best in his future endeavors, and we hope he will continue to make himself available for further public service. Our country needs it.

GOVERNOR BUSH'S TAX PROPOSAL

Mr. HARKIN. Mr. President, an article appeared today in the Washington Post, Thursday, October 26, 2000, in which the American Academy of Actuaries, a respected nonpartisan organization of financial and statistical experts, reported Governor Bush's plan to cut taxes and divert Social Security payroll taxes to establish individual accounts would make it all but impossible to eliminate the publicly held national debt.

It is interesting. Ari Fleischer, a Bush spokesman, faulted the study because it relied on growth estimates contained in a recent Congressional Budget Office report that projected long-term budget trends. He said that this assumes growth ''at an unusually low level'' past 2010.

Wait a minute. The Congressional Budget Office is run by the Republicans, not by the Democrats.

Lastly, this report said ''counting his taxes and individual accounts, Bush is very much overspending Gore.''

I ask, in this campaign who is really the big spender? Obviously, it is Gov. George Bush of Texas. Don't take my word for it. Take the word of the American Academy of Actuaries for it.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ENACTMENT OF CERTAIN SMALL BUSINESS, HEALTH, TAX, AND MINIMUM WAGE PROVISIONS—CONFERENCE REPORT—Continued

Mr. LOTT. Mr. President, I believe we are ready to report the conference report.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A conference report to accompany H.R. 2614, an act to amend the Small Business Investment Act, and other purposes.

NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED

Mr. LOTT. Mr. President, I move to proceed to S. 2557 regarding American dependence on foreign oil.

I hope any Members who want to speak on the conference report will do so this evening. I will work with the minority leader to try to set up a time for a vote tomorrow.

In the meantime, I yield the floor for the tax debate. I observe that Senator BOND of Missouri is on the way to talk about the contents of the Tax Relief Act.

Mr. REID. Mr. President, I ask for the yeas and nays on moving to the energy bill.

The PRESIDING OFFICER. The majority leader has the floor at this time.

Mr. LOTT. 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. LOTT. 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. LOTT. Mr. President, I understand that we do have Senators who intend to use time tonight on the tax debate or other matters: Senator REID, for 20 minutes; Senator DASCHLE for 10 minutes; and Senator DODD for 30 minutes. I am not asking to lock the time but reserving. They have indicated they would need part of that time.

Senator BOND, the chairman of the Committee on Small Business, is here and wishes to continue the floor discussion on the tax bill.

Mr. REID. Let me say to the leader, we do have some people who wish to speak. As I indicated to the majority leader, the Democratic leader has been trying to find time all day to speak. He is in his office and will come out here in a short time to speak for 20 minutes or so. We have a number of other people to speak on this legislation. It shouldn't take too long.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. REID. Will the Senator withhold for a second? Senator DASCHLE, as I indicated to the leader, has been waiting to speak all day. Would the Senator yield to the Democratic leader to give a speech?

Mr. BOND. I am happy to do so, so long as I can regain the floor when he concludes so I may discuss the conference report which is before the Senate. I am happy to accommodate the distinguished minority leader.

The PRESIDING OFFICER. Is the Senator seeking unanimous consent to retain the floor?

Mr. BOND. I ask unanimous consent.

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

The Democratic leader.

Mr. DASCHLE. I appreciate very much the cooperation of the Senator from Missouri.

ENDING THE 106TH CONGRESS

Mr. DASCHLE. I wanted to talk briefly tonight about where we are. We are now 26 days into the new fiscal year. We should have completed our work 26 days ago. We are at a stage that should command we work together to try to resolve what remaining differences there are, finish our work, and do all we can to bring this session to a close.

Unfortunately, that is not what has happened tonight. What has happened tonight is that our Republican colleagues have insisted on a conference report for Commerce-State-Justice which they know will be vetoed. They have insisted on drafting a piece of legislation incorporating $240 billion in tax cuts, approximately $81 billion we are told—even though we still haven't had it analyzed and calculated—in changes to the Balanced Budget Act of 1997.

