

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2001—Continued

Mr. SPECTER. Mr. President, I think we are now prepared to go ahead with the Ashcroft amendment and the Conrad amendment.

We propounded a unanimous consent before, but I will repeat it.

There will be two votes on amendments, each treated as a first-degree amendment. The first vote will be on the Conrad amendment in regular order. The second vote will be on the Ashcroft amendment. There will be no points of order raised. Senator ASHCROFT will have 20 minutes because he already had time to speak. Senator CONRAD will have 30 minutes to speak.

I ask unanimous consent.

Mr. REID. Mr. President, reserving the right to object, the only addition I would like is that the two votes occur at 2 o'clock. We would be happy to have other amendments. Can we finish the debate on this? I know Senator LAUTENBERG, our ranking member of the Budget Committee, wishes to speak. Senator CONRAD wishes to speak on this matter. There are other Members who want to speak. I think it would be appropriate to lock in the time on this.

Mr. SPECTER. Mr. President, if I might respond, we want to come back to the Daschle amendment with the second-degree amendment. We want to come back to the Dorgan amendment. We have a Helms amendment. I urge that we defer these votes until later when we can have 10-minute votes. Perhaps we can get the majority leader to crack the whip, and, as the Senator from Nevada suggested, stay on the floor and limit them to 10 minutes, if we are going to finish this bill by mid-afternoon.

Mr. REID. There is no problem with that. I hope we do not vote before 2 o'clock on these matters.

Mr. SPECTER. We will not vote before 2 o'clock.

May we proceed, Mr. President?

The PRESIDING OFFICER. Is there objection?

Mr. ABRAHAM. Mr. President, reserving the right to object, I want to clarify: How much time will be available on the Ashcroft amendment?

Mr. SPECTER. Twenty minutes is requested.

Mr. ABRAHAM. I would only indicate that I know Senator DOMENICI wishes to speak on this issue as well.

Mr. SPECTER. Would the Senator like 30 minutes?

Mr. ABRAHAM. I think at least that much time.

Mr. SPECTER. We will take 30 minutes. It will save time in the long run.

Mr. REID. Now we have others who wish to speak. How long does Senator CONRAD wish to speak?

Mr. CONRAD. As long as it takes to persuade my colleagues to vote for it.

Mr. REID. As articulate as the Senator is, that should only take 10 minutes.

Mr. CONRAD. I need about 20 minutes.

Mr. REID. We should reserve 10 minutes for Senator LAUTENBERG.

Mr. BAUCUS. Mr. President, I would like to be able to speak about 5 minutes, if possible.

Mr. SPECTER. Now we are up to 35 minutes.

Mr. President, the unanimous consent request is modified to 35 minutes.

Mr. REID. Now we are up to 55.

Mr. NICKLES. We want equal time. I insist on equal time.

Mr. SPECTER. We have already had a considerable amount of time.

Mr. NICKLES. I would be happy to yield it back if we don't need it. I want equal time.

Mr. SPECTER. Mr. President, 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. SPECTER. 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. SPECTER. Mr. President, I ask unanimous consent we proceed with 45 minutes on each side to get this moving.

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

The Senator from Missouri.

Mr. ASHCROFT. I yield myself 5 minutes.

Mr. President, I previously spent some substantial time in talking about the need for a Medicare lockbox. I spent time indicating that as Social Security is off budget, I think it would be good to protect Medicare with a lockbox. In addition to talking about the common sense of not taking trust funds and spending them for things other than that for which they were paid into the trust fund, I indicated there were a broad group of people who supported this concept, including the Vice President, who has endorsed the concept of a Medicare lockbox, and the President of the United States, who very recently has endorsed the concept of a Medicare lockbox.

I was in the midst of reading an extensive set of points that had been made available by the White House supporting the concept. I believe the concept is worthy of our support.

I think it is important that we do it with integrity, that we don't leave any gaping holes or opportunities for the lockbox to be invaded or otherwise dispersed. It is important we not have a lockbox that appears to be a lockbox that doesn't satisfy the idea of a lockbox.

I hope Senators will join with me and with an almost unanimous House of Representatives and join the President and the Vice President of the United States, who have all voiced support for this concept of a Medicare lockbox.

When I came to Washington 5 years ago, people said it would be impossible to balance the budget, but we did it. They said we could not and would not balance the budget without using the Social Security trust fund. We have done it. And there are those who say we cannot and will not balance the budget and protect Medicare Part A surpluses. But we can and we will. We are more than halfway to this point. The House has voted. The President has expressed himself in support of a lockbox, as has the Vice President. Now it is the Senate's turn.

