

**SENATE—Monday, January 31, 2000**

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

**PRAYER**

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God of peace, we seek to receive Your peace and communicate it to others throughout this day. We confess anything that may be disturbing our inner peace. We know that if we want peace in our hearts, we cannot harbor resentment. We seek forgiveness for any negative criticism, gossip, or innuendo we may have spoken. Forgive the times that we have brought acrimony into our relationships instead of bringing peace into misunderstandings. You have shown us that being a reconciler is essential for a continued, sustained experience of Your peace. Most of all, we know that lasting peace comes from Your spirit, Your presence in our minds and hearts.

Show us how to become communicators of the peace that passes understanding, bringing healing reconciliation, deeper understanding, and open communication. In the name of the Prince of Peace. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable JIM BUNNING, a Senator from the State of Kentucky, led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**RECOGNITION OF THE ACTING MAJORITY LEADER**

The PRESIDENT pro tempore. The Senator from Kentucky is recognized.

**SCHEDULE**

Mr. BUNNING. Mr. President, this morning the Senate will be in a period of morning business until 2 p.m. Following morning business, the Senate will resume debate on the bankruptcy reform bill under the previous order. There are a few amendments remaining, and those Senators who have amendments under the agreement are encouraged to work with the bill managers on a time to debate their amendments. As previously announced, votes ordered with respect to the bankruptcy legislation will be stacked to occur on Tuesday at a time to be determined.

In an effort to complete the bankruptcy bill, Senators may expect votes throughout the day on Tuesday and

Wednesday. Following completion of the bankruptcy bill, the Senate is expected to begin consideration of the nuclear waste legislation.

I thank my colleagues for their attention. I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

**AMERICANS WITH DISABILITIES ACT DECISION**

Mr. THURMOND. Mr. President, I am pleased that the Supreme Court announced recently that it will decide whether state governments are bound by the Americans with Disabilities Act.

The issue in the case, Dickson v. Florida, is whether the states are immune from suit under the ADA based on the Constitution's 11th Amendment immunity provision for states. The legal issues are quite similar to Kimel v. Florida Board of Regents, in which the Supreme Court held earlier this month that the states cannot be sued under the Age Discrimination in Employment Act.

This case could be critical to a bill I have introduced, the State and Local Prison Relief Act. This legislation, S. 32, would exclude state prisoners from coverage under the ADA. The Dickson case underscores the need to accomplish the purpose of this bill. The Congress did not consider all of the potential consequences of enacting the ADA, and its implications on prisons is one of the best examples.

The courts have always deferred to the states in the management of prisons. We do not need the federal courts second-guessing the states' decisions on how to best manage and control the volatile prison environment. This is especially true in the face of a statute that creates very specific legal rights for very broad classes of individuals.

The Act is detrimental to the safe, orderly operation of state prisons. Moreover, at the very least, it gives prisoners more of an excuse to challenge authority by providing them more tools to bring frivolous lawsuits against state prisons.

Dickson is a case of great significance. It provides the Supreme Court a unique opportunity to limit the reach

of Federal power over state prisons and continue its recent affirmation of the power of the states in our constitutional scheme of government.

Mr. President, I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, it is my understanding we are in a period of morning business now.

The PRESIDING OFFICER. That is correct.

Mr. REID. I am going to be in control of the time under the control of the Democratic leader today.

The PRESIDING OFFICER. Until 1 o'clock.

**CAMPAIGN FINANCE REFORM**

Mr. REID. Mr. President, I have been interested in watching both the Democratic and Republican battles in New Hampshire for the nomination of the respective parties. I was not able to watch personally, but I understand that yesterday Mr. MCCAIN, the senior Senator from Arizona, was interviewed on one of the national shows and talked about campaign finance reform and, in effect, the difficult sledding it has been for him, a Republican, to move forward on this issue.

Based on what the Supreme Court did just last week, I think it is significant to keep our eye on the prize, and that is to recognize that the Supreme Court has now given us the latitude and leeway to be able to do something about campaign finance reform. Senator MCCAIN is to be congratulated for being so responsive to what I think the American public is asking from us. That is to do something about lessening the need for the huge amounts of money in Federal elections.

