

One would think that is a reasonable, acceptable compromise, a middle ground. But instead, we hear the other side saying: It is our way or no way. We are going to block the appropriations bills unless you do it exactly the way we want it. They contend, again, unless we are voting for class size reduction, we are avoiding the issue of education, even though we have already voted on class size reduction six times in this Congress.

The Democrats considered bringing this issue up again in the HELP Committee just last week as an amendment to a bipartisan bill to fully fund the IDEA program. If a debate on education is what the other side really wants, then why did they object to multiple unanimous consent requests on the reauthorization of the Elementary and Secondary Education Act to keep the debate on education?

The ESEA debate was moving along very well on the Senate floor. There was a consensus that only a few amendments should be offered and they should be germane. They should relate to education. But then on the other side of the aisle there were those who objected to those agreements to keep the debate limited to education. I know that I and my colleagues on this side of aisle would be more than willing to return to S. 2, the reauthorization of this critical elementary and secondary education bill, to debate education, if we would simply have that agreement to limit the amendments not to everything under the sun, not to prescription drugs and a Patients' Bill of Rights and minimum wage and everything else, but to limit that debate to education.

I am not going to allow Members on the other side of the aisle to have it both ways. You claim that we are not dealing with education and then object to agreements to keep education debates on education bills. I suggest you are looking for an issue, not the passage of legislation.

Then on the issue of prescription drugs, my distinguished colleague from Illinois, Senator DURBIN, last week—I had the opportunity to preside as he made this speech, but I want to quote him—said:

On the other side, they make a proposal which sounds good but just will not work. Under Governor Bush's proposal on prescription drugs, he asserts for 4 years we will let the States handle it. There are fewer than 20 States that have any drug benefits. Illinois is one of them, I might say. His home State of Texas has none. But he says let the States handle it for 4 years. Let them work it out. In my home State of Illinois, I am glad we have it, but it certainly is not a system that one would recommend for the country. Our system of helping to pay for prescription drugs for seniors applies to certain illnesses and certain drugs. If you happen to be an unfortunate person without that kind of coverage and protection, you are on your own.

The PRESIDING OFFICER (Mr. BUNNING). The Senator's time has expired.

Mr. HUTCHINSON. I ask unanimous consent for 5 additional minutes.

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

Mr. HUTCHINSON. I know Senator MCCAIN is waiting. I appreciate very much his graciousness.

The fact is, while Senator DURBIN made that comment, every State does have a Medicaid program that offers prescription drugs today. In addition, they have State employee drug programs already in existence. These programs are separate from the State pharmaceutical assistance programs, of which 25 currently exist. So Senator DURBIN's argument is unfair and unjustified because the money given to the States is not required to be used to only start a new pharmaceutical assistance program.

They can be used to expand the existing Medicaid drug programs. So Governor Bush's helping hand drug plan provides greater assistance to low-income seniors, and provides it now, while Vice President GORE's plan requires an 8-year phase-in for those drug benefits. So I suggest that we are getting a lot of demagoguery.

The Patients' Bill of Rights is the final issue I wanted to talk about, but I will reserve that for another time. I will say this, and say it clearly: We have an active conference that has been working, and working hard. We had numerous votes on the Patients' Bill of Rights. We had endless amendments in the committee on the Patients' Bill of Rights. To suggest this isn't a deliberative body, as the Democratic leader suggested last week, is unfair. This issue has been debated, and debated thoroughly. It is the Democrats who stifled the debate by walking out on the conference in the spring. We can still have a Patients' Bill of Rights enacted if we have co-operation. There are two sides to every story, and both should be told. Let's not allow two competing agendas to prevent us from getting our work done on the spending bills. They are too important.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

MOTOR VEHICLE AND MOTOR VEHICLE EQUIPMENT DEFECT NOTIFICATION IMPROVEMENT ACT

Mr. MCCAIN. Mr. President, first I want to discuss an issue that is of sometimes importance, the Motor Vehicle and Motor Vehicle Equipment Defect Notification Improvement Act.