They insisted at the last minute, without any consultation, on incorporating one of the most controversial pieces of legislation pending before the Senate at the end of the year, a bill having to do with forcing States to accept a certain position on physician assisted suicide. There hasn't been any vote in the full Senate, but it is in this tax bill. It is a bill that has nothing to do with taxes, nothing to do with hospitals and ways with which to address the real problems we are facing all across this country with health providers, hospitals, clinics, hospice facilities, nursing homes. You name it, virtually every health facility in this country today is either on the verge of bankruptcy or in a serious financial position. We all recognize the need to do this before we leave, to address the problems our hospitals and all of our health facilities are facing.

What happened is that our Republican colleagues, with absolutely no consultation with any Democrats—House, Senate, or White House—have cobbled together a bill they know will be vetoed. The President just this afternoon sent a letter indicating he will veto the Commerce-State-Justice bill and he will veto the tax bill.

I come to the floor chagrined, disappointed, angered, frustrated. Speaker HASTERT has already reacted to the veto letters. I will quote what is reported in Congress Daily:

Do you have to have everything you want? How much petulance is there on the other side of the aisle?

When asked if Republicans would be willing to rework a tax bill at all, he responded that any new legislation would have to go through committee ''because anything else would amount to half-assed legislating.''

Let me repeat that. He said that new legislation would have to go through committee ''because anything else would amount to half-assed legislating.''

What is this, if it isn't what the Speaker has already described as half-assed legislating? We have got a bill before the Senate that nobody has seen. We have a bill before the Senate that hasn't gone through committee. No one has had the opportunity to consider it carefully. I hope my colleagues will hear me out on this. In fact, we have just heard and been told, and now it has been confirmed, that the conference report we are about to vote on

tomorrow literally eliminates the minimum wage for 6 months—eliminates it because of a glitch in the writing of the bill. We are eliminating the minimum wage for half a year in this legislation, totally. We are not rolling it back. We are not freezing it. It is eliminated.

I know our Republican colleagues had no real desire to eliminate the minimum wage, but that is what is in this legislation. Why? I think the answer is clear. Because the Speaker described it—I won't repeat it again and again but I think he had a very apt description for what we are doing right now. We are not going through committee. We are not going through the legislation on the floor. We are not going through a normal conference.

Let me start by saying what this is really all about is fairness. This is about fairness. It is about whether we are fair to a process and whether we are fair to all Senators who ought to have an opportunity to more carefully consider a $240 billion tax cut. It is about whether or not fairness would dictate that, if we are going to address a bill as important as restoring some of the payments through Medicare for all the health facilities in this country, we would have a chance to look at it; that we would have a chance to be consulted about it; that we would have a chance to voice our concerns about it and ultimately to have a chance to put the bill together in a way we can bring it back to the Senate and House with some expectation that there has been this deliberation. That is fairness.

I hear the Republican candidate for President, Governor Bush, talk, as he should, about the need for bipartisanship. If he says it once, he says it 10 times a day: I want to restore bipartisanship.

I must say, why wait until next year? Why not do it now? What is wrong with a little bipartisanship in putting a tax bill together? What is wrong with a little bipartisanship in ensuring that as we write a Balanced Budget Restoration Act that we have Republican and Democratic input? That is bipartisanship.

We have had a lot of bipartisan votes this year. We have the votes, now, to pass a Patients' Bill of Rights. That is bipartisanship. We have had Patients' Bill of Rights votes throughout the year. We have a bipartisan bill. We have had a bipartisan bill on a number of pieces of legislation relating to education, a bipartisan bill on minimum wage, a bipartisan bill on gun safety. Every time we have a bipartisan bill, the Republican leadership is not willing to allow the process to be complete. So there is no bipartisanship, whether it is on all the issues upon which we have already voted or whether it is on this bill tonight. None. Zero. No consultation.

This is about fairness. It is also about fairness when it comes to the issues we are talking about in the bill itself. I am very troubled by the amazing and extraordinarily complex ways our colleagues on the other side of the aisle have attempted to address many of the issues before us in this bill. We have not seen, until just this afternoon, what the tax bill entails. But we are told the tax bill has provisions incorporated that allow the bottom 60 percent of all taxpayers to receive only 5 percent of the tax benefits—60 percent of all taxpayers get 5 percent of the benefit. That is an unfairness as well.

