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## House of Representatives

The House was not in session today. Its next meeting will be held on Monday, July 10, 2000, at 12:30 p.m.

## Senate

FRIDAY, JUNE 30, 2000

The Senate met at 9:31 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

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

Spirit of the living God, fall afresh on this Senate Chamber, enter the mind and heart of each Senator, and reign as Sovereign over all that is said and done this day. We confess that it is sometimes easier to use pious words to pray about Your presence and power than it is to turn over the control of our lives and our work to You. We are strong willed people, we want things done our way, and often we are better at manipulation than meditation and mediation. Built right into our two party system is the potential for discord and the lack of civility. It is so easy for us to get suited up like mountain climbers and then scramble over molehills. Procedures can become more important than progress and winning more crucial than being willing to work together. Now at the beginning of this day remind the Senators and all of us who serve with them that this is Your Senate, that we are accountable to You, and that we could not breathe our next breath without Your permission. Keep our attention on what needs to be done now rather than on how what is said and done now will impact the November election. In our mind's eye we picture a day in which we put You and our Nation first. We humble ourselves lest we be humiliated by missing the call to greatness. In Your all powerful name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable LINCOLN D. CHAFEE, a Senator from the State of Rhode Island, 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 (Mr. L. CHAFEE). The Senator from Pennsylvania.

### SCHEDULE

Mr. SPECTER. Mr. President, on behalf of the majority leader, I have been asked to announce, as manager of the bill, that the Senate will immediately resume consideration of H.R. 4577, the Labor, Health and Human Services, and Education appropriations bill. Under the previous order, there are several votes remaining on amendments to the bill, including the Wellstone amendment regarding drug pricing, the Helms amendment regarding school facilities, the Harkin amendment regarding IDEA, and any amendment that is not cleared within the managers' package, and disposition of the point of order, along with a vote on final passage of the Labor-HHS appropriations bill, and possibly a vote on the adoption of the conference report to accompany the military construction appropriations bill.

The leader has asked that I pass on his message to urge Senators to remain

in the Chamber during votes in order to expedite the conclusion of the proceedings.

### RESERVATION OF LEADER TIME

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

### MEASURE PLACED ON CALENDAR—H.R. 4680

Mr. SPECTER. Mr. President, before we proceed to the Wellstone amendment, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4680) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes.

Mr. SPECTER. Mr. President, on behalf of the majority leader, I object to further proceedings on that bill at this time.

The PRESIDING OFFICER. Under the rule, the bill will be placed on the calendar.

(Action taken on June 29, 2000 but not printed in that edition of the RECORD.)

### MEASURE PLACED ON CALENDAR—S. 2808

Mr. FRIST. Mr. President, I understand there is a bill at the desk due for its second reading.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2808) to amend the Internal Revenue Code of 1986 to temporarily suspend the Federal fuels tax.

Mr. FRIST. I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

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

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4577, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

Helms amendment No. 3697, to prohibit the expenditure of certain appropriated funds for the distribution or provision of, or the provision of a prescription for, postcoital emergency contraception.

Wellstone amendment No. 3698, to provide for a limitation on the use of funds for certain agreements involving the conveyance of licensing of a drug.

Harkin amendment No. 3699, to fully fund the programs of the Individuals with Disabilities Education Act.

Mr. SPECTER. Mr. President, one item came up in the course of the consideration of the bill on which I commented I would respond to regarding the increase in this bill over last year's bill.

This year's bill contains a program level of \$104.5 billion for fiscal year 2001. This is a \$7.9 billion increase over fiscal year 2000, which had a program level of \$96.6 billion. When assertions have been made that the bill has grown by 20.4 percent—that is over 20 percent—that is not correct. That calculation is made by comparing the fiscal year 2001 program level of \$104.5 billion with the fiscal year 2000 budget authority level of \$86.5 billion. That is not an accurate comparison.

When you compare the 2001 actual program level to the 2000 program level, the real increase is 8.2 percent.

This question has come up with some frequency. I thought it would be useful to make that explanation.

Mr. President, I think we are now prepared to proceed to the Wellstone amendment.

Mr. WELLSTONE. Mr. President, before we proceed, could I ask my colleague, is it 2 minutes equally divided or 4 minutes equally divided on each amendment?

