which would effectively undermine the proposal of the Secretary of HHS on Final Rule for organ transplantation. To read an excellent editorial in the Washington Post, dated 11-17-99. It puts this issue in perspective. It says:

Congress has not quite given up the year-long attempt to block rules that would make the Nation’s organ transplant network more equitable. House leaders are maneuvering to undo a deal reached by conferees allowing the rules to go into effect, even threatening to block an authorization for search and training at children’s hospitals if the organ rules are not further delayed.

This was written at a time when they were threatening to hold up the help that this legislation would provide the disabled. HHS recommendation would result in closure of smaller transplant centers.

Mr. President, that fear about the fate of small centers is the heart of the argument of those that have put on this rider. A rider that has no business being put on the floor at this time equally divided in the usual form.

The Institute of Medicine’s analysis further found that there is no reason to conclude that minority and low-income patients would be less likely to obtain organ transplants as a result. Likewise, data does not support the assertion that potential donors and their families would decline to make donations because an organ might be used outside the donor’s immediate geographical area.

The Institute of Medicine recommended that HHS—and this is on page 12 of the report—should exercise the legitimate oversight responsibilities assigned to it by the National Organ Transplant Act, and articulated in the Final Rule for organ procurement and transplantation in the public interest.

Federal oversight is needed to ensure that high standards of equity and quality are met. Those high standards of equity and quality were included in the Secretary’s excellent recommendation. By tampering with those, we are undermining enormously powerful and important health policy issues. And this extremely controversial rider is added onto underlying legislation which is so important to millions of disabled individuals in our country. Individuals who thought—when this legislation moved through the House of Representatives, and has the strong support of President Clinton, and has had the bipartisan support here in the Congress—thought that there was going to be a new day for those who have physical or mental challenges and disabilities to have the ability to participate in the workforce and become more productive, useful, active, and independent citizens in this country, and also to be able to contribute to the Nation in a more significant way.

I certainly hope we can work through this process because the legislation, which as I mentioned, has been completed and supported in a bipartisan way, is a lifeline to millions of Americans and deserves passage.

I see my friend and colleague, Senator Jeffords, who has been instrumental in having this legislation advanced. I am glad to see him on the floor at this time. I hope he will address the Senate on this issue.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

The Senator from Vermont.

EXTENSION OF MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that morning business be extended until 1 p.m. with the time equally divided in the usual form.

Mr. JEFFORDS. Mr. President, I thank the Senator from Massachusetts. I would be happy if he desires to more fully discuss what we have done. I was not here to hear his full speech. I thank him. We have worked together. He was here years before I came to the Senate. In 1975, we had the initial big step forward for the disabled and were able to set up the 94142, as it was called then, to make sure all children got a good education, and especially those with disabilities.

As we have walked through this over a period of many years, we have fought year by year to remove block by block what the disabled community has had to face. Finally, we are at that point where we are opening the final door to allow them to do what all disabled want to do, and that is to have a meaningful life, to be able to seek employment, and get employment without having the doors slammed because they lost their benefits.

I can’t thank the Senator enough for what he has done. Also, there are others, some who have left this body, such as Bob Dole, who was another leader for the disabled. I praise him also for the work he did, and especially in this area where he helped us introduce the bill that we were so happy to be able to cosponsor and to see it put into the final steps.

I thank the Senator from Massachusetts profusely for all he has done. I would be happy to yield for any further comment.
Mr. KENNEDY. As I mentioned earlier, this has been a continuing process beginning with the passage of the Americans With Disabilities Act when we put into law protections for the disabled so they wouldn't be discriminated against in the workplace based upon their disability.

As the Senator knows very well, that has been enormously important and has been effective. But as the Senator has pointed out, with this legislation complimenting what has been achieved with the Americans With Disabilities Act, we can open an entirely new dawn for millions who have some disability.

As we are getting closer to achieving that, I am sure the Senator agrees with me when I say that we are very close to getting the President’s signature on this, and there will be people saying: What has taken them so long? This is such a commonsense approach. But as the Senator knows, this has been a battle every step of the way. There have been those who have felt that if we do this for this particular group, we might be establishing some form of precedent that may be used somewhere down the road, and worry if we know where it might lead.

