

**SENATE—Monday, April 10, 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:

Lord of creation, You have written Your signature in the bursting beauty of this magnificent spring day in our Nation's Capital. We thank You for the rebirth of hope that comes with this season of renewal. You remind us: Behold, I make all things new. As the seeds and bulbs have germinated in the earth, so You have prepared us to burst forth in newness of life. We forget the former things and claim Your new beginning for us. Help us to accept Your forgiveness and become giving and forgiving people. Clean out the hurting memories of our hearts so we may be open communicators of Your vibrant, creative spirit as we tackle problems and grasp possibilities of this day for the sake of our beloved Nation's future. By Your power. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable Thad Cochran, a Senator from the State of Mississippi, 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 PRESIDING OFFICER. The acting majority leader is recognized.

**SCHEDULE**

Mr. COCHRAN. Mr. President, on behalf of the majority leader, I am pleased to announce that today the Senate will be in a period of morning business throughout the day with time reserved for Senators DURBIN, THOMAS, CRAIG, MURKOWSKI, and BROWBACK. Cloture was filed on the gas tax bill on Friday. Therefore, pursuant to rule XXII, all first-degree amendments must be filed by 1 p.m. today. By previous consent, the cloture vote has been scheduled to occur at 2:25 p.m. on Tuesday. That vote will be the first vote of this week. The Senate will also consider the marriage tax penalty bill during this week's session and the budget conference report. Therefore, Senators can expect votes to occur on Friday.

I thank my colleagues for their attention and cooperation.

**GAS TAX CONSIDERATION**

Mr. REID. Mr. President, we were able to work our way through the budget this past week. It took a lot of time and cooperation, but I think we were able to make a lot of headway. We are disappointed that a number of our amendments were not adopted.

The good news—and I think we should focus on this a little bit this morning—is the fact that gas prices are actually declining, on an average of almost 3 cents a gallon this past week. There is a long way to go to decline to where they first started picking up, but progress has been made.

With the vote on the gas tax bill coming up this week, I think we should recognize that the crisis we did see is certainly being diminished, if not alleviated. No one is happy about the cost of a gallon of gasoline. I stopped over the weekend with my daughter, and she filled up their vehicle's gas tank and commented about the price of gasoline. That is the way it is. Gas is too high. However, what we are attempting to do this week is something we should reexamine. We should recognize that if this bill is passed by the Senate, it will either be held at the desk indefinitely or would be what we call blue slipped, if it is sent to the House of Representatives.

We should focus on things other than this legislation. For example, if the majority is serious about this matter, we could call up H.R. 3081, the House-passed tax bill which concerns the minimum wage. That is on the Senate Calendar. We could work on that. That would allow other amendments to be offered that are meaningful.

There isn't anyone in this body who does not want to see a decrease in the cost of fuel prices. Simply stated, this is not the way to go about it. OPEC has signaled its willingness to produce more oil. Non-OPEC nations have agreed to contribute some 700,000 barrels a day to alleviate this crisis.

We would be better off focusing on doing things so we are not as dependent on foreign oil. We have to import 55 percent of the oil we consume in this country. For example, we need to do something to make sure that the oil that is produced in Alaska is used in the United States and not shipped to Asia. We have to do something to make sure we develop a long-term energy policy and do something with alternative fuels. Solar, wind, and geothermal are areas we need to explore. We have spent very small amounts of money each year on hydrogen fuel development; this, some day, will overtake the fossil fuels that we use.

There are a lot of things we need to do. One of the things we need not do is try to explain to the American public that we are doing something by reducing the 4.3-cent-a-gallon tax for part of this year. No. 1, in a number of States, if the Federal tax is knocked off, the States are obligated by law to pick up that extra 4.3 cents, or whatever it is, that the Federal Government knocks off.

In short, I think we could be using this time in a much more productive fashion than debating the 4.3-cent-per-gallon tax reduction which is cosmetic in nature only and is certainly not even a short-term fix.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

**RESERVATION OF LEADER TIME**

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

**MORNING BUSINESS**

The PRESIDING OFFICER. There will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the time until 1 p.m. shall be under the control of the Senator from Illinois, Mr. DURBIN, or his designee.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I yield myself such time as I may consume.

**CONGRATULATING THE UNIVERSITY OF NORTH DAKOTA HOCKEY TEAM FOR THEIR NCAA CHAMPIONSHIP**

Mr. DORGAN. Mr. President, I came to the floor today as we begin business this week to talk about two issues. First, let me describe what happened Saturday evening on the east coast. There was a hockey team from the University of North Dakota that went to the east coast to play in the NCAA Division I hockey championship. When they finished that competition, the North Dakota Sioux were Division I national champions once again. In fact,

it is the seventh Division I national championship for the University of North Dakota hockey team.

I am an alumnus of that great school, and it was with great pride I watched the game on television last Saturday evening and saw the North Dakota Fighting Sioux win that contest. We are the home of great skaters, great hockey players, and great tradition. This year, once again, we demonstrated that you don't have to have a 40,000-student population to be a Division I national champion.

I called the White House this morning and asked if they would invite that team to the White House, as is often the custom for championship teams—college football, basketball, and other teams, including professional teams who have been invited to the White House by the President to say congratulations to them. I hope he will do the same for this wonderful group of young men from North Dakota who are now this Nation's champions in Division I hockey.