We hear so much debate at the national level, at the Presidential level, about making sure everybody benefits. How is it the top 40 percent should get 95 percent of the benefit, once again? And why is it we have to insist that, in situation after situation involving tax fairness, it has to be a fight about whether or not we can equitably distribute the benefit? Once again, each and every time the minimum of what you would expect for working families is left off the table. I do not understand why we cannot be more fair when it comes to tax policy and distribution. But for 60 percent of the people to get 5 percent of the benefit is not fair.

It is not fair as well to be sending millions of children to schools that are in a total state of disrepair. I do not have the number in front of me, but I will tell you this: 76 percent of all the school districts in this country have at least one school building that is in a state of disrepair. There are hundreds of billions of dollars in backlog all over this country with regard to school construction. We have had problems with infrastructure all over our State. My State is not unique. There is not a State in this country that has been able to adequately and satisfactorily address the problems with regard to school construction—not one.

What we have said is let's take at least a modicum of the responsibility. My goodness, if we can pass highway construction bills and courthouse construction bills and airport construction bills and all the array of other housing construction bills at the Federal level, certainly we can help school districts help build better schools. What is wrong with providing them with some tools, financially, to get that job done? If this fight is about anything tonight, it is about that. It is about our inability to address in a meaningful way real school construction this year.

We had asked for a $25 billion commitment on the part of the Federal Government and this bill falls far short of the mark. And the President said on that basis alone he would be prepared to veto this bill. If we do not fix the school construction bill adequately in this legislation, it will never be signed. That, too, is a question of fairness—fairness for those school kids who must face the fact each and every day that their safety and the quality of their education is dictated by the crumbling school they must enter each and every day they come. That is wrong. That is unfair. That ought to be addressed in this Congress before we leave. And whether it is in this tax bill or in the education funding that has to be appropriated prior to the time we leave, we have to fix it. We have to address it.

There is also, as I noted earlier, a serious question relating to the fairness of the BBRA, the Balanced Budget Reform Act. We know what limited dollars we have. We recognize this may be our last shot. This may be our last real opportunity to send as much help out to the States as we can possibly provide if we are going to solve the problem of nursing homes, solve the problem of hospitals and clinics, solve the problems of hospice. Whether or not we are able to get that job done depends on whether or not we can adequately address it in this bill.

But what did our Republican colleagues do? They spent $28 billion over five years, more than a third of which goes to HMOs who have already indicated, with or without the money, they are pulling out of Medicare in many States. They will not be influenced by this legislation or by the incredible price tag this legislation holds for them.

I must say, I don't get it. We all claim to be concerned about the threat to the surplus that we have so carefully been able to amass over the last couple of years. We have all indicated that is our highest priority, to assure that we can retain the fiscal responsibility this year, next year, and from here on out. Yet we pass a bill that includes a gift of more than $11 billion to HMOs in the name of trying to keep them in Medicare in States when they have said they will not stay in those States regardless of how much we pay them, ransom or not. There is an $11 billion ransom payment in here and it is not going to help one State.

The problem we have is that it is taking money away from nursing homes. It is taking money away from hospitals. It is taking money away from hospice. It is taking money away from clinics. I do not understand, in the name of fairness, why we can't appreciate how extraordinarily important this is.

This is a question of fairness. It is a question of being fair to the nursing homes and hospitals which are hanging on by their fingernails tonight, hoping we can do the right thing in providing them with the assistance they need in fixing the mistake we made in 1997. It is a question of fairness about whether or not we are going to provide tax benefits to all the people, not just to those at the top.

It is a question of fairness with regard to whether or not schools are going to have the kinds of funds they need to ensure they have the ability to build the schools our children need today; not tomorrow, today. It is a question of fairness whether or not we can do what Governor Bush, Vice President GORE, and so many of those out there seem to be talking about each and every day: restoring some semblance of bipartisanship in this

body, in the Congress, and in the Federal Government.

We have fallen so far off that mark. There is not anything bipartisan about this package. There is absolutely nothing in here that even begins to appreciate the need for a bipartisan consensus, and here we are tonight, 26 days after the fiscal year began, with a veto of a bill that should have been resolved months ago.