Senator MCCAIN has been very lonely out there, for being a member of the majority. He has not had a lot of support. I think it has taken a lot of courage for him to move forward with campaign finance reform. I believe if we start talking about the issue, as I have heard Governor Bush say: Well, I can't support campaign finance reform because it will simply help the Democrats—Mr. President, it would help the American public if people took a more realistic view regarding this vital legislation. Let's move forward with

legislation that will take the demand for money out of the mix.

I have said it on this floor before, but I think it is worth repeating. In the small State of Nevada, with less than 2 million people, \$23 million was spent in my last reelection. No one outspent the other. My opponent spent the same amount of money I did—a little over \$4 million, for the individual campaigns. We each spent, through the various parties, money on our behalf, basically, \$6 million each. That is \$20 million. Plus, we don't know, but I have estimated there was another \$3 million on independent expenditures.

That is out of line. It is obnoxious, it is obscene, it is too much money. We have to arrive at a point where we have to take this soft money mix out of campaigns. We may not be able to do everything included in the McCain-Feingold bill that we need to do, but let's work toward a compromise that at least takes corporate money out of campaigns.

Earlier in this century, the decision was made by Congress that corporate money should not be allowed in Federal elections. Over the years, that has worked fine. But in a ruling the Supreme Court said, well, you still can't use corporate money on individual campaigns, but State parties can use it basically any way they want. As a result of that, there has been this tremendous rush by both parties for corporate money, and they spend it on behalf of individual candidates. I think that is wrong. We should reverse that statutorily. As I reviewed the Supreme Court decision, it was clear that, in fact, was the case. Justice Souter did a very good job in writing that opinion. It is clear and concise. I think we should move forward and have campaign finance reform.

Mr. President, beginning this congressional session, the last year of this Congress, it is important that we reflect on where we are and where we need to go. It seems pretty clear we have made great progress in getting the country's fiscal house in order. Just 7 years ago, when President Clinton came into office, the yearly budget deficit was more than \$300 billion, especially if you add in the Social Security surplus, which was being used for years to mask the annual deficit. Instead of having these \$300 billion-plus deficits every year, we will now, for the second year in a row, have a surplus.

It is difficult for those of us who have served in this body for a few years to understand that we are now talking about what we should do with our surplus. During this period of time, we have created over 20 million new jobs. The vast majority of the jobs are high-wage jobs, good jobs. We have low unemployment, low inflation, strong economic growth, and lower Government spending. We have cut the payroll of the Federal Government by over 300,000

individuals, excluding the cuts that have been made within the military.

We are doing a much better job. We are at 18.7-percent Federal Government spending as a share of gross domestic product, and that is the lowest since 1974. That is real progress. Real hourly wages are up. We also have strong private sector growth, and as I have indicated, low inflation. The underlying core rate of inflation is at its lowest since 1965. In the last four quarters, the GDP price index has risen only 1.3 percent, which is the lowest rate of increase since 1963.

We are talking about decades and decades of improvement. We have reduced welfare rolls. Both parties worked together to bring about less welfare. That is important. Not only are we seeing people move off the welfare rolls, we are putting people to work. We have high-home ownership. We have jobs in the auto industry. People said a few years ago that the American automobile industry was dead and that we should forget about again being somebody who produces most of the cars in the world. That was reversed because of good decisions by management and tremendous production by labor.

Since 1993, we have added almost 200,000 new auto jobs. The annual rate of adding auto jobs is the fastest we have ever had. I think we are doing very well.

Regarding the construction industry, all we have to do is look at the State of Nevada which leads the Nation, and has for 14 years, as the fastest growing State in the Union. We have cranes—some use the old term that it is the "national bird"—all over the State of Nevada, with construction going on. But Nevada is not the only place; this country is in a period of phenomenal economic growth. There are still sectors that need improvement, but we have done fine. We are looking now to improving people's lives. We are now looking into issues that we never have before.