I believe the Senate will sign a Medicare lockbox measure. That would send a powerful message. A lockbox amendment also requires the President to protect Medicare and Social Security by submitting a budget that does not spend either surplus. We make these changes. They are beneficial changes for the people. I call upon the Members of this body to enact a Medicare lockbox that is durable and strong and real—not one with loopholes but one that will protect Part A Medicare surpluses for expenditure for their intended purpose.

It is with that in mind I ask my colleagues to vote in favor of the amendment I proposed.

I ask unanimous consent the Senator from Michigan, Mr. ABRAHAM, and the Senator from Wisconsin, Mr. FEINGOLD, be included as a cosponsors.

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

Mr. ASHCROFT. I yield the floor and I reserve the remainder of my time.

AMENDMENT NO. 3690

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise today to offer a lockbox amendment with Senator LAUTENBERG and Senator REID designed to protect Social Security and Medicare.

This amendment is simple but important.

First, it says we must protect Social Security surpluses each and every year. The budget has finally been balanced without counting Social Security, and we must make sure it stays balanced without counting Social Security and Medicare.

Second, my amendment takes the Medicare hospital insurance trust fund surpluses off budget to prevent those surpluses from being raided for anything but Medicare.

According to the Office of Management and Budget, the Medicare trust fund will run a surplus of over \$400 billion from the year 2001 to 2010. Taking these surpluses off budget and locking them away will ensure that they are

used only for Medicare and to pay down the debt. Taking the Medicare trust fund off budget, as in Social Security off budget, will ensure that these payroll taxes that workers pay will be used to meet the future demographic challenges Medicare and Social Security face.

We have reached a bipartisan agreement that Social Security belongs off budget and that its surpluses should be preserved solely for Social Security. For seniors, Medicare is just as critically important for financial independence in their golden years. It is now time to give the same protection to Medicare that we already accord to Social Security, by taking Medicare off budget, too.

Medicare is absolutely critical to the health and economic well-being of nearly 40 million senior citizens. Before Medicare, many of our senior citizens were one major medical event away from poverty. Today, our seniors enjoy the security of knowing Medicare is there for them. We should not put at risk Medicare because of a failure to protect Medicare from raids for other purposes. We have been through this on Social Security.

The amendment I am offering says we are going to treat Medicare the same as we are treating Social Security. Unfortunately, the amendment of the Senator from Missouri fails to do that. It suggests it is a Medicare lockbox, but it really isn't. When we examine the amendment of the Senator from Missouri, we find there is a fatal flaw. The fatal flaw is that the Senator from Missouri has no enforcement mechanism for its provision taking Medicare surpluses off budget. In fact, it does not move Medicare off budget. It only removes Medicare surpluses off budget.

The result is, under the Ashcroft amendment, no point of order would apply against legislation that uses Medicare surpluses for other reasons. Under the Ashcroft amendment, the Medicare trust fund could be depleted for any purpose, as long as the overall budget remained in balance. Unfortunately, because of the way the amendment of the Senator from Missouri has been drafted, it is opening Medicare to raids for other purposes. That is a fatal flaw. That is what my amendment corrects. My amendment takes Medicare trust fund surpluses off budget, protecting them with points of order so there could not be a raid on Medicare.

Let me make my point as clearly as I can. If we look at the fiscal year 2000, we have a unified surplus projection of \$224 billion. Social Security is in surplus by \$150 billion. We will not permit that to be raided.

Medicare is in surplus by \$24 billion. We will not permit that to be raided under my amendment. But under the amendment of the Senator from Missouri, one could take every penny of

the \$24 billion in surplus in Medicare because the overall budget would still be in balance. That is the fatal flaw of the amendment of the Senator from Missouri. The Senator does not protect these Medicare funds if the overall budget is in balance. I don't know if that was realized by the other side, but that is a fatal flaw. That is why the amendment of the Senator from North Dakota, my amendment, the amendment I am offering with Senator LAUTENBERG and Senator REID, is critically important; we would prevent any raid on Medicare funds.

Our lockbox is simply stronger. We establish points of order that protect the integrity of the Medicare trust fund in each and every year. Our plan was drafted to make the Medicare trust fund status exactly the same as Social Security. For some reason, the amendment of the Senator from Missouri has been drafted differently. It does not give the full protections to Medicare that we have given to Social Security. Why not?

If we look at the Congressional Budget Act of 1974, and I direct my colleagues to page 17, on the bottom of that page are laid out the specific protections we provide for Social Security. We provide them for Medicare in the amendment that I am offering. The Senator from Missouri has failed to do so. He has left them out. For some reason he is giving lesser protection to Medicare than we give to Social Security. My amendment solves that fatal flaw that is in the amendment of the Senator from Missouri.