It is not only unfair, it is incredibly bad management. We can do better than this, Mr. President. We have to do better than this. We have to do better than this in restoring some sort of comity, some sort of cooperation, and some sort of dialog when we take on bills of this import. We have to restore fairness if we are really going to address tax legislation this year.

Fairness dictates that we have a school construction program of which we can all be proud. Fairness demands that we find a better way to solve the BBA problem than we have in this bill. We need fairness. We need attention to those issues. We need to resolve it before we leave. We need to do it tonight, tomorrow, Sunday, Monday, however long it takes. We have to do this before we leave.

We will have more to say about this.

Mr. WYDEN. Will the distinguished minority leader yield for a question?

Mr. DASCHLE. I will be happy to yield to the Senator from Oregon.

Mr. WYDEN. I thank my colleague. Mr. President, I think Senator DASCHLE has given an excellent statement tonight and has come back to what I think is the central concern of our time, and that is that the people of this country want to see bipartisan cooperation on all the central matters that are before the country.

I want to ask the Senator a question about the process. I will be very brief because I know the Senator from Missouri has been anxious to talk and has been very patient.

The tax legislation before us directs Federal law enforcement officials to criminalize the pain management decisions of our health care providers in an effort to throw Oregon's assisted-suicide law into the trash can. More than 50 major health organizations have said that they oppose this effort in this legislation because they believe the bill before us is going to have a chilling effect on pain management.

I am going to have a whole lot more to say about this subject tomorrow. Tonight I will be very brief. It seems to me what Senator DASCHLE is saying tonight—and I am interested in his thoughts—is that on an issue such as this, one of the most important bioethical decisions of our time, what the Senate ought to do is have a real debate, a real discussion, a chance to work in a bipartisan way rather than proceeding as we are now to establish new rules on one of the most sensitive, ethical, and social issues of our time without any opportunity to review it or modify it.

Is the Senator from South Dakota just saying he wants Government to operate in a fashion along the lines of what the American people expect on these central and very difficult issues?

Mr. DASCHLE. Mr. President, the Senator from Oregon has stated it so succinctly and so correctly. That is exactly what I am saying. He has noted the extraordinary nature of the provision he has cited. There is a great deal of controversy involving the issue, and I give credit to those in Oregon who have tried to grapple with the very personal issue of suicide and physician-assisted efforts involving suicide.

As he has noted, a large number of organizations have publicly stated their support for the Oregon law, but the real question is not whether one agrees with the Oregon law or one does not agree. The question is, On a question of this controversy, of this import, of this breadth, should we be forced at 8:15 tonight to be talking about it without having had the benefit of discussion in the full Senate up until now?

Not only that, should we take it on a take-it-or-leave-it basis? This has been buried in a bill having nothing to do with physician-assisted suicide. This has a lot to do with taxes. It has a lot to do with school construction. It has a lot to do with health care. It has nothing to do with physician-assisted suicide, and at the last minute, our Republican colleagues put it in there, buried it in the bill and now want us to vote on it, up or down, no debate.

That is incredibly bad management. That is so unfair, not only to us—we ought to have the opportunity—but to Oregon, to the country, to the issue. That is what troubles me perhaps most of all: Once again, they have denigrated the institutional process in ways I do not think anybody can fully appreciate. Something as important as this should have its day in court. There should be a debate about it. I am sure in Oregon they spent a lot of time debating, considering, and consulting prior to the time they came to any conclusion. We should do no less.

The Senator from Oregon is absolutely right. That is in part what this is about.

Mr. WYDEN. Mr. President, if the minority leader will yield again briefly, as someone who opposes assisted suicide—and I have talked to almost all of our colleagues—I know there is very strong feeling in the Chamber, just as the minority leader has said in his thoughtful statement. There ought to be a way to oppose assisted suicide without setting in place a Federal law enforcement regime that will harm pain management.

I ask the minority leader, as we go forward in this debate, because I intend to talk for a long time about this tomorrow, is it the Senator's desire that at least we could try tomorrow to have a discussion on this extraordinarily important social and ethical question?

