

Mr. WYDEN. We know new prescriptions are right on the forefront of preventive medicine. What is exciting about the new medicines is they help to lower blood pressure and they can be helpful in dealing with a wide variety of health concerns, including cholesterol and other problems seniors have.

Could the Senator tell Members a little bit about how the model SPICE benefit was devised? It seems to me the Senator is trying to focus on wellness, holding costs down, and making prescriptions affordable.

Ms. SNOWE. The Senator raises an important question about the choices that would be available to seniors by creating this board. We look at the needs of seniors. What are the prescription drugs seniors most use? What is most available? What is out there already for insurance coverage? Where are the gaps? This board will have the ability to devise a number of plans across the board and make it available to seniors. Then they can make decisions as to whether or not that plan is tailored to their needs, similar to what Members of Congress get.

Members of Congress can avail themselves to an array of plans that provide for prescription drug coverage. The seniors in America should have the same choices. We want them to have choices and to avail themselves, as Senator WYDEN indicated, to the state-of-the-art, advanced developments in prescription drugs and medications.

We did not rely on Government programs, a big bureaucracy of price controls in order to achieve prescription drug coverage because there are bills out there in the House and the Senate that will either control the price of drugs or create a huge Government bureaucracy or impinge on the Medicare Program that already has significant financial problems.

Could the Senator tell Members how our bill will help seniors without relying on Government price controls but at the same time giving them the ability to have access to the most advanced prescription drug coverage in America?

Mr. WYDEN. I appreciate my colleague's question. We use marketplace forces. We use a dose of free enterprise, how our Federal employee health plan works.

What troubles me is a lot of those other bills focus on an approach of Government purchasing the medicine, but that will shift the costs onto a lot of other people.

I am very fearful that under some of those approaches, particularly the ones in the House, because Medicare essentially would control prices, they will shift the costs. What will happen is an African American woman who is 27, maybe single with a couple of children, will end up with a higher prescription drug bill because that person will end up seeing the costs shifted when prices are controlled just for the Medicare Program.

I think we ought to use marketplace forces, competitive principles. That is

what our legislation does. It will prevent cost shifting and help to hold down costs for all Americans.

I yield the floor.

Ms. SNOWE. Mr. President, I compliment my colleague, Senator WYDEN, for the comments he made. It is critically important to understand the differences in our approach as compared to others for controlling the price of drugs which will have an impact on the developments that have occurred in prescription drugs in America.

Most importantly, Senator WYDEN and I have come together on an approach we think is reasonable both from a fiscal standpoint as well as from a policy standpoint. We are allowing competition; we are allowing choice. We don't create a bureaucracy; we don't affect Medicare. We provide a financing mechanism.

It truly is a reasonable solution to a crisis that is facing America's seniors. I encourage my colleagues to take a very close look at this bipartisan proposal, the only one that has been introduced in the Senate, to talk to Members to see if we can come together so we can address this issue this year in this Congress.

I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Arizona is now recognized. The Chair will note the time allocated to the Senator from Arizona was to expire at 11 o'clock. The additional time has been taken by unanimous consent that has almost brought us to that time.

Mr. KYL. Mr. President, I ask unanimous consent to complete a statement, which is about 5 minutes.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. Without objection, the Senator is granted 5 minutes. Is there objection?

Mr. BRYAN. May I ask my colleague to yield for a unanimous consent request?

Mr. KYL. Certainly.

Mr. BRYAN. The Senator from Nevada asks unanimous consent that following Senator KYL and following Senator ROBERTS, the Senator from Nevada have 20 minutes to speak.

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

Mr. BRYAN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes. Following the Senator from Arizona, the Senator from Kansas will be recognized for 15 minutes. Following that, the Senator from Nevada will be recognized for 20 minutes.

The Senator from Arizona.

JUSTICE SANDRA DAY O'CONNOR

Mr. KYL. Mr. President, Sandra Day O'Connor was born on March 26, 1930, the first of three children of Harry A. Day and Ada Mae Wilkey Day. After attending secondary school in El Paso,

she pursued her undergraduate education at Stanford University.

Justice O'Connor initially studied economics at Stanford with the ultimate goal of running her family ranch. She was uninterested in the law until she took a business law class her junior year. She fell in love with law. Justice O'Connor enrolled in Stanford law school, and was able to graduate with her undergraduate and law degrees in 6 years. She excelled in law school, becoming a member of the Stanford Law Review's board of editors and graduating third in her class. While in Stanford Law School, she met her future husband, John Jay O'Connor III, as well as future Chief Justice William Rehnquist.