There are a number of strong negative voices out there. Nonetheless, I think with the leadership of the Senator from Vermont and others—he mentioned certainly Senator Dole, Senator Weicker, and our good friend on our human resources committee, Tom HARKIN, who is generally recognized in this body as one of the real authorities on disabilities on this floor—I am delighted to stand before you today, to speak about an extremely important piece of legislation.

The bill I know he is eager to sign into law, will have a tremendous impact on people with disabilities. In fact, this legislation is the most important piece of legislation for the disability community since the Americans With Disabilities Act.

My reason for sponsoring this particular piece of legislation is quite simple. The Work Incentives Improvement Act of 1999 addresses a fundamental flaw in current law. Today, individuals with disabilities are forced to make a choice—an absurd choice. They must choose between working and receiving health care. Under current federal law, if people with disabilities work and earn over $700 per month, they will lose cash payments and health care coverage under Medicaid or Medicare. This is health care coverage that they need, this is health care coverage that they cannot get in the private sector. This is not right.

Once enacted, the Work Incentives Improvement Act of 1999 will allow individuals with disabilities, in states that choose to do so, to continue access to health care when they return to work or remain working. In addition, those individuals who seek it, will have access to job training and job placement assistance from a wider range of providers than is available at this time. Currently, there are 9.5 million individuals with disabilities across the country who receive cash payments and health care coverage from the federal government. Approximately 24,000 of these individuals live in my home state, Vermont. Once enacted, the Work Incentives Improvement Act will actually save the federal government money. For example, let’s assume that 200 Social Security disability beneficiaries in Vermont will return to work and forgo cash payments. That would be 10,000 individuals out of the 9.5 million individuals with disabilities across the country. The annual savings to the Federal Treasury in cash payments for just these 10,000 people would be $123,500,000. Imagine the savings to the Federal Treasury if this number were multiplied.

Clearly, the Work Incentives Improvement Act of 1999 is fiscally responsible legislation.

I began work on this bill in 1996. Though it was a long and sometimes difficult task, many hands made light work. Senator KENNEDY, Ranking Member on the HELP Committee, joined me in March of 1997. Senators DOTY and MOYNIHAN, Chairman and Ranking Member on the Finance Committee signed on as committed partners in December of 1998. Last January, 35 of our colleagues, from both sides of the aisle, joined us in introducing S. 331, the Senate version of this legislation. One week later, at your Finance Committee hearing, we heard compelling testimony from our friend, former Senator Dole, a strong supporter of this legislation. A month later, we marked this legislation out of the Finance Committee with an overwhelming majority in favor. Finally, on June 11, with a total of 80 cosponsors, we passed this legislation on the floor of the United States Senate, with a unanimous vote of 99–0.

Four months later, over 35 of our colleagues in the Senate and House Conferences, have been working diligently in effort to reach common ground. I am very pleased today that the differences in policy in the two different bills have been resolved and consensus has been reached on a conference agreement. This agreement reshapes what we promised the original intent of the legislation, retaining key provisions from S. 331.

From my perspective, the Work Incentives Improvement Act of 1999 represents a natural and important progression in federal policy for individuals with disabilities. That is, federal policy increasingly reflects the premise that individuals with disabilities are cherished by their families, valued and respected in their communities, and an asset and resource to our national economy. Today, most federal policy promotes opportunities for these individuals, regardless of the severity of their disabilities, to contribute to their maximum potential—at home, in school, at work, and in the community.

I have been committed to improving the lives of individuals with disabilities through my Congressional career. Providing a solid elementary and secondary education for children with disabilities, so that they will be equipped, along with their peers, to benefit from post-secondary and employment opportunities is crucial. When I came to Congress in 1975, Public Law 94–142, the Education for All Handicapped Children Act, now the Individuals with Disabilities Education Act (IDEA), was enacted into law. IDEA assures each child with a disability, a free and appropriate public education. I am proud to be one of the original drafters of this legislation and expect of children with disabilities through an amendment to the Rehabilitation Act.