Last week, the Commerce Committee reported S. 3059, the Motor Vehicle and Motor Vehicle Equipment Defect Notification Improvement Act. The bill is in response to the systemic failure of the National Highway Traffic Safety Administration and the motor vehicle industry to share information that

could have prevented the fatalities that resulted in the recent recall of millions of Bridgestone/Firestone tires.

The key provisions of the bill would insure that NHTSA has the information that it needs from manufacturers to make sound decisions, including information about recalls in foreign countries. This legislation would increase penalties to deter manufacturers from withholding valuable information about recalls and establish appropriate penalties for the most egregious actions that place consumers in danger. It would also require NHTSA to upgrade the Federal motor vehicle safety standard for tires, which has not been updated since its adoption more than 30 years ago.

It is my understanding that a few Members have placed holds on this bill for various reasons—I think there are two—including opposition to the inclusion of criminal penalties for violating motor vehicle safety standards. Clearly, each member is entitled to place a hold on measures to which they object, but I hope that members can understand the importance of acting on the key provisions of this bill before Congress adjourns.

The criminal penalties provision in this bill have been the subject of much discussion. The provision is intended to allow for the assessment of criminal penalties in instances where a manufacturer's conduct is so egregious as to render civil penalties meaningless. An article in this week's Business Week, addresses the application of criminal penalties to such conduct. It reports that "prosecutors have been waking up to the fact that criminal sanctions may be a more effective deterrent and punishment than the worst civil penalties." Furthermore, a criminal penalties provision is not a novel inclusion. Multiple agencies are authorized to assess criminal penalties, including, among others, the Department of Labor, the Consumer Product Safety Commission, and the Environmental Protection Agency.

Already, NHTSA has linked more than 100 deaths to these tire failures. Last week, NHTSA announced that other models of Bridgestone/Firestone tires may be defective as well. We must act quickly to correct the problems that could lead to further loss of life. As I have repeated throughout the process, I am willing to work with my colleagues to address their concerns so that this vital legislation may be passed prior to the adjournment of this Congress.

In summary, more than 100 people have died. It is clear that we need this legislation. It is supported by the administration and by every consumer group in America. It passed through the Commerce Committee unanimously. I intend to come to the floor and ask that we consider this piece of legislation.

I expect those who are putting a hold on this bill to come forward and give their reasons for putting a hold on this

very important safety bill. We are talking about the lives of our citizens. This is a serious issue. That is why I intend to come to the floor again and ask that we move the bill. I hope those Senators who object will come forward and state their objections or remove their so-called holds on the bill.

CONFERENCE REPORT FOR ENERGY AND WATER APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. MCCAIN. Mr. President, this year's energy and water appropriations bill is very critical, particularly at a time when our Nation is facing rising gas and energy prices, national security disasters at federal facilities, and massive backlogs to complete multimillion projects for water infrastructure. That is why I am utterly disappointed that the final agreement for this bill blatantly disregards these national priorities in favor of special interests giveaways.

Mr. President, approving the annual budget is among our most serious responsibilities. We are the trustees of billions of taxpayer dollars, and we should evaluate every spending decision with great deliberation and without prejudice.

Unfortunately, each year, I am constantly amazed how the appropriators find new ways to violate budget policy. Appropriators have employed every sidestepping method in the book to circumvent Senate rules and common budget principles that are supposed to strictly guide the appropriations process. The excessive fodder and trickery have never been greater, resulting in the shameless waste of millions of taxpayer dollars. This final report is no exception.

This year's final agreement for the energy and water appropriations bill is only a minor reflection of the previous Senate-passed bill.

A grand total of \$1.2 billion is added in pork-barrel spending, a figure that is three times the amount from the Senate-passed bill and about \$400 million more than the amount of last year's total. I have twenty-one pages of pork-barrel spending found in this report.

An additional \$214 million is provided for designated "emergency" spending.

The latest epidemic here as we approach the appropriations issue, in order to avoid any budget restraints that may be remaining—and there are few—is the designation of "emergency spending."

Explicit directives are included for favorable consideration of special interest projects; and more than 30 policy riders are added in to conveniently sidestep a fair and deliberative legislative review.

I rise today to tell my colleagues that I object.

