance of families. And what I believe is that this second-degree amendment expands on his work, and I certainly hope that this amendment will be accepted by my colleagues.

Mr. President, I know there is a lot that we are trying to do tonight, and I have a lot more to say. In deference to colleagues—the majority leader has been gracious enough to come over here and say that this amendment will be accepted.

I just say to colleagues that, if so, I am delighted, I say to the Senator from Colorado. Might I ask my colleague one thing?

Mr. CAMPBELL. There is no opposition to the amendment.

Mr. WELLSTONE. Knowing of the commitment of the Senator from Colorado and just sort of knowing the way things work here, I wonder whether I could ask my colleague something. I am sort of tempted to have a vote because I would like to show a lot of support for this. I ask my colleague whether or not he would be willing to fight hard to keep this in conference committee?

I know my friend from Colorado being an honorable Senator—I am delighted that it will be taken—I am

wondering whether my colleague would give me some sense of whether or not he supports this, whether I can count on his support in the conference committee so this doesn't get taken out.

Mr. CAMPBELL. I can't speak for everyone in the conference, but from my own perspective I am very supportive.

Mr. WELLSTONE. That means a great deal to me.

I don't know whether my colleague from Wisconsin is on the floor right now, Senator KOHL, but I believe that I can count on his support.

Is the Senator from Michigan, Senator ABRAHAM, on the floor?

Mr. President, I thank my colleagues. I am delighted that the amendment is accepted. We can vote on it.

Mr. CAMPBELL. Mr. President, there is no opposition on the majority side to the Abraham amendment.

With that, Mr. President, I voice my support for the amendment.

The PRESIDING OFFICER. Is there further debate on the Wellstone amendment? If not, the question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 3373) was agreed to.

Mr. WELLSTONE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3362, AS AMENDED

The PRESIDING OFFICER. The pending question is now on the Abraham amendment, as amended, by the amendment of the Senator from Minnesota.

Is there further debate an the Abraham amendment?

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I suggest the absence of a quorum. We are in the process of getting some technical corrections on the amendment of the Senator from Michigan.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CAMPBELL. Mr. President, we got ahead of ourselves on the amendment of the Senator from Tennessee. I ask unanimous consent that the motion to reconsider the amendment be laid upon the table.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. The Abraham amendment is the pending question.

Mr. BINGAMAN. I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Objection is heard.

The pending question is the Abraham amendment.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico still has the floor.

Mr. BINGAMAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 3362, AS MODIFIED

Mr. ABRAHAM. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. Is there objection to the modification of the Abraham amendment?

Hearing no objection, it so ordered.

The amendment (No. 3362, as modified) is as follows:

At the appropriate place, insert the following:

SEC. ___. ASSESSMENT OF FEDERAL REGULATIONS AND POLICIES ON FAMILIES.

(a) PURPOSES.—The purposes of this section are to—

(1) require agencies to assess the impact of proposed agency actions on family well-being; and

(2) improve the management of executive branch agencies.

(b) DEFINITIONS.—In this section—

(1) the term ''agency'' has the meaning given the term ''Executive agency'' by section 105 of title 5, United States Code, except such term does not include the General Accounting Office; and

(2) the term ''family'' means—

(A) a group of individuals related by blood, marriage, adoption, or other legal custody who live together as a single household; and

(B) any individual who is not a member of such group, but who is related by blood, marriage, or adoption to a member of such group, and over half of whose support in a calendar year is received from such group.

(c) FAMILY POLICYMAKING ASSESSMENT.—Before implementing policies and regulations that may affect family well-being, each agency shall assess such actions with respect to whether—

(1) the action strengthens or erodes the stability or safety jof the family and, particularly, the marital commitment;

(2) the action strengthens or erodes the authority and rights of parents in the education, nurture, and supervision of their children;

(3) the action helps the family perform its functions, or substitutes governmental activity for the function;

(4) the action increases or decreases disposable income or poverty of families and children;

(5) the proposed benefits of the action justify the financial impact on the family;

(6) the action may be carried out by State or local government or by the family; and

(7) the action establishes an implicit or explicit policy—concerning the relationship between the behavior and personal responsibility of youth, and the norms of society.

(d) GOVERNMENTWIDE FAMILY POLICY COORDINATION AND REVIEW.—

(1) CERTIFICATION AND RATIONALE.—With respect to each proposed policy or regulation that may affect family well-being, the head of each agency shall—

(A) submit a written certification to the Director of the Office of Management and Budget and to Congress that such policy or regulation has been assessed in accordance with this section; and

(B) provide an adequate rationale for implementation of each policy or regulation that may negatively affect family well-being.