In our plan, we treat Medicare similar to Social Security by excluding all receipts and disbursements of the Federal Hospital Insurance trust fund from budget totals. We exclude the Medicare trust fund from sequestration procedures and create parallel Budget Act points of order to protect the surplus in the Medicare trust fund in each and every year.

Our plan also creates a new point of order against legislation that would cause or increase an on-budget deficit. So it protects the integrity of the Medicare trust fund and the on-budget surplus for debt reduction. Our plan also strengthens existing protections for Social Security by enforcing points of order against reducing Social Security surpluses in each and every year.

The Ashcroft amendment is silent on Social Security. It has verbiage there, but there is no new protection for Social Security in the amendment of the Senator from Missouri. Our amendment adds a point of order against violating the off-budget status of Social Security and requires Social Security revenues and outlays to be set forth for every fiscal year in a budget resolution rather than for only the 5 years under current law.

In addition, we strengthen existing points of order protecting Social Security

by enforcing points of order against reducing the Social Security surplus in every year covered by the budget resolution rather than only in the first year and the total of all years covered by the budget resolution as current law provides.

The amendment I am offering with Senator LAUTENBERG and Senator REID is very clear: We are protecting Social Security and Medicare in a lockbox that has real protections, and we treat them in the same way. Unfortunately, the proposal of the Senator from Missouri creates a difference between the protection we provide Social Security and the protection we provide Medicare. The Senator from Missouri provides much less protection for Medicare than we provide Social Security. It has a fatal flaw: no enforcement mechanism. The result is, under the Ashcroft amendment, the Medicare trust fund could be depleted for any purpose as long as the overall budget remained in balance. That is a profound mistake.

The amendment of the Senator from Missouri would allow the Medicare trust fund surplus in the year 2000 to be raided of every penny. We should not allow that. That is not a lockbox; that is a "leakbox." We are trying to construct a lockbox here to protect Medicare, not a figleaf that will make people believe we protected Medicare but really open up a gigantic loophole that would allow for raids on Medicare as we used to see on Social Security.

This is a defining vote. Those who care about protecting Social Security and Medicare, and are serious about it, will support our amendment. Those who want a figleaf and a press release will be in opposition.

I yield the floor.

THE PRESIDING OFFICER. The Senator from New Jersey. Who yields time?

MR. LAUTENBERG. Mr. President, I think the Senator from North Dakota is going to yield the time. How much time do the proponents of the second-degree amendment have remaining?

THE PRESIDING OFFICER. The proponents have 34 minutes remaining.

MR. LAUTENBERG. Mr. President, I rise in support of the second-degree amendment, which I am pleased to be cosponsoring with Senator CONRAD.

This amendment would establish a lockbox to protect both Social Security and Medicare surpluses from being raided to pay for other programs or tax breaks. The amendment would take Medicare completely off-budget, and it would add iron-clad guarantees to ensure that neither Social Security nor Medicare surpluses can be used for any other purposes.

This amendment is based on a proposal first put forward last week by Vice President GORE. And I want to commend the Vice President for his

leadership in this area. As he has argued so forcefully, it is wrong for Congress to use Social Security or Medicare surpluses as a piggy bank either for tax breaks or new spending. Instead, Social Security and Medicare should be taken off the table, and out of the Federal budget.

Social Security already is officially off budget. That is the law. There is a bipartisan consensus that we should not use Social Security surpluses for any other purpose. We all agree on that.

But what we have not all agreed on is that Medicare surpluses should be protected, as well.

Senate Democrats have long argued that Medicare must be included in any Social Security lockbox. That is why last year, when Republicans sought to move a lockbox that dealt only with Social Security, we held firm and insisted on our right to offer at least one amendment. The amendment we wanted to offer would have added Medicare to the GOP proposal.

But the Republicans were so opposed to that, they pulled the bill from the floor. In fact, this happened several times. Each time, we Democrats insisted that Medicare be part of the equation. And, each time, Republicans said: No.

I am hopeful that Republican opposition to protecting Medicare is softening, and I give Vice President GORE a lot of the credit for that. He has taken the lead and put this issue at the forefront of the public agenda. With the spotlight now clearly on the Congress, I am optimistic that we will respond.

We should not respond with half-hearted measures, like the bill approved in the House of Representatives or the pending Ashcroft amendment. We should do it right, and that means taking Medicare completely off-budget, with all the procedural protections now provided to Social Security.

That is what this amendment does.

It treats Medicare just as we are already treating Social Security. It says: Medicare, like Social Security, will now be taken completely off of the Government's books. It will not be counted in the President's budget calculations. It will not be counted in the budget resolution, and it will not be used as a piggy bank for tax breaks, or for any other Government programs.

The legislation also creates points of order against any legislation that would deplete the Medicare Hospital Insurance Trust Fund for any other purpose. Similar points of order already apply for Social Security. Medicare deserves the same protections.