Mr. SPECTER. Mr. President, the Senator from Minnesota is correct. Each side has 1 minute, and then we go to the vote.

Mr. WELLSTONE. I thank the Senator.

AMENDMENT NO. 3698

The PRESIDING OFFICER. Under the previous order, there will now be 2

minutes for explanation prior to a vote on Wellstone amendment No. 3698.

Mr. WELLSTONE. Mr. President, this amendment reinstates the Bush administration's policy of requiring a reasonable pricing clause in the NIH drug patent licensing agreements and cooperative research agreements with pharmaceutical companies unless waived on public interest grounds. It does not apply to universities. A very similar amendment passed by a 2-to-1 margin in the House of Representatives.

All this says is, when it is our public dollars—taxpayer money, our constituents' money—we expect that the drug companies, when they benefit from all this, will agree to charge our constituents a reasonable price.

I think this is an amendment that should command widespread support. I have offered this amendment with Senator JOHNSON. It has support from the National Council of Senior Citizens, Families USA, and the Committee to Preserve Social Security and Medicare.

I also want to say that I think Senator LEVIN, last night, hit the nail on the head when he said: It is bad enough that we have exorbitant prices. It is worse when we actually subsidize the research, and then we do not ask anything in return from these companies.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the objective of the Wellstone amendment is laudable in trying to have reasonable prices. The difficulty is that this was tried 7 or 8 years ago and was found to be very counterproductive. Instead of encouraging tests and development of pharmaceutical products, it discouraged them. We have already adopted the Wyden amendment which provides for a study on this issue.

There are some very important matters raised by the Senator from Minnesota. Our subcommittee will hold hearings on this subject shortly upon our return in July to try to find out whether the NIH ought to have a share of the patents or what would be a fair approach. There has been substantial experience with what the Senator from Minnesota suggests in the 1992, 1993, 1994 range, and it was counterproductive. That is why, although the objective is laudable, I am forced to oppose the amendment.

I move to table the Wellstone amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table the Wellstone amendment No. 3698. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH), is necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH), would vote "yes."

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUE), the Senator from Vermont (Mr. LEAHY), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

The result was announced—yeas 56, nays 39, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—56

Abraham	Enzi	McCain
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Murkowski
Bennett	Gorton	Nickles
Biden	Gramm	Roberts
Bond	Grams	Santorum
Breaux	Hagel	Sessions
Brownback	Helms	Shelby
Bunning	Hutchinson	Smith (NH)
Burns	Hutchison	Smith (OR)
Campbell	Inhofe	Snowe
Cochran	Kerrey	Specter
Collins	Kyl	Stevens
Coverdell	Landrieu	Thomas
Craig	Lautenberg	Thompson
Crapo	Lieberman	Thurmond
DeWine	Lott	Torricelli
Dodd	Lugar	Warner
Domenici	Mack	

NAYS—39

Akaka	Feingold	Lincoln
Baucus	Feinstein	Mikulski
Bayh	Graham	Murray
Bingaman	Grassley	Reed
Bryan	Gregg	Reid
Byrd	Harkin	Robb
Chafee, L.	Hollings	Rockefeller
Cleland	Jeffords	Roth
Comrad	Johnson	Sarbanes
Daschle	Kennedy	Schumer
Dorgan	Kerry	Voinovich
Durbin	Kohl	Wellstone
Edwards	Levin	Wyden

NOT VOTING—5

Boxer	Inouye	Moynihan
Hatch	Leahy	

The motion to table was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3697

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes for explanation prior to the vote on the Helms amendment No. 3697.

Mr. SPECTER. Mr. President, I ask unanimous consent that the next votes in this series be limited to 10 minutes each.

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

The Senate will be in order. There are a considerable number of votes to come.

Mr. BYRD. Mr. President, I thank the Chair for trying to get order. Will Senators please respect the Chair.

Mr. ROBB. Mr. President, lest there be any confusion on the vote we are about to cast, it is my understanding that minors who seek a prescription drug from a school-based health clinic can do so only after receiving consent from a parent or guardian. Given that this standard is already in place, I don't believe it is the place of the federal government to instruct states and localities what specific services can or cannot be offered in these clinics—I trust communities to decide for themselves what services should be offered