(2) OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall—

(A) ensure that policies and regulations proposed by agencies are implemented consistent with this section; and

(B) compile, index, and submit annually to the Congress the written certifications received pursuant to paragraph (1)(A).

(3) OFFICE OF POLICY DEVELOPMENT.—The Office of Policy Development shall—

(A) assess proposed policies and regulations in accordance with this section;

(B) provide evaluations of policies and regulations that may affect family well-being to the Director of the Office of Management and Budget; and

(C) advise the President on policy and regulatory actions that may be taken to strengthen the institutions of marriage and family in the United States.

(e) ASSESSMENTS UPON REQUEST BY MEMBERS OF CONGRESS.—Upon request by a Member of Congress relating to a proposed policy or regulation, an agency shall conduct an assessment in accordance with subsection (c), and shall provide a certification and rationale in accordance with subsection (d).

(f) JUDICIAL REVIEW.—This section is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

SEC. . FAMILY WELL-BEING AND CHILDREN'S IMPACT STATEMENT.

Consideration of any bill or joint resolution of a public character reported by any committee of the Senate or of the House of Representatives that is accompanied by a committee report that does not contain a detailed analysis of the probable impact of the bill or resolution on family well-being and on childen, including whether such bill or joint resolution will increase the number of children who are hungry or homeless, shall not be in order.

Mr. ABRAHAM. Mr. President, at this time I believe we have concluded all debate on the amendment.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the Abraham amendment?

If not, the question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 3362), as modified, as amended, was agreed to.

Mr. CAMPBELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 2312, which is open to amendment.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the amendment be set aside so I can offer an amendment.

The PRESIDING OFFICER. There is no amendment pending. The Senator has a right to offer an amendment.

AMENDMENT NO. 3376

(Purpose: To provide emergency authority to the Secretary of Energy to purchase oil for the Strategic Petroleum Reserve)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. MURKOWSKI, Mr. BREAUX, and Mr. TORRICELLI, proposes an amendment numbered 3376.

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

Mr. CAMPBELL. Mr. President, reserving the right to object, I note that we do not have copies of the amendment. We have not had a chance to see it yet.

Mr. BINGAMAN. Mr. President, I will have my staff get a copy to the manager immediately. I thought we had done that before.

The PRESIDING OFFICER. Let me clarify. Is there objection to dispensing with the reading of the Bingaman amendment?

Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following:

''ADDITIONAL PURCHASES OF OIL FOR THE STRATEGIC PETROLEUM RESERVE

''In response to historically low prices for oil produced domestically and to build national capacity for response to future energy supply emergencies, the Secretary of Energy shall purchase and transport an additional $420,000,000 of oil for the Strategic Petroleum Reserve upon a determination by the President that current market conditions are imperiling domestic oil production from marginal and small producers: *Provided,* That an official budget request for the purchase of oil for the Strategic Petroleum Reserve and including a designation of the entire request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount in the preceding proviso is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.''.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I would like to talk about a critical energy issue facing the country today that calls for urgent action.

That is the price collapse that we have seen for crude oil. We are near historically low prices for crude oil in the world, in real terms, due in part to the economic turmoil in Asia. This is leading to several serious problems.

First, we are threatened with the loss of a major domestic industry. When the wellhead price of crude oil is in the vicinity of $10 a barrel, as it has been recently in the Permian basin and elsewhere in the country), we drive producers of oil from marginal wells out of the business. There are about a half million marginal wells in this country. The employment from operating those wells puts food on the table for a lot of families all over the country, and we need to be concerned about their economic future.

Second, low prices mean we lose royalty and tax revenues that fund public education. Since October 1997, the drop in crude oil prices has triggered a revenue shortfall in the States totaling $819 million. That's close to a billion dollar loss for public education in less than one year. In New Mexico, counties and towns are canceling planned school construction and renovation projects.

Third, our national energy security is threatened. During the Arab oil embargo of the 1970s, we imported 30 percent of our oil. Today, it's 56 percent. Even before the current price decline, the Energy Information Administration was predicting that imports would go to 68 percent by 2015. With lower prices, though, EIA's projection rises to 75 percent oil import dependence.

Finally, international stability is put at risk by current oil prices. Earlier this month, the IMF approved $11.2 billion in aid for Russia. $2.9 billion of that amount was to make up for shortfalls in Russia's export earnings. Over half of Russia's oil is exported, but the benchmark price for that oil has declined by 25 percent in this year alone. Continued low world oil prices could undo whatever gains in stability are accomplished in Russia by IMF funding. The same is true of other major oil-producing countries such as Indonesia and Malaysia.