Mr. DASCHLE. I respond to the Senator from Oregon, since it is part of this legislation, I think it dictates that we have a lengthy discussion about it. Certainly we have to make sure that everybody understands the ramifications of all the provisions.

Again, in the name of fairness, we ought to be providing those Senators who have a great deal of interest in this issue and who certainly know more about it than many of us who have not been exposed to much of the debate to date, that we have some discussion about it. Again, it goes back to the Speaker's comments in the first place. You can do it the right way or you can do it the way they have done it tonight. We have done it wrong tonight. People like the Senator from Oregon, like the Senator from Nevada—all of us—deserve better. The people deserve better. We are going to insist that they get better than what they have been given so far.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Missouri.

Mr. BOND. Mr. President, I am going to make some comments about the conference report that is before us, but perhaps it would be advisable to set the record straight. I agreed to allow the minority leader to go first as a courtesy to him. There are many things he said that I believe reflect a viewpoint many of us on this side of the aisle do not share.

I would only note that when we talk about bipartisanship, it was our understanding that the leadership on both sides, for example, agreed we would get 10 appropriations bills passed out of the Senate before the July recess. Due to the extensive debate and extended dilatory activities engaged in on this floor prior to our August recess, to get something like the fifth, sixth, and seventh bill before us, we had to invoke cloture.

Now, to me, that is not a mark of good bipartisan cooperation. We have been stalled for many months. There have been examples where we have worked on a bipartisan basis.

In another role, I express my appreciation to my colleagues on the Democratic side of the aisle for getting our Veterans Affairs, Housing and Urban Development bill passed. I think we have worked on a bipartisan basis there.

But with the problems we are having with the appropriations bills, the problems we are having throughout, I do not think the other side can say we have been the ones who have refused to operate in a bipartisan manner.

I heard reports from the majority leader, for example, of the contacts made to him by the President of the United States, a Democratic President, about this bill and about the measures in it.

If you look at this bill, a lot on my side of the aisle do not like it because it has so many of the priorities that our Democratic friends wanted. If this were strictly a Republican or a partisan bill, I do not think you would see

the minimum wage in its current form; you would not see the community renewal, a massive new Federal Government program.

Frankly, with all the spending the President has requested in the Labor-HHS appropriations bill—and the President is now requesting more spending in that bill than his initial budget request—to add, as this bill does, some $16 billion for school construction, which is two-thirds of the President's request, I think is a major step towards helping in this new area, which traditionally has been the responsibility of the local school districts.

We have heard there is a desire for more and more spending. That is not surprising. That is the habit of our friends on the other side of the aisle. They have never seen a tax surplus they did not want to spend. Tax cuts are very unpalatable to them. But we want to leave some of the taxes in the pockets of the people who earn them.

I have not seen the figures—I do not know the study the minority leader came up with to say that 60 percent only get 5 percent of the tax cuts—but I think, if my memory serves me correctly, the lowest income 40 percent of the population do not pay any income taxes. I imagine the lowest 60 percent probably pay not more than a couple of percent of the total tax burden.

Now that is not to say there has not been some fuzzy math with respect to the figures we presented, but only to say that if you are going to have tax cuts, the people who get the tax cuts are going to be the people who pay the taxes. It sounds logical, sounds simple, but that is the fact of the matter.

I might add, also, that small rural school districts will be benefited in school construction because their exemption has been raised from $10 million to $15 million.

When we hear talk that the Democrats have not had anything to say about this, the tax bill includes bills that have already been voted on and passed, been voted out of the House, been voted out of the Finance Committee. Certainly the small business portion of the bill, which I am going to talk about, has been passed, as usual, out of the Small Business Committee on a unanimous vote, a bipartisan vote.

If I remember correctly, when the bills that are included in the small business section came before this body, there was only one dissenting vote, and that was on my side of the aisle.

But if there is ever a bipartisan measure, it is the measures we have reported out of the Small Business Committee.

On the Retirement Security and Savings Act of 2000, when the House passed the pension bill earlier this year, it was a vote of 401–25. It was reported out of the Finance Committee last month by a unanimous vote. I was not there for the vote, but I assume there were some Democrats there—there usually are—who voted for it unanimously.