In addition, the amendment would protect Medicare from across-the-board cuts that could be triggered if Congress exceeds other budgetary limits. Under current law—the so-called “pay-as-you-go” rules—if Congress raids surpluses either for tax breaks or mandatory

spending, Medicare automatically gets cut. That is not right, and that will end under this amendment.

In addition to taking Medicare off-budget, the amendment also strengthens existing rules that protect Social Security. For example, the amendment would establish a supermajority point of order against any measure that would put Social Security back on budget, or violate the prohibition against including Social Security in a budget resolution.

Our amendment also strengthens existing law by requiring every budget resolution to include Social Security totals for each year covered in the resolution, and then establishing a point of order to protect those funds in each year. This is an improvement over current law, which protects Social Security surpluses in the first year of a budget resolution, and for the entire period of the resolution, but not in each individual year. There is no similar provision in the pending Ashcroft amendment.

Mr. President, I want to take a moment to comment on the Ashcroft amendment.

The Ashcroft amendment is described as taking Medicare offbudget, something deserving consideration. But the proposed amendment does not really do it. It does not fully protect Medicare. And the public must know why it is an inferior proposal to the second-degree amendment proposed by Senator CONRAD and myself.

The Conrad-Lautenberg amendment calls for more than a surface accounting change. Yes, we take Medicare's Hospital Insurance Trust Fund off-budget, and that's important. But we are also insisting that we include procedural protections against any budget resolution or legislation that would use Medicare funds for other purposes, and permit undermining its solvency.

We do that by establishing a process that will protect Medicare by requiring a 60-vote point of order against any legislation that would invade the trust fund's solvency to be used for other purposes. Under our amendment, if you want to use Medicare funds to pay for tax breaks, or for anything else, you will need those 60 votes to do it.

That is not true of the prevailing amendment, however. The Ashcroft amendment isn't really able to protect Medicare. It does establish a point of order, a higher hurdle, that obstructs creation of a larger budget deficit. And that's a good thing that will help promote debt reduction.

But preventing an on-budget deficit is not the same thing as protecting the Medicare Trust Fund.

For example, if legislation was proposed that reduced revenues into Medicare's Trust Fund and increased the possibility of earlier Medicare insolvency, that legislation would not be subject to a point of order under the

present Ashcroft amendment. That is because, again, the Ashcroft amendment isn't really designed to protect the solvency of Medicare. It is only designed to prevent on-budget deficits. And that just doesn't go far enough.

The point of all this talk about Medicare is to ensure that the program will still be solvent and strong in the future, when the baby boomers retire. Well, if you don't protect Medicare's solvency, you are really not accomplishing that goal.

That is why the Ashcroft amendment is grossly inadequate and why I urge my colleagues will instead support the Conrad-Lautenberg second degree amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I yield myself, initially, 7 minutes.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, what we have before us is a genuine lockbox amendment by the Senator from North Dakota, and we have a “box” amendment offered by the Senator from Missouri. Now, notice I said “lockbox.” A lockbox is what has been offered by the Senator from North Dakota; no lockbox by the Senator from Missouri. That really is the difference.

What do I mean by “lockbox”? What I mean is that we are trying to treat Medicare as we treat Social Security; that we are going to say that in the future, the Medicare trust fund should be off budget, should not be counted in budget totals, that it should be off budget and should not in any way be able to be tapped into by this Congress or any succeeding Congress to pay for any deficit, to pay for any tax cuts, to pay for any other kind of spending in which this Congress or any future Congress wants to engage.

That is really what a lockbox is. You take funds and you set them aside; you put them in a box and you lock it. That means you cannot tap into it.

That is what the American people want us to do with Medicare and with Social Security. This is money that they have paid into out of payroll taxes. This is money that has been set aside for them for Medicare—and for Social Security, if we are talking about Social Security. We are only talking about Medicare here.

The American people believe very deeply about this; that no Congress ought to be able to say: We want to give a tax cut to the wealthy, and we are going to pay for it by taking it out of the surplus. And if the only surplus we have is Medicare, we will take it out of there, or, if the only surplus we have is Social Security, we will take it out of there.

What we are saying on the Democratic side is, no, no deal. We are going to take Social Security and Medicare

off budget, lock the money away, you cannot tap into it for tax cuts or spending or anything else.

The Senator from Missouri may think that is what he is doing. I heard him describe his amendment as a lockbox, taking it out, but that is not what his amendment does. His amendment does not do that. It does not protect the Medicare trust fund from procedures that might be used by a future Congress to pay for spending or tax cuts totally unrelated to Medicare.

I could get into the jargon used around here by talking about points of order and sequestration and stuff such as that. Who understands what all that means, unless it is just a few of us around here. And I am not certain all of us understand it either.