The Senate has recently focused on the problems confronting farmers growing out of collapsing world commodity prices. When it considered the agriculture appropriations bill, the Senate agreed to help address this urgent farm crisis by providing the Secretary of Agriculture with $500 million, under an emergency appropriation, to help agricultural producers, including family farmers, to stay in business. We need to do the same thing for the domestic oil industry.

The amendment that I have sent to the desk does just that. It is an emergency appropriation to allow the Administration to buy back all the oil the government has sold out of the Strategic Petroleum Reserve for budgetary purposes since the Gulf War. That amount comes to 28 million barrels.

We sold this oil out of the Strategic Petroleum Reserve to pay for other unrelated spending on appropriations bills. In effect, we were using one of the country's prime energy security tools as a giant ATM machine. The Chairman of the Senate Energy Committee and I led an effort last year and this to put a stop to such sales.

I am gratified that the Committee on Appropriations is not proposing any further sales this year. But the energy security concerns that I have mentioned, particularly our continuing and growing reliance on foreign oil imports, make repurchase of the oil for the SPR a good idea. Also, at current world oil prices, the oil we put back will cost less than what we sold it for. At an estimated cost of $15 per barrel delivered to the SPR, this amendment would require a $420 million emergency appropriation.

The use of an emergency appropriation in this case is well justified. It is somewhat less than what the Senate has done for farmers who are facing similar financial losses from the same sort of world economic forces and collapsing prices. And there can be no doubt that the economic implosion that threatens the oil-producing regions of the Southwest, if we allow current trends to continue, qualifies as an emergency.

This amendment gives the kind of help that does the most good here in the United States and internationally. It gets excess oil off the market. This would have a significant beneficial impact on wellhead prices, but not enough to trigger a price spike for refined oil products.

I think this is a good amendment. I think it is consistent with our concern for our long-term energy security. I think it is a very good investment. This is the time when we should, as a country, be thinking about replenishing the Strategic Petroleum Reserve. I hope very much the managers of the bill will be able to accept this amendment and that we will be able to add it to this piece of legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Senator BINGAMAN, will you add me as a cosponsor, please?

Mr. BINGAMAN. I am very pleased to add Senator DOMENICI as a cosponsor. I yield the floor.

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

The PRESIDING OFFICER. The Senator from New Mexico, Senator DOMENICI.

Mr. DOMENICI. Mr. President, it probably will come as a big surprise that, for example, the current price for a gallon of crude oil is cheaper than the price for a gallon of bottled water. Many people will say, ''That is great.'' Those who look at the American economy and forget about our oil production and our oilfield workers, they would say, ''Great.'' But if you are looking at how far we have gone in our oil dependence, you will see the small producers of oil in the United States are in the most serious problem they have been in in modern times. The prices are so low that I had two of them come to see me the other day.

One last year had $15 million invested in new wells; this year, zero. One drilled 31 new wells last year; this year, 1. We have hundreds of thousands of small wells, called stripper wells, producing 15 barrels a day or less. Many of those, if they shut them in, the oil is gone. The entire reserve is lost.

We are not sure how to fix that. It is a very complicated problem. But the amendment that is being offered, which I join in, is saying, with prices this low and the fact that we used a lot of our expensive oil during the Iraqi war, we ought to replenish with $420 million worth of purchases. At least it will stabilize somewhat the faltering prices here and may stabilize the stripper wells that are going down the tube and will not be available to America for the production of oil. The way it is paid for is to say: If the President of the United States deems it to be an emergency, then it will be an emergency under the budget. That is not exceptional. We do that for emergencies all the time. We think the oil patch is in a state of emergency.

Mr. President, the head of the National Stripper Well Association, estimated that small producers already have closed 100,000 wells this year, and cut production by 300,000 barrels a day and has been forced to eliminate 10,000 jobs because of falling prices.

Small oil companies are sinking with crude oil prices.

Behind the price drop is the reduced demand in Asia because of its financial crisis, the prospect of Iraq selling more oil and the inability of the OPEC to agree on production cuts.

The state, receives about 30 percent of its funds from oil and gas. Each dollar drop in the price of a barrel of oil translates roughly into a drop of $20 million in state revenues.

In Oklahoma, the continuation of low oil prices could lead to the permanent abandonment of about three-fourths of Oklahoma's almost 90,000 oil wells.

This amendment will direct the Secretary of Energy to purchase and transport and additional $420,000,000 of oil for the Strategic Petroleum Reserve upon a determination by the President that the current market conditions are imperiling domestic oil productions from marginal and small producers.