So it stretches credulity beyond any acceptable measure to say that this does not incorporate measures adopted and supported by our colleagues on the other side of the aisle—certainly measures demanded by the President.

We had a caucus on our side, and many people thought it would be difficult to vote for a bill because there were so many priorities from the Democratic side. But under the measure that has come before us, there are clearly many important Democratic priorities.

Excuse me, I misspoke a few moments ago when I indicated what the percentage of total taxes was paid by the lowest income taxpayers. The lowest income taxpayers, the bottom 56 percent pay 6 percent of the taxes. So that is roughly the figure.

H.R. 2614—CONFERENCE REPORT

Mr. BOND. Let me move to the bill before us. It has been thoroughly covered with faint praise. Maybe it deserves a hearing in its own right before this thing gets pasted all over the place. I would like my colleagues and our constituents to know what is in it because I think there are some good things in it.

The conference report on H.R. 2614, the Certified Development Program Improvement Act, has grown over the past week to include not only a 3-year reauthorization bill for the Small Business Administration, but it includes extensive tax legislation, provisions to reform and improve the Medicare program, and, as I mentioned, pension reform. We might call this bill ''Small Business and Friends.'' A lot of important luggage is being carried on the train that our little small business bill is pulling.

As chairman of the Committee on Small Business, I will comment first on the Small Business Reauthorization Act of 2000. This is, as I said before, the result of many months of work by the Senate and House Committees on Small Business. The bill is the conference agreement to reauthorize most small business programs at the Small Business Administration, and it reauthorizes the Small Business Innovation Research Program.

To summarize the provisions briefly, this includes an 8-year reauthorization of the Small Business Innovation Research Program, the SBIR Program. This program was initially implemented in 1983 and allows Federal agencies to award research grants and contracts to small research firms. This is vitally important to develop the capacity in the economy as a whole, and the country as a whole, to do high-quality research needed by the Federal Government.

Some 50,000 SBIR awards have been made since the inception of the program. It contains measures to ensure that small businesses receive the appropriate allocation of Federal R&D funds, to require that agencies retain more comprehensive information on the program's operations that will improve its management, and to protect the intellectual property of the small businesses that participate in the program.

The conference report also establishes what we call the FAST program, a matching grant initiative to provide incentives to States to assist in the development of high-tech small businesses.

We have noted, particularly those of us from the heartland, that companies on the east and west coasts generally receive the vast majority of SBIR awards, while companies in the South, Midwest, and Rocky Mountain States receive proportionally very few awards. Out in the heartland, we, too, have technology. We have research capabilities. The FAST program will help even out the concentration of the awards by providing wide latitude to States to provide the type of help their high-tech businesses need to succeed and create high-paying quality jobs for their citizens.

The Small Business Reauthorization Act of 2000 also includes a comprehensive reauthorization of the credit and management assistance programs that are included in the broad umbrella of small business programs administered by the SBA. The omnibus bill includes the flagship 7(a) guaranteed business loan program, the Small Business Investment Company program, and the Microloan program. Certain improvements were made to the Microloan program championed by the ranking member of the Committee on Small Business, the distinguished Senator from Massachusetts, Mr. JOHN KERRY. The Microloan program has been expanded. We also included aspects which will be especially beneficial to women-owned small businesses across the United States.

In addition, this extensive legislation would reauthorize and make improvements in the management assistance programs, including the SCORE and Small Business Development Center program. As a result of the continuing oversight responsibilities of the Committee on Small Business, the bill includes a significant improvement package for the HUBZone program. This is a program which I was pleased to present and have adopted by Congress, signed by the President, that provides set-aside contracts to bring jobs and economic opportunity to areas where there has been high unemployment and high poverty. This is a geographically based program, which actually takes the jobs to the communities that need them to help people get from welfare to work by using the power of the Federal Government as a purchaser to create business opportunities.

First and foremost, the bill, H.R. 5545, addresses the inadvertent exclusion of Indian tribal enterprises and Alaska Native corporations from the program. These provisions resulted from extensive negotiations between