Upon graduating, the only job offer she received was for a position as a legal secretary. Unable as a female attorney to find employment with a private firm, she became a deputy county attorney in California. Soon after, her husband joined the Judge Advocate General's office for the U.S. Army and was stationed in Germany. Justice O'Connor joined her husband overseas as a civilian lawyer for the Quartermaster Corps.

The young couple returned to the United States in 1957, settling in Phoenix, Arizona. Within 6 years, the O'Connor's had three sons: Scott, Brian, and Jay. In 1958, after the birth of her first child, Justice O'Connor and a friend started their own law firm. Two years later, after the birth of her second child, Justice O'Connor became a full-time mother and immersed herself in volunteer work. She was a volunteer juvenile-court referee, chair of a juvenile home visiting board, and she organized a lawyer-referral service. In 1965, she returned to public service as an assistant state attorney general for Arizona.

In 1969, Justice O'Connor was appointed to a vacated seat in the Arizona Senate by the County Board of Supervisors. She won reelection to the Senate for two successive terms. Not surprisingly, she excelled as a state senator, and in 1972 she was elected majority leader. As would become standard for her, she was the first woman to hold such a senior legislative office anywhere in the United States.

In 1974, Justice O'Connor was elected to the Maricopa County Superior Court, where she served for 5 years. She was later encouraged to run for Governor, but declined. In 1979, Governor Bruce Babbitt's first appointee to the Arizona Court of Appeals was Sandra Day O'Connor.

On August 19, 1981, President Reagan nominated Justice O'Connor to become the 102nd Supreme Court Justice, replacing the retiring Justice Potter Stewart. She was the first woman nominee to the Supreme Court. She was confirmed by a vote of 99 to 0, and took the oath of office on September 25, 1981.

Justice O'Connor's tenure on the Court has been marked by her defense

of states' rights, equal protection, and religious liberty. Justice O'Connor is known as a restrained jurist, a strong supporter of federalism, and a cautious interpreter of the Constitution.

She has been described not only as committed and intense, but also as warm and down-to-earth, and a loving mother and grandmother.

Last Wednesday, September 22nd was the 18th anniversary of their confirmation as Justice of the United States Supreme Court, and last Saturday was the 18th anniversary of the day she took the oath of office. To honor her service to this nation and to the law, Senator MCCAIN and I have introduced a bill to name the new Phoenix courthouse in her honor as the "Sandra Day O'Connor United States Courthouse."

Obviously Justice O'Connor, being extremely modest, has repeatedly declined my overtures to have the courthouse named after her. However, in the face of my continued campaign and my obvious determination to see that she is given the recognition she has earned—and because the timeline of the courthouse's construction and dedication next spring require immediate action on the Senate's schedule—the Justice finally relented and allowed me to go forward with this legislation.

Justice O'Connor's place in history is set: she has been a trailblazer for women in the law—rising to the top in every area in which she has worked. Justice O'Connor is one of the most important jurists in our nation's history. It is fitting that a beautiful, yet very functional new Federal courthouse in Phoenix, Arizona, be dedicated in her honor.

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, the Chair recognizes the Senator from Kansas for 15 minutes.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2605

Mr. ROBERTS. Mr. President, I ask unanimous consent that following Senator BRYAN's remarks, the Senate then proceed to consideration of the conference report to accompany H.R. 2605, the energy and water appropriations bill. I further ask consent that reading of the report be waived and there then be 1 hour of debate equally divided between the chairman and ranking member.

I finally ask consent that at 2:15 today the Senate proceed to a vote on the adoption of the conference report, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

USDA'S APPROACH TO EMERGENCY FARM LEGISLATION

Mr. ROBERTS. Mr. President, I rise today to read a statement I am sending to Secretary of Agriculture Dan Glickman regarding USDA's approach to emergency farm legislation. The letter goes like this:

"Dear Mr. Secretary"—Dear Dan, we are personal friends—

We all agree that we need to get the emergency agriculture bill out of conference, passed and get the assistance to our farmers as fast as possible. In this regard, I am concerned with recent comments you have made regarding how these payments should be funded and made available to farmers. Instead of using the current Agriculture Marketing Transition Act—[and the acronym for that is AMTA—instead of using that] payment system that farmers and their lenders were promised and banked on several months ago, you and others within the Administration have recommended alternative payment plans.