But just to put it in simple lay terms that the American people can understand, the amendment offered by the Senator from Missouri sort of puts the Medicare surplus in a box. It closes the lid. That looks pretty good, but the next Congress or two Congresses from now may decide: Hey, we have had a downturn in the economy. We might want to give a tax cut to a group. We might want to do some spending. We don't have enough of a surplus in our budget, but we do have a big surplus in that box. In that box there is a big surplus. We will just go open the lid and scoop a little bit out. That is what the Ashcroft amendment allows. It allows a future Congress to open the lid on the box, put the scoop in there, and dig some money out for whatever that Congress wants.

What the Conrad amendment does is take the Medicare money our people have paid out of their payroll taxes and puts it in a box, just as Ashcroft does, closes the lid, locks it, and throws the key away. That is the difference between the Conrad amendment and the Ashcroft amendment. What the Conrad amendment says to a future Congress is, if you want a tax cut for the wealthy, if you want to spend on some programs, go somewhere else to get the money. You can't pry open the box in which we have Medicare and Social Security funds; that is to be used only for Medicare and only for Social Security. That is what the Conrad amendment does.

Don't be misled that these two amendments are the same. They are not the same. The American people should not be misled. If your goal is to set aside Medicare funds and put them in a box but if a future Congress wants it can go in and open the lid and scoop some money out, vote for Ashcroft. Maybe some people think that is legitimate. Maybe some people say: Well, we should not tie the hands of future Congresses. If they want to take some of that Medicare surplus and use it for something, let them open the lid on the box and take the money out.

Maybe some people here believe that. I don't believe that. Senator Conrad

does not believe that because it is his amendment. What he says is, we will put it in that box and lock it. The only thing you can use that money for is Medicare, just as we should only use Social Security for Social Security.

The PRESIDING OFFICER. The Senator's 7 minutes have expired.

Mr. HARKIN. How much more time remains on our side?

The PRESIDING OFFICER. Ten minutes remain.

Mr. HARKIN. Mr. President, I will take 1 more minute.

If you want to secure Medicare funding and you want to lock it away, you have to vote for the Conrad amendment. If, however, you want to take Medicare funding and put it in a box and say that future Congresses can go in there, open the lid and take the money out for other things, then vote for Ashcroft. It is that simple.

I yield back whatever time I have remaining.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I yield such time to the Senator from Michigan as he may consume.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I will be brief because in many ways I am very pleased with the direction of today's debate, particularly with the fact that it actually will result in some votes. We have been on the floor talking about trying to lock up Social Security on many occasions. I was seeking to get a final vote on a lockbox that I think really does do the job of protecting Social Security. I think we did it four times and couldn't get to a final vote.

Today, we are moving in the direction of getting final votes on both a form of Social Security lockbox and on the issue of locking up Medicare. I think that is an important step.

While I am happy to support almost any effort that makes it more difficult to spend the Social Security surplus, I do not believe that the forms offered today go as far as we should to ensure a permanent off-limits nature of the Social Security surplus. I hope the spirit which we have seen today, of working towards giving people options to vote, is one that we can build on, and that I will soon have an opportunity to have a vote on the Social Security lockbox proposal on which Senator DOMENICI, Senator ASHCROFT, and I have been working.

I think it is a very productive debate to talk about treating the Medicare surplus, the Part A of the Medicare trust fund, in the same fashion. The disagreements over details are ones that ought to be something we can work out.

I do not think implications of intent with respect to the future spending of these dollars that are being made are

on point with the intent of the draft Senator ASHCROFT has offered. I think his goal is very clearly to try to protect the surplus in Social Security from being spent, period. I think that is his motive. I will leave it to him to comment.

I think implications that there were any ulterior goals in his proposal are off the mark. In fact, I hope people will examine more closely his longstanding position on this issue. While it may be now, in the middle of a Presidential campaign, that people are talking about a Medicare lockbox, I remember Senator ASHCROFT talking about a Medicare lockbox more than a year before the Presidential election and certainly months before it was an issue in terms of the national Presidential debate. As a colleague, I appreciate the fact that he was ahead of everybody else in trying to raise that issue on the Senate side. We have worked together to try to move both of these issues today and in the past.

I want to go on record in favor of having mechanisms in place that protect these trust funds from seeing these dollars used for anything other than their purpose. One hopes that would be the outcome. If not in the context of this legislation, then let us be honest about it: The likelihood that this type of amendment is going to be able to survive the entire conference process may be questionable. I hope by going on record—as I suspect by the end of this afternoon every Member of the Senate will—in favor of locking up both of these surpluses, we will take a step in the direction of ultimately achieving it. I certainly intend to come back to the Senate and, in the context of legislation that can get to final passage inclusive of such lockboxes, give the Senate opportunities to support such an effort.

