which includes not just the income tax but also the payroll tax. Those are the things I think we ought to consider.

Now, the other issue in the debate last night was, whose side are you on? I know there is a difference between the two candidates. Let me say I am not here to say one candidate is bad and the other is good. That is not my role. My role is to say there is a very significant difference in what they believe and how they approach public policy. I think on the key issues the American people ought to evaluate these matters that were before this Congress.

A Patients' Bill of Rights: Who is on whose side on the Patients' Bill of Rights? Does anybody really believe that with the growth of the HMOs and managed care organizations that patients are just fine; let them fend for themselves? Or do people really understand it is time to do something to pass a Patients' Bill of Rights? And if they believe we ought to, why has this Congress not been willing to do it? I will tell you why: because too many in this Congress stand with the insurance companies and the managed care organizations, and too few have been willing to stand on the side of patients.

We have heard story after story of people who have had to fight cancer and fight their HMOs at the same time. These stories have been told on the floor of this Senate. I will state again that at one hearing I held on this issue with my colleague from Nevada, a woman stood up and held a picture of her son. She began crying as she described her son's death on his 16th birthday. Her son suffered from leukemia and desperately needed a special kind of treatment in order to have a chance to live. But he had to fight his cancer and fight his managed care organization at the same time because the managed care organization withheld that treatment. She said her son looked up at him from his bedside and said: Mom, how can they do this to a kid like me?

It is not fair to have a child or have parents fight cancer and the insurance company at the same time. That is not a fair fight. Should we pass a Patients' Bill of Rights? Yes, we should. It is what Vice President GORE said last evening. It is what we said in this Congress. Why don't we do it? Because too many stand on the side of the bigger economic interests and are unwilling to stand on the side of patients.

They say the Senate passed a Patients' Bill of Rights. No, the Senate passed a ''patients' bill of goods.'' It was like playing charades, pulling on your ear and saying: It sounds like. Those who wrote it knew what they were doing. Republicans in the House of Representatives say it not only is not worth anything, it is a giant step backwards. The Republicans in the House who support the bipartisan Dingell-Norwood bill know what we ought to do, and this Senate has been unwilling to do it.

Minimum wage: We have people every day who are working their hearts out trying to take care of their families at the bottom of the economic ladder. Somehow, while this Congress is in a rush to help those at the top of the income ladder with tax cuts, these folks who are working at the bottom of the economic ladder, trying to get ahead, are left behind. They deserve an increase in the minimum wage. They deserve to keep pace. It ought to be a priority in this Congress to say work matters and we value you. If you are struggling to work and take care of your families—good for you. We want to do something to make sure you keep pace with that minimum wage.

Other issues include prescription drugs and Medicare. Of course we ought to add a prescription drug benefit to Medicare, but this Congress does not seem to want to get there.

Helping family farmers: You can't say you are pro family and not stand for family farmers.

Education: We have not even passed the Elementary and Secondary Education Act.

We have a lot to do. There are big differences between the political parties. That doesn't mean one is good and one is bad. It simply means there are significant policy choices the American people have an opportunity to make. We have been struggling mightily on these issues. We are a minority on my side of the aisle. The debate last night highlighted some of the differences. And America needs to make a choice. Which path do they want to choose? One with more risk that might upset this economy of ours and throw us back into the same deficit ditch we were in before, or one that is more cautious, that says one of our priorities is to pay down the debt? Or will we choose a course that says we want to stand with the American people against the larger economic interests?

It is not a myth that the economic interests are getting bigger and bigger. Open the paper today and see who merged today. Yesterday it was two big oil companies. Tomorrow it will be two big banks. Every day the economic enterprises are getting bigger. And what is happening is every day the American people are finding they have less power in dealing with them, they have less power in confronting the prescription drug prices because the pharmaceutical manufacturers decide what the prices are, and they tell the American people: Pay up. If you don't like it, don't buy it. And they will charge ten times more for a cancer drug in the United States than the same drug they sell in Canada.

The American people need some help in confronting these concentrations of economic power. That is what we have been fighting for. My hope is that the next time someone says there is no difference in these campaigns, there is no difference between the two candidates for President, no difference between the Republican and Democrats, I hope they look at the record. There is a big difference. I hope they make a choice that says that difference matters in their lives, as well.

I yield the floor.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

## AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCY PROGRAMS APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report accompanying H.R. 4461, which the clerk will report.

The assistant legislative clerk read as follows:

A conference report to accompany H.R. 4461, an act making appropriations for Agriculture, Rural Development, the Food and Drug Administration, and related agency programs for fiscal year ending September 30th, 2001, and for other purposes.

The PRESIDING OFFICER. The Senator from New Jersey.

### CAPITAL PUNISHMENT

Mr. TORRICELLI. Mr. President, for nearly 200 years from the founding of our Republic, capital punishment has loomed as the ultimate punishment for the violation of our laws. This reflected a belief that such a severe penalty would serve as a deterrent to those who might think they can take an innocent life or bring injury to our people.

While this Nation has always believed that capital punishment is an appropriate penalty for those who commit the most heinous of crimes, our criminal justice system has also been based on the premise that it is better—and it has been part of American lore to suggest that it is better that ten guilty men go free than an innocent man ever be put behind bars or lose his life.

This is all the more true when what is at stake is not just putting a person in prison—an act that could be rectified or proven wrong—but the irretrievable taking of a human life. As long as there has been the American Republic, this has been a founding belief: Taking of a life, if it can deter a crime, but protecting a mistake of justice.

Throughout our history, concerns have been raised about the fair application of the death penalty for exactly this concern.

Almost 30 years ago, the Supreme Court, in Furham v. Georgia, effectively abolished the death penalty when it decided that death penalty statutes at the time did too little to ensure the equal application of the law. In doing so, the Court held that the death penalty, while itself not necessarily unconstitutional, was often