I am sure that you, just as the Senator from Nevada, find all this Internet stuff kind of new. It is something we didn't have when we were growing up, and it has taken some training and some real education to become somewhat computer literate. It is so easy to become computer literate. You can order anything you want off the Internet. You can order CDs, water, and many other items.

The other Saturday morning, I turned on my computer to find out what the news was in Nevada. They have a little teaser there almost every time you turn on the computer about different services rendered. One of the things on my computer said, "Do you want to sell your house?" My wife and I, with our children being raised now, are considering moving from our home where the kids were raised to a smaller

place. And so I clicked on that little thing on my computer, and within 5 minutes, on my screen in McLean, VA, where we have our home locally, I found places where homes were sold in the last 2 years and for how much they were sold.

There is so much on the computer that it is difficult for me to comprehend. That brings about another problem, and that is our privacy. Is our privacy being protected with all the things happening on the Internet? Some say yes, some say they are not too sure, and some say no. This is something at which we as a Congress need to take a look. We need extensive hearings to determine how safe information is on the Internet.

Are our medical records being protected? If your wife, your father, your brother, your sister goes to the hospital, are their records being protected? Is your privacy being protected? Is your credit card protected on the Internet? Are, in fact, these people who are getting information on the net selling this information to other people? These are questions raised in this new, modern society in which we live and at which Congress must take a look. We didn't have to look at those things just a short time ago.

In addition to recognizing that our economy is in great shape, we have things on which we have to work. We have to realize we have new challenges ahead of us. Privacy is one of them.

I talked about campaign finance reform. That is so important to us. We need to take a look at that. But also we have to take a look at what is happening to the health care delivery system in our country. Every year, over a million people become uninsured. We have now well over 40 million people who have no health insurance. That is not something that we can say is someone else's problem. It is our problem, just as it is someone else's problem.

Why do I say that? Because when a person who has no health insurance is in an automobile accident, they go to the emergency room—that is the most expensive care that can be rendered. As a result of this, the fact that people who have no health insurance are taking care of that way causes my premiums to go up and yours. It causes higher taxes to be charged for health care, and it, of course, causes hospital and doctor bills to be increased more than they should to take care of those people who have no health insurance.

We must do something about inadequate health care. The fact is that in America, the most powerful nation in the world, we have over 40 million people today with no health insurance. We could add in all of the little things people have talked about such as medical savings accounts and all other such things. If we added all of those and accepted them—some would say no, that is not good, and some of us disagree

about the way to go. But let's say we did. We would then take care of only about 3.5 million people, still leaving almost 40 million people with no health insurance. We have to be real and stop talking about these little gimmicks and start talking about the fact that health care is something of which too many people do not have the benefit. Those people who do not have health insurance are being jerked around.

The fact is that we have tried to pass a Patients' Bill of Rights giving people the ability to have health insurance and not to be taken advantage of by big-interest companies and HMOs. That is why we have worked very hard to have a real Patients' Bill of Rights passed, one where people can go to a specialist when they want to; to a health care plan that allows a woman to be taken care of by a gynecologist when she believes it is necessary; a provision so that when somebody does something negligent and wrong, they can be sued. People don't like lawyers unless they need one themselves. With health care, there are times when people do things that are wrong. Individuals need the right to go to court to redress wrongs.

We have a lot to do in this Congress. We don't need to come here and boast about how well we are doing with the economy. We need to do something about the campaign finance problems we have in this country, about our health care delivery system.

It is clear, with all that is going on in our country today, that we need to look at how guns are handled. I have said on this floor before and I say again that I was, in effect, raised with guns. As a 12-year-old boy, I was given a 12-gauge shotgun for my birthday. I still have that gun. My parents ordered it out of the Sears & Roebuck catalog. I learned how to handle weapons as a young boy. We would hunt and do the other things you do with guns. I have been a police officer. I personally have a number of firearms in Nevada.