As I talk to constituents in my State, and from comments made by people all over America, there is little doubt that one of the most frustrating things to people, whether they are already Social Security recipients or will be in the future, is the fact that they have watched as too many Social Security surplus dollars have been spent on other things in order to make the deficit appear smaller. I think they are going to be very pleased this year when we end the fiscal year not only with a balanced budget but also without spending one penny of Social Security on anything but Social Security or the reduction of debt. That is a sea change.

I don't think we should lose sight of the circumstances in which it has come about. Senator ASHCROFT, myself, Senator DOMENICI, and others in the budget process have worked to make sure there were in place the kinds of budget rules that precluded Social Security surpluses from being spent on other things. This year taxpayers who have been so disappointed in the past that

such moneys were used for other purposes are going to receive the good news that they were not and that they are not going to be in the future. Indeed, this year's budget resolution, as last year's, incorporates the kinds of rules that will protect it. I am proud to have been involved in the drafting of those rules.

I am glad we are back on this topic. It may not resolve it fully, in the context of the Labor-HHS appropriations bill, but hopefully, after today, we have at least set the precedent that we will create these lockboxes, that we are not going to prevent votes from being taken on final passage of the various options that are out there, at least to get final votes on those options in some context.

I look forward to bringing back an even stronger Social Security lockbox and for a chance to get a vote on the version we have drafted. I would like to have that opportunity.

I yield the floor.

The PRESIDING OFFICER. Who yields time? If neither side yields time, time will be charged equally against both sides.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak for 15 minutes out of order, without the time being charged to anyone.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. Mr. President, reserving the right to object, I know the Senator from West Virginia has some remarks he wants to make. We are about to get this tangle resolved. Does that side have any more speakers?

Mr. REID. Mr. President, with all due respect to my friend from Georgia, if the senior Member of the Republican side wanted to come out and speak, we would drop everything no matter what we were doing. I think we should give the Senator from West Virginia the same opportunity.

Mr. COVERDELL. Mr. President, the question is, Is there time on your side that we might use?

Mr. CONRAD. On this side, we have 4 minutes remaining. Obviously, we would like to reserve some of that time for the purpose of making a statement at the end.

Mr. COVERDELL. How much time remains on our side?

The PRESIDING OFFICER. There are 30 minutes remaining.

Mr. COVERDELL. Thirty minutes. Mr. President, I yield 10 minutes of our time to the distinguished Senator from West Virginia and do not object to the additional 5 minutes that would bring him to his 15 minutes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I apologize for imposing myself at this moment.

But I had noticed several quorums of considerable length, and I thought this might be a good time to have a statement made. I thank all Senators.

"THE SEARCH FOR JESUS"

Mr. BYRD. Mr. President, I found disappointing Peter Jennings' "The Search for Jesus," which aired on ABC Monday night. The promotions for the show promised a pilgrimage to the roots of Christianity, but I think what we were actually given was more of a slide show.

All too often we are told by members of the media that they are constrained by time. Broadcasters divvy up air time into 30 seconds, 60 seconds, an hour, 2 hours, and they are constrained by these blocks, which are further constrained by their ability to sell advertisements to support their use of time.

In case after case, including that of "The Search for Jesus," too little time is devoted to providing a serious look at important issues. Whatever one's view of Jesus may be, it is hard to deny that few, if any, other lives have so affected our world and humanity as that of Jesus Christ. Here is someone who literally split the centuries in two.

The questions and controversies surrounding His life on Earth certainly deserve more than the 2 hours devoted to it by ABC. Two hours—in fact, much less than that when one subtracts the commercial time, which was substantial—hardly scratches the surface.

The program presented many provocative ideas. A very limited number of theologians, historians, and ordinary folk had much to offer in the way of researched information, speculation, theory, heartfelt notions, and simple faith. But they were given only seconds here and there to provide us with what may well have been valuable insight and inspirational ideas. If there is a topic that deserves plenty of time, this is it. And, I daresay, as much as it may also cause what to many, including myself, is a distasteful commercialization of religion, this is a topic for which I assume the network easily sold loads of advertising time—as apparently it did for the broadcast Monday night. In this case, what actually aired was light on substance, but heavy on advertising, giving the effort the appearance, at the very least, of a high-toned money grab.

I cannot be sure what motivated the show, "The Search for Jesus." Evidently, Peter Jennings and staff spent months preparing for it, conducting interviews, researching, and traveling to Biblical sites. But viewers were certainly done a disservice by the encapsulated version that the network provided. As much as any journalist may try to let others do the talking, to give the experts the floor, and to present a rounded, unbiased view, when it comes right down to it, the finished piece—except on very rare occasions—reflects the decisions, good or bad, of producers

and editors who must slice and trim to make their program fit into the time frame relegated to it by the network.