In addition, I have been committed to providing job training opportunities for individuals with disabilities. In 1978, I played a central role in ensuring access to programs and services offered by the federal government for individuals with disabilities through amendments to the Rehabilitation Act. I believe that this amendment alone has contributed to the enormous economic improvement in the lives of millions of Americans and make progress on it.

I again thank the Senator from Vermont for the opportunity to work with him. We still have a ways to go to make sure the legislation actually reaches the people and addresses the regulations in the way it is intended. But I think this is going to be enormously important—and I hope soon to reach common ground. I am very pleased today that the differences in policy in the two different bills have been resolved and consensus has been reached on a conference agreement. This agreement reshapes what we promised the original intent of the legislation, retaining key provisions from S. 331.
1998, both of which I drafted. Most importantly, this legislation opened the doors for the most comprehensive piece of legislation to address the needs of individuals with Disabilities Act of 1990. This legislation prohibits discrimination on the basis of disability in employment, public services, public accommodations, transportation, and telephone service. 

The legislators have forever changed the social landscape of America. They serve as models for other countries who recognize that their citizens with disabilities are an untapped resource. In addition, individuals with disabilities are seen everywhere, doing everything. Just this past weekend, thousands of physically disabled individuals participated in the New York City Marathon, as they have been doing for years. The expectations that these people see their rights, this is an encouragement to standards we apply to them have increasingly been raised, and now in many circumstances equal those set and applied to other individuals.

Unfortunately, one major inequity remains, that is, the loss of health care coverage. If an individual on the Social Security disability rolls chooses to work, individuals with disabilities will no longer need to worry about losing their health care if they choose to work a forty-hour week, to put in overtime, or to pursue career advancement. Individuals with disabilities are sitting at home right now, waiting for this legislation to become law. Having a job will provide them with a sense of self-worth. Having a job will allow them to contribute to our economy. Having a job will provide them with a living wage, which is not what one has through Social Security.

In addition to continuing health care coverage and providing job training opportunities for individuals with disabilities, this legislation offers many other substantial long-term benefits. The Work Incentives Improvement Act of 1999 gives we access to data regarding the numbers, the health care needs, and the characteristics of individuals with disabilities who work. Furthermore, this legislation will provide the federal government as well as private employers and insurers, the facts upon which to craft appropriate future health care options for working individuals with disabilities. It will allow employers and insurers to factor in the effects of changing health care needs over time for this population. Hopefully, it will even improve the way in which employers operate return-to-work programs. Through increased tracking of data, we will learn the benefits of intervening with appropriate health care, when an individual initially acquires a disability. We will also learn the value of continuing health care of individuals with a disability. If an individual, even with a severe disability, knows that he or she has access to uninterrupted, appropriate health care, the individual will be a healthier, happier and thus more productive person.

I would like to take the time now to briefly outline the major provisions which have remained as part of this legislation. The conference agreement retains the two state options of establishing Medicaid buy-ins for individuals on Social Security disability rolls, who choose to work and exceed income limits in current law, as well as for those who show medical improvement, but still have an underlying disability. The Part A premium of Medicare disabled beneficiaries, the conference agreement extends access, beyond what is allowed in current law, to Medicare. In addition, the legislation before us today retains several key provisions from S. 331, including appropriate health care, the individual or she has access to uninterrupted, appropriate health care, when an individual initially acquires a disability. We will learn the benefits of intervening with appropriate tracking of data, we will learn the benefits of intervening with appropriate

Although several changes have been made from the original Work Incentives bill, I am still very pleased with what we are adopting today. This legislation will help the disabled population by improving the way in which employers operate return-to-work programs. Through increased tracking of data, we will learn the benefits of intervening with appropriate tracking of data, we will learn the benefits of intervening with appropriate training and rehabilitation agencies was deleted in Conference. The new legislation gives the Commissioner of Social Security the authority to address these matters through regulation.