This is a small step to show support for our domestic oil industry.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS CONSENT REQUEST—PATIENTS' BILL OF RIGHTS

Mr. LOTT. Mr. President, if I could, I ask Senator BINGAMAN to allow Senator DASCHLE and I to bring up an issue we have been wanting to do, and also say we are working with a number of Senators to see how we might deal with this, see if it can be handled without having to go to a recorded vote. We need a few more minutes. In the meantime, Senator DASCHLE and I would like to do an exchange here with regard to a unanimous consent.

Mr. President, we need to try to clear up what we are going to do for the balance of the week. Senator DASCHLE and I have been working, back and forth, since the middle of June, trying to come to a unanimous consent agreement on how to handle the health care Patients' Bill of Rights issue. We have had a number of suggestions back and forth. We have not been able to come to agreement. There are ways that legislation could be brought to the floor anyway. But I am sure there would be objections if it were done in a way where there could not be amendments or, from this side, if there were unlimited amendments. But we need to try to see that there is one final opportunity for us to get a way to bring up the health care issue.

I ask unanimous consent the majority leader, after notification of the Democratic leader, shall turn to S. 2330 regarding health care. I further ask, immediately upon its reporting, Senator NICKLES be recognized to offer a substitute amendment making technical changes to the bill, and immediately following the reporting by the clerk, Senator KENNEDY be recognized to offer his Patients' Bill of Rights amendment, with votes occurring on each amendment with all points of order having been waived.

I further ask that three other amendments be in order on each side, for a total of six, to be offered by each leader or their designees, regarding health care. Following the conclusion of debate and following the votes with respect to the listed amendments, the bill be advanced to third reading and the Senate proceed to H.R. 4250, the House companion bill, all after the enacting clause be stricken, the text of S. 2330, as amended, if amended, be inserted, and the Senate proceed to vote at no later than 3 p.m. on Friday, July 31.

To sum up, what I am asking is we would have debate on the two underlying bills, six amendments, three on each side, and of course the votes that would be ordered as a result of that, and finish, then, by 3 on Friday, the 31st. I think we could have a good debate, have some votes, and complete that debate.

I further ask that following the vote, the Senate bill be returned to the calendar.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

Mr. DASCHLE. Reserving the right to object.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I would certainly want to reiterate what the majority leader said at the beginning of his comments, which is that we have been negotiating now for some time in an effort to determine how we might bring to the floor the health care bills offered by the Republican caucus as well as the Democratic caucus. I see Senator GRAHAM standing. There are other bills that may be contemplated in this debate as well.

Our view is that it would be very difficult to have a debate of the importance of what we consider this to be, with the limit of amendments that the majority leader has proposed. We had 56 amendments on the Agriculture appropriations bill. We disposed of them. We had 82 amendments on the Commerce-State-Justice bill. We disposed of them. I would not say, in either case, people felt that was too long a debate to have on an important bill like those two appropriations bills. We had 150 amendments on the Defense authorization bill.

I ask unanimous consent that the majority leader's request be modified to provide for relevant amendments—to limit it to relevant amendments. I think we can have a good debate. We are prepared to limit them to relevant amendments. I have asked my colleagues not to offer the Patients' Bill of Rights amendment to other bills because, in large measure, we have been working in good faith to try to see if we can accommodate a schedule that will allow us to bring it to the floor.

Certainly, I think having an agreement that would allow a debate, limited to relevant amendments, would certainly take into account the concerns that many of our colleagues have raised about being too limited on a bill, and a debate that is as consequential as is this one. So I make that request.

The PRESIDING OFFICER. The majority leader?

Mr. LOTT. Would that be with the agreement that we finish it and have final passage on the two underlying bills by a time certain on Friday?

Mr. DASCHLE. We would not know when we would finish. Obviously, we couldn't agree to a time limit on the bill because we really don't know how long the relevant amendments would take at this point.

Mr. LOTT. That would be our concern, then. There would be no way of knowing how many amendments or how long it would go on.

As the Senator knows, this year we have attempted some bills and we never could quite bring them to a conclusion. I really want to be able to get the Senate to actually vote on a bill that goes to conference. I believe Senator DASCHLE wants that, too. I am afraid, if we just go into it with relevant amendments with no limits—we only had 18 amendments, as I recall, on the tobacco bill. We stayed on that for 4 weeks. We only have 5 weeks and 2 days left, so I don't think we could do that.

Let me say to Senator GRAHAM, I know he and others are working on another bill. What we could do, we do have, under my proposal, three amendments on each side. We could make their substitute one of those three amendments. I presume that would be