So my hat is off to the University of North Dakota. It is a wonderful school. I am proud to have gotten my undergraduate degree there. I am increasingly proud year after year as I watch that school. Not only are they great athletes and hockey players, these are also great students and good young men. This is an athletic program without parallel around the country, in my judgment. Again, I congratulate those young men. I am very proud of them.

#### THE SENATE AGENDA

Mr. DORGAN. Mr. President, I will discuss for a moment the issues that face the Congress, where we are and why we are here, and suggest perhaps a slightly more robust agenda for the next couple of months.

It is now a Monday in April, and it is not quite clear to me what the agenda will be on the floor of the Senate this week. I guess it is not quite clear yet to anyone. We know that in the coming weeks we will do our work as appropriators. I am on the Appropriations Committee, and we will do our work as appropriators and bring appropriations bills to the floor of the Senate, and there are some authorization bills that must get done. But beyond that, it is not quite clear what the agenda is.

Recognizing that my political party, the one I represent in this Chamber, did not win the election, it is also clear we don't set the agenda in the Senate. The political system has a unique way of describing who controls institutions such as this. And those who have the most members, who get the most votes in a general election, have the opportunity to control and create an agenda. That is as it should be. But it is perhaps frustrating for me and others that our agenda is not nearly as robust as it could or should be.

Let me describe some of the things I think we ought to be doing and that I hope the majority leader and others will agree at some point in the coming weeks that we will do.

First, we passed some long time ago a Patients' Bill of Rights. I didn't support the Senate version of it because I didn't think it was a good bill. But the House of Representatives passed a bipartisan piece of legislation coauthored by a Democrat and a Republican in the House of Representatives. It was a very vigorous battle in the House. They passed a real Patients' Bill of Rights bill.

It says in this contest of wills between patients, doctors, the insurance companies, and HMOs, that there are certain rights that patients ought to have.

Every patient in this country who seeks medical treatment ought to have the right to understand all of their options for medical treatment—not just what's the least expensive.

Those who need emergency room treatment ought to be able to expect to have emergency room treatment when needed.

When a woman falls off a 40-foot cliff and is hauled into an emergency room comatose, and then the HMO later says: We will not approve your emergency room cost because you didn't get preapproval for emergency room treatment—there is something wrong with the system.

Are there certain rights that patients ought to have in this health care system? The answer yes. Among those are the rights embodied in the bill in the House of Representatives called the Patients' Bill of Rights. It is now in conference. It is not likely to produce 67 votes, unfortunately, under current circumstances because the House-appointed conferees, who in most cases didn't vote for the bill, sent it to conference.

The Senate, of course, has a piece of legislation that does not do the job. But those of us who support a strong Patients' Bill of Rights remain hopeful that between now and the end of this legislative session we will pass a bipartisan piece of legislation called a Patients' Bill of Rights that really provides the rights and the assistance to patients in dealing with their insurance companies with respect to their health care treatment.

Juvenile justice: We passed a juvenile justice bill in the Senate. That bill was passed in Senate legislation that many do not like.

Among the two pieces of legislation that people do not like on that bill—and the reason I guess it is stalled—is some legislation dealing with guns. We provided two simple components to that piece of legislation.

I come from North Dakota. I grew up hunting. I had a gun when I was a teenager. I pheasant hunted, I deer hunted,

and practiced target shooting. I know about guns. I am not somebody running into this Chamber saying let's have gun control. That is not my orientation at all.

But the two pieces dealing with guns that we added to the Juvenile Justice Act are so sensible. One is mandatory trigger locks for handguns. When 6-year-olds go to school and shoot another 6-year-old, ought we not to understand the need for trigger locks on handguns? It seems to me that is eminently sensible.

Second, the issue of gun shows, and the question of whether at gun shows that people set up around this country on Saturdays or Sundays there ought to be an instant check when guns are sold to find out whether you are selling a gun to a convicted felon.

Go to a gun store anywhere in this country and try to buy a gun. They are going to run your name through an instant check to find out if you are a convicted felon because if you are, you cannot buy a gun. But we have a loophole at gun shows which are big, and getting bigger. There are more of them. Many feel—including the Senate, incidentally, by a rather close vote—that we ought to have the opportunity to close that loophole and say if you are going to buy a gun, it does not matter whether it is in a gun store or at a gun show, you ought to have to have your name run through an instant check so we can make sure we are not selling a gun to a felon.

Those two issues—trigger locks for handguns for the safety of children in this country, and closing the gun show loophole—have meant that the juvenile justice bill, which is so important, is now in conference, and apparently we can't get it out. I hope we can be more sensible about this and get that bill out of conference, bring it to the floor of the Senate and the House, and get it to the President for his signature.

There are other items we continue to struggle with, such as the issue of school construction.

I have spoken at great length about walking into the Cannon Ball School and seeing little Rosie Two Bears, a third grader, who says: Mr. Senator, are you going to build me a new school?

I said: No, I don't have the money to build you a new school, Rosie.

This is a school with 150 kids, one water fountain, two toilets, and closings of the school building which is not fit for classes, where sewer gas comes up and they have to evacuate the rooms. Rosie isn't getting the kind of education we want for her as an American.

When we say let's help rebuild, renovate, and construct some of America's schools to bring them back up to standard, we are told, no. You can't do that. That is not the Federal Government's job.