CONGRESSIONAL RECORD—SENATE 
November 18, 1999

I would like to note two changes to the Ticket to Work program made during Conference. The new legislation shifts the appointment authority for the members of the Work Incentives Task Force of the Consortium for Citizens with Disabilities. These individuals will be able to work, to preserve their eligibility for Social Security, to become independent, and most importantly, to contribute to their communities, the economy, and the nation. We are making a statement, a noble
LEGISLATIVE LANDFILL

Mr. DURBIN. Mr. President, as we reflect at the end of this legislative session on our accomplishments, it is my belief that there are very few things we can go back home to tell the American people we achieved.

100 Senators and 435 Members of the House representing 535 districts came to Washington, DC, at the beginning of the year and listened closely to President Clinton's State of the Union Address saying he outlined a program and some objectives, many stood and cheered. The applause lines were frequent during the course of that speech. People of both political parties left the State of the Union Address saying they were now energized and invigorated to go forward and address the issues facing America, and we began the legislative process.

For me, it is the 17th time I have been through this. It is hard for me to remember another session of the Congress as unproductive as this session of the Congress. When it came to issues that the people and families across America care about, this Congress refused to do anything. This wasn't a titanic struggle between the Republican conservative agenda and the progressive agenda of the Democrats where we brought issues to the floor and fought over amendments from one side to the other. That is what we are supposed to see on Capitol Hill. That didn't happen because there was no agenda on the other side. The Republican leadership had no agenda.

Recently, a Republican Congressman said we considered this year a "legislative timeout." When timeouts occur during the course of an NFL football game, most people leave the room and go to the refrigerator; if America's families had left the room and gone to the refrigerator, they would have spent a lot of time there this year if they were waiting for Congress to do something. We didn't do it. We didn't respond. Now we have to go home, as we should, and explain it.

Let me state some of the issues we failed to act on this year, issues that make a difference to families across America. The Patients' Bill of Rights:

The relationship of a person, a family, a business, to their health insurance company. This is pretty basic. When we asked America's families, they said that is the No. 1 concern. We want to make certain, when we go in a doctor's office, that the doctor makes the decision, not some clerk at an insurance company. We need to go back home and pass a Patients' Bill of Rights. Pass a Patients' Bill of Rights. We need to do that.

America. The Patients' Bill of Rights: failed to act on this year, issues that responded. Now we have to go home, as we didn't do it. We didn't re-

The Republican leadership because there was no agenda on the other. That is what we are supposed to go to the refrigerator; if America's care. Pass a Patients' Bill of Rights.

Mr. DURBIN. Mr. President, under the unanimous consent agreement, how the Democratic side?

The voice on the other end of the phone said: No; no. The insurance company off in Topeka, KS. We are in morning business?

It was a sad day for America. It was a sad day for a country which has tried to lead the world and say to countries such as India and Pakistan, stop what you are doing, don't keep this arms race going and develop nuclear weapons that could mushroom into a war that would destroy not only people in those two countries but in many other nations. This Congress, this Senate, failed to enact a nuclear test ban treaty.

The nuclear test ban treaty failed in the Senate on a largely partisan vote. It was a sad day for America. It was a sad day for a country which has tried to lead the world and say to countries such as India and Pakistan, stop what you are doing, don't keep this arms race going and develop nuclear weapons that could mushroom into a war that would destroy not only people in those two countries but in many other nations. This Congress, this Senate, failed to enact a nuclear test ban treaty.

We failed to enact any legislation to deal with school construction. Let's take a look at the numbers: There will be more kids showing up for classes in the next 10 years than we have been serving in the last 10 or 20 years. Those kids need teachers, they need classrooms, they need modern schools, schools where they have the electricity to make certain they can sustain the computer technology, schools that are safe, schools where kids have a positive learning environment. When the President made this proposal for school construction, there was great relief and disapproval on the other side of the aisle. We have done nothing in this session of Congress to deal with school construction.

Campaign finance reform: Is there a more basic issue for the future of Congress? Will we ever change the current system which has become a bidding war among special interests where Members of the Senate such as myself literally have to be on the phone day and night, begging for money for a campaign that costs millions of dollars? If you are not independently wealthy and cannot write a big check to sustain your own campaign in the