The show's conclusion—that Jesus was a man, that he existed—comes as no revelation to anyone who has lost someone dear and found solace only in the Trinity. As the program noted, there were others before and during His time who professed to be the messiah. They came and went, sometimes by execution, and their followers were either executed alongside their leaders or they found new "messiahs" in whom to place their faith. But, as the ABC show noted, Jesus was an exception. There was something extraordinary—one might say miraculous—in the way that His death promoted the proliferation of His teachings, and in the fact that, nearly 2,000 years after His crucifixion, He continues to inspire followers around the world.

There is, indeed, no need to go to the Middle East to find Jesus. He can be found in any West Virginia hamlet or hollow. He can be found in the arid West, among towering urban buildings, and along peaceful ocean shores.

In the words of Job, that ancient man of Uz, "Oh that my words were now written! Oh that they were printed in a book! That they were graven with an iron pen and lead in the rock for ever! For I know that my Redeemer liveth, and that He shall stand at the latter day upon the earth."

I do not judge the intentions or the views of those who helped to put together "The Search for Jesus" program, but I know exactly where to place my faith.

Mr. President, I ask unanimous consent that an article entitled "He's everywhere but here," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 25, 2000]

HE'S EVERYWHERE BUT HERE

(By Tom Shales)

An essentially thankless task that proves also to be a pointless one, "The Search for Jesus" is likely to anger many of those who see it—and merely bore others. A two-hour ABC News special, the documentary proceeds from a foolhardy premise and, in the end, doesn't accomplish much more than a dog chasing its tail.

And it's not much more illuminating to watch.

"Peter Jennings Reporting: The Search for Jesus"—yes, Jennings gets top billing over even the Messiah—supposedly aims to discover what can be learned about "Jesus, the man," in historical rather than religious terms. But can those two aspects of Jesus's life really be separated? The danger is that what you'll end up with is an exercise in myth-debunking potentially offensive to devout members of the Christian faith. And that is precisely what happens.

The program, at 9 tonight on Channel 7, is peppered with disingenuous disclaimers. "We are very aware of our limitations," Jennings says at one point, though much about the

program suggests journalistic arrogance and hauteur. He concedes that it is difficult for a reporter "to get the story right" in this case, but isn't it rather presumptuous even to try? A little later, when Jennings says the question of Jesus's divinity is "a matter of taste," he sounds ridiculously nonchalant about a topic of the deepest spiritual profundity.

Devout Christians may not be the only ones taking umbrage. Whenever Jennings parades into the Middle East, warning flags are raised by American Jewish groups that have objected several times to what they see as a pro-Palestinian, anti-Israeli bias evident in some of the anchor's past work.

Thus one can only groan and shudder when Jennings, later in the broadcast, opens the old can of worms about whether "the Jews" or the Romans are more responsible for the crucifixion of Christ. Oh how we don't need to get into that again. As it turns out, the issue is rather diplomatically skirted by one of several guest theologians who says, tiptoeing carefully, that "a very narrow circle of the ruling Jewish elite" probably did collaborate with the ruling Roman elite in nailing Jesus to the cross.

As for the resurrection of Christ, upon which the entirety of Christian faith rests, Jennings notes in his cavalier style that there is "a wide range of opinions" about whether it occurred. Come, now. You believe it or you don't. That's the range of "opinions." Anyone looking for scientific or historical "proof" is flamboyantly Missing the Point.

"All but the most skeptical historians believe Jesus was a real person," Jennings is willing to concede. But one by one he sets about discrediting what Matthew, Mark, Luke and John say about the miracles and divinity of Jesus, making a big fuss, for one thing, over the fact that the four New Testament books contain inconsistencies in their recountings of the story.

Did a star in the east guide the Three Wise Men to the manger where Jesus was born? "I don't think there were Three Wise Men," a biblical scholar huffs, and that's supposed to dispel that detail. Jesus may not even have been born in Jerusalem but rather in Nazareth, Jennings says; does it make a particle of difference to the spiritual essence of the matter?

Sometimes Jennings is content with "analysis" of the most innocuous sort. Jesus "must have been a controversial figure" in his own time, Jennings says. No kidding. But mostly we get specious debunkery. Stories of Jesus performing miracles were most likely "invented" by "the gospel writers," Jennings tells us. Even as relatively mundane a detail as Jesus getting a hero's welcome when he entered Jerusalem on Palm Sunday is dismissed: The crowd "may have been singing and shouting, but not necessarily for Jesus," one of the "experts" opines.

It's also suggested, despite the daring Jennings pronouncement that Jesus was "controversial," that Jesus may in fact have been "a rather minor character" in the political turmoil of the era.