I object to the \$1.2 billion in directed earmarks for special interest projects in this bill. I object to sidestepping the legislative process by attaching erroneous riders to an appropriations bill. I

object to speeding through appropriations bills without adequate review by all Members. I object to the callous fashion which we disregard our national interests in favor of pet projects.

Some of my colleagues have said that the pork doesn't really matter much in these spending bills because it's not a lot of money. But, Mr. President, adding billions more in pork barrel spending is a lot of money to me and to the millions of American taxpayers who are footing the bill for this spending free-for-all.

While America's attention has been focused on the Olympic games in Sydney, Australia, our constituents back home may be interested to know that a gold medal performance is taking place in their own government. If gold medals were awarded for pork-barrel spending, then the budget negotiators would all be gleaming in gold from their award-winning spending spree.

However, I doubt many Americans would be appreciative if they knew that this spending spree will be at their expense with money that should be set aside to provide tax relief to American families, shore up Social Security and Medicare, or pay down the federal debt.

The figures speak for themselves. Again, this year's grand pork total is close to \$400 million more than the amount from last year's bill and more than three times the amount included in the recent Senate passed bill.

Unless I am grievously mistaken, I was under the distinct and very clear understanding that the purpose of Senate-House appropriations conferences are to resolve differences only between the two versions and make tough decisions to determine what stays in the final agreement. As a rule, no new spending could be added.

The rules are flung out the window once again. The overall total budget for this year's conference agreement has been fattened up by as much as \$2 billion more than the House bill, and about a billion more than both the amount included in the Senate-passed bill and the amount requested by the administration.

Let me give this to you straight. You have a certain amount passed by the Senate and a certain amount by the House. They are supposed to go to conference and reconcile their differences. Instead of that, we add billions of dollars in conference, and neither Senate nor House Members, nor members of the Appropriations Committee have a voice or a vote. That is disgraceful—disgraceful.

Each year, appropriators employ new spending tricks to avoid sticking to allocations in the budget resolution. It has become quite clear that these closed-door conferences, which no other Member can participate in or have any voting privileges, is simply another opportunity for members to take another trip to the trough to add in millions previously unconsidered for individual member projects.

What was described earlier in the Senate this year as a "modest" bill has

now become a largesse take-home prize for many Members. Numerous earmarks are provided for such projects that, while on its own merit may not be objectionable, were not included in the budget request or tacked on without any review by either the Senate or the House.

For example, within this final agreement, nearly 250 earmarks are added for individual Army Corps projects which are clearly not included in the budget request, and, more than 150 Army Corps projects were given additional amounts about the budget request.

The inconsistency between the administration's request, which is responsible for carrying out these projects, and the views of the appropriators on just how much funding should be dedicated to a project, is troubling. As a result, various other projects that may be equally deserving or higher in priority do not receive an appropriate amount of funding, or none at all.

This year's budget for Army Corps has been inflated to \$4.5 billion in funding for local projects. Yet, we have no way of knowing whether, at best, all or part of this \$4.5 billion should have been spent on different projects with greater national need or, at worst, should not have been spent at all. There's no doubt we should end the practice of earmarking projects for funding based on political clout and focus our resources in a more practical way, instead, on those areas with the greatest need nation-wide.

Other earmarks are rampant in this bill that appear that are clearly demonstrative of wasteful spending at the expense of taxpayers:

An earmark of \$20 million was added in during conference, without previous consideration by either the House or Senate, for an unauthorized project in California, the CALFED Bay-Delta restoration project. Certainly, I have no objections to restoring the ecological health of the Bay Delta area, however, any amount of funding for unauthorized projects flies in the face of comments by the managers who pledged not to fund unauthorized projects.

Also, \$400,000 is earmarked for aquatic weed control in Lake Champlain, Vermont. This particular earmark has resurfaced in appropriations bills for at least the past three years and it appears a bit preposterous that we continually fund a project such as this on an annual basis which has nebulous impacts on our nation's energy and security needs.

An earmark of \$800,000 is provided to continue work on "a detailed project report" for a project in Buchanan County, Virginia. Government spending is truly getting out of control if nearly a million dollars is necessary simply to compile a report.

Another earmark of \$250,000 is included for a "study" of drainage problems in the Winchester, Kentucky area. Granted, I do not object to trying to fix any water problems facing any local