In your September 15 testimony before the House Agriculture Committee, you said:

"There is an immediate need to provide cash assistance to mitigate low prices, falling incomes, and in some areas, falling land values."

But then you said:

"Congress should enact a new program to target assistance to farmers of 1999 crops suffering from low prices. The Administration believes the income assistance must address the shortcomings of the farm bill by providing counter-cyclical assistance. The income assistance should compensate for today's low prices and therefore they should be paid according to this year's actual production of the major field crops, including oilseeds."

[Mr. Secretary—] Dan, I know the Administration, the Farmer's Union and some Democrats in the Congress want to change the farm bill in the emergency legislation. And I know some of the budget [folks, I call them] "wonks" in the Office of Management and Budget—[I do not mean to perjure their intent, what they do, but they are] sending mixed signals and I know the politics of the issue. [There has been a lot of that.] Nevertheless, I urge you to reconsider for the following reasons:

First: The very farmers who need the assistance [and who would receive the assistance] oppose this plan.

The commodity organizations representing producers of soybeans, wheat, corn, cotton, grain sorghum, sunflowers, canola and rice and the American Farm Bureau—the very farmers you stressed in your statement—strongly disagree with your philosophy and proposal. In a letter to the chairman of the Senate Appropriations Committee, Senator Ted Stevens, they said and I quote:

"We strongly disagree with that [and I am saying] (your) philosophy. The current economic distress is partly a result of the unfulfilled promises of expanded export markets, reduced regulations and tax reform that were part of the promises made during deliberation of the 1996 farm bill. The costs of these unfulfilled promises fall upon those people who were participating in farm programs at that time.

[They go on to say, and I am quoting:

"The current AMTA payment process is in place and can deliver payments quickly. The administration costs of developing an alternative method of payments would be very high and eat into funds that should go to farmers. Given the 7½ months it took the Department to issue weather disaster aid last year, we are unwilling to risk that producers might have to wait that long for development and implementation of a new farm program and disaster aid formula. Time is also critical for suppliers of goods and services to producers. They need payments for supplies now to stay in business, not just promises that something will happen in the future.

"Supplemental AMTA payments provide income to producers of corn, wheat, cotton, rice, barley and grain sorghum."

Again, these are the very organizations, the commodity groups that represent the producers, that would receive the assistance. They go on to say:

"Soybean producers will receive separate payments under the Senate language. Crop cash receipts for these producers in 1999 will be down over 20 percent from the 1995-97 yearly average. Producers who have smaller than normal crops due to weather problems will receive normal payment levels. This is better than using the loan deficiency payment program which are directly tied to this year's production."

Finally they say:

"We urge you to retain the \$5.5 billion in supplemental AMTA payments as the method of distribution for farm economy aid in the agriculture appropriations conference agreement. Any alternative would certainly take additional time to provide assistance to producers—time which we cannot afford."

My second reason for opposing these alternative plans:

Changing the payment plan will mean farmers will not receive their payments until next year.

The term you used, Mr. Secretary, in your statement regarding the emergency payments was "immediate." The difference between using the AMTA payment system—

That is the current one—

and the several alternative methods you have suggested is: Three weeks or 3 months. Or this year or next.

Last week, Farm Service Agency official Parks Shackelford said: "All the king's horses and all the king's men could not get the payments made as quickly as Congress desires."

Well, Dan, last year the USDA was able to distribute payments through the AMTA system in less than 3 weeks after passage of the legislation by Congress. They began on November 3, the date of the election, by the way, and farmers received their payments before Thanksgiving.

Last year, in delivering disaster assistance, through a formula developed by the Department, it took 7½ months to receive these payments.

I say to the Secretary with no disrespect:

Dan, you are the "king" and you have the horses, just do it.

Third: No specific or formal plan has been presented and in terms of the actual farming practices, the criticism, in my view, just doesn't add up.

Staff on both the authorizing and the appropriations committees tell me no formal plan for an alternative distribution plan has been developed or submitted. What has been developed and submitted, however, is repeated criticism of current policy.

That has been ongoing for sometime, not only at the Department, not only by one major farm organization, but certainly on the floor of the Senate and the House, for that matter.

However, these comments show either naivete from people who do not understand the current legislation or worse, that the Department is breaking the law.

In recent weeks, the USDA and Office of Management and Budget officials have criticized plans to distribute income assistance through the AMTA system.

Their first complaint was, "Payments actually go to people who planted no crops."

I respectfully ask are producers who lost their crops due to hail, disease, drought, or flooding in better financial condition than