To the credit of producer Jeanmarie Condon, "The Search for Jesus" does contain many visually arresting images, and the program was for the most part beautifully shot by Ben McCoy. There are such piquant ironies as a sign warning "Danger! Mines!" near a spot where it is believed John the Baptist and Jesus himself once preached. The first image on the screen is striking: a silhouette of the Bethlehem skyline today, a cross atop one building and a satellite dish atop another.

Thus the program is handsomely produced yet stubbornly wrongheaded and bogus, often seeming a gratuitous effort to cast doubt on deeply and widely held beliefs. This isn't really proper terrain for journalists to traverse. It was a bad idea to do the show and it came out as flawed and muddled as anyone might have dreaded.

Some of the padding in the two-hour time slot is filled with modern, hip and usually dreadful recordings of hymns and religious songs. A lot of territory, physically as well as thematically, is covered, but for little purpose. At several of the shrines in the Holy Land, we see tourists with video cameras making their own personal documentaries about a visit to the Middle East. Some viewers would be quite justified in wishing they could look at those tapes rather than at ABC's misbegotten and misguided "Search."

It is a search that leads nowhere. Slowly.

Mr. BYRD. Mr. President, I yield the floor.

THE DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION AND RELATED
AGENCIES APPROPRIATIONS, 2001
—Resumed

Mr. BROWNBACK. Mr. President, I yield up to 15 minutes to the Senator from New Mexico, the chairman of the Budget Committee.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Thank you very much. I hope I don't use all of the time and that I can yield Senator BROWNBACK time because he started this great discussion with his amendment, on which I support and commend him—the Ashcroft Medicare lockbox.

I have a pretty good suspicion that sometime soon it is going to be adopted by the Senate. The Senator can take great credit, being one who from the very beginning wanted to have a lockbox on Social Security—and even joined in the real lockbox bill, which, incidentally, was not the lockbox we are considering for Social Security today. He has been on the cutting edge of new ways to save both the Social Security trust fund and today on the Medicare HI part of the trust fund.

I rise to talk a little bit about the Social Security lockbox.

First of all, everybody should think for a minute. What kind of lockbox must the Democrats have when they have resisted a lockbox five times? That was a lockbox we came up with that the distinguished Senator from Michigan, Mr. ABRAHAM, introduced with me and others. And five times the Democrats have resisted it and have not let us pass it. That ought to put up a little bit of a question: what is the difference between the two, since all of a sudden today on an appropriations bill—which probably means amendments are going to go nowhere other than to make a little racket here—we have two distinguished and good colleagues of mine adopting a Democrat lockbox for Social Security.

First, let me change that to six occasions when we have offered a lockbox we put together. Most people who check for a real lockbox, in the sense of what that word means, say ours will do it and that others are questionable. Others are, in one degree or another, more easy to use in terms of violating the lockbox and spending the money elsewhere.

The reason they are different is that ours is real. In the very sense of a lockbox written into law, ours is real.

Let me essentially tell you what we did. We calculated where the debt of the United States would be if all of the Social Security money were left in, if we knew the numbers, and if we put in law and statute the level of debt each year for the foreseeable future. Then we said that statute locks that money in, except in the case of war or the case of economic emergency—we defined that as most economists do—and great national disaster.

That is a lockbox. In order to spend it, we have to have a statute, a law that will change that level of debt that is related to Social Security.

My friend on the Budget Committee, Senator CONRAD, has for a long time been a proponent of making sure we have the debt down, and I commend the Senator. He has been concerned about Social Security, as have many of us.

Essentially their lockbox is an invitation to waive the lockbox or, by a 60-vote majority, get rid of it. Thus, whatever you want you spend.

I urge, instead of the lockbox they have before the Senate, serious consideration of accepting the lockbox that Senator ABRAHAM, Senator DOMENICI, and Senator ASHCROFT have tendered on six occasions. It is truly what the senior citizens deserve when speaking about lockbox. We should not be telling them it is a lockbox, but it can be waived simply on the floor of the Senate.

How simple is it? We have just waived, for the two bills before the Senate, the Budget Act, which precluded doing what they were doing. We got up and said: Let's waive it. We could reach the point where we want to spend Social Security and Members could come to the floor with a vital program and say, just as we waived the Budget Act in order to take this off budget, let's waive it to spend it.

If you do the Abraham-Domenici-Ashcroft lockbox for Social Security, you have to introduce a bill, say we want to change the debt limit as Social Security impacts it. Frankly, I am very proud to have come up with that idea. I think my friend from Michigan would acknowledge I came up with it. I am very proud of him. For a long time, he has been trying to get that voted on. He has told people what he was for, as Senator ASHCROFT has. We have not had a vote.