I have no problem with the fact that if I want to purchase a handgun, I tell people who I am and they can make a determination by checking my identification and whether or not I am a felon or in fact mentally unstable. That is what the Brady bill is all about. Hundreds of thousands of people are granted weapons as a result of that. I am willing to be checked each time I purchase a gun. I don't think that is unreasonable. But there are those who are trying to avoid that by going to pawnshops and purchasing pistols, and, as a result of that, checks aren't made—or they are going to gun shows. We need to close those loopholes. Here on this floor last year, we did that. That was done by virtue of Vice President GORE breaking the tie vote. But the problem is, we haven't gone to conference. We need to take that loophole out of the law. The American public be-

lieve that is appropriate. We should at least do that. That is the minimum we can do with guns.

My knowledge about weapons is, I think, average or above, and I don't need an assault weapon to go hunting or to protect my family. These assault weapons need some restrictions placed on them. I am a believer in the second amendment. Nothing that I have talked about today deprives anyone of their second amendment rights.

In this Congress, I hope we can work in a bipartisan fashion to solve some of these problems that everyone recognizes: Campaign finance reform, health care, problems with guns in our society, and other things on which we need to work together to come up with bipartisan solutions to the problems that face this country.

One of the things we worked very hard on last year as a minority—we hope the majority will join with us this year—was to do something about raising the minimum wage. Why is it important that we raise the minimum wage? That is all the money some people get to support their family. In fact, 60 percent of the people who draw minimum wage are women, and for 40 percent of those women who draw minimum wage, that is the only money they get for themselves and their families. It is important that we increase the minimum wage. The minimum wage is something more than a bunch of kids at McDonald's flipping hamburgers; it is for people who need to support their families.

Speaking for the minority, we reach out our hands to the majority. We want to work with the majority to pass meaningful legislation. But I also say we want to approach legislation in the way it has been traditionally handled in this body: For example, the bankruptcy bill, which at 2 o'clock this afternoon will be brought up and we will move forward. We have worked very hard in spite of the fact that there are in the minority some people who support the underlying legislation and some who don't support the legislation. But we have worked to move this legislation forward to have the battles here on the Senate floor. That is why we were disappointed at the end of the last session when the majority leader filed cloture on this legislation when there were only a few amendments left that would take up any time at all. As a result of that, some of us joined together during the break and said: We are not going to let this legislation move forward, we are going to have 45 Democrats voting against cloture, until we have the opportunity to debate these measures which we believe are important.

What were the two things holding it up? One was legislation that said do not do violence to a clinic that gives advice on birth control measures and gives counsel to people as to whether

or not they should terminate a pregnancy. This is something that is enforced by the laws in this country. The U.S. Supreme Court ruled that these kinds of clinics are legal. Whether or not you agree or disagree with abortion is not the issue. A person has no right to throw acid in these facilities and do everything they can to stop the business from going forward. There have been lawsuits filed against people who do this. This amendment says if you do that, you can't discharge that debt in bankruptcy. That is what this amendment is all about.

We are going to have an opportunity to vote on this in the next few days. That is the way it should be.

The other amendment that was holding things up and caused cloture to be filed was an amendment by the Senator from Michigan that says if you manufacture guns and there is a lawsuit filed against you because of something you did which was wrong, you can't discharge that debt in bankruptcy. I am paraphrasing the amendment. Senator LEVIN will explain it in more detail.

But we have said, no matter how you feel on the gun issue and abortion, these are issues that have nothing to do directly with these issues; this issue deals with bankruptcy. As a result of that, the minority held firm.

I applaud the majority leader. He withdrew the motion for cloture. We are going to debate this and complete this legislation in the next couple of days. We are willing to work with the majority if we go through the normal legislative process allowing us to bring up our amendment. We worked hard to try to reduce the number of amendments. Some amendments are difficult. Some amendments we don't want to vote on, but that is what we are elected to do—vote on tough issues. We can't avoid those tough votes by filing cloture and knocking all of these amendments out.

Again, on behalf of the minority, we look forward to a productive session and we will do everything we can to make sure we not only keep the economy moving but also handle some of the more difficult issues that face us in this society.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### PRESCRIPTION DRUG COVERAGE FOR SENIOR CITIZENS

Mr. WYDEN. Mr. President, I intend to take a few minutes this afternoon to talk about the prescription drug issue