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PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SHAW).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 30, 2001.

I hereby appoint the Honorable E. CLAY SHAW, Jr. to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Roger D. Willmore, First Baptist Church, Weaver, Alabama, offered the following prayer:

Heavenly Father, we enter into Your presence with praise and adoration and thanksgiving in our hearts for who You are. We acknowledge You as our creator and sustainer. We are dependent upon You in every area of life.

Today I am asking that You would impart wisdom and guidance to the officers and Members of this body. May their decisions today and every day be in Your will. May they find in You the spiritual resources for all that is required of them.

Father, I pray for our President and Vice President and all Members of Congress as they work together to lead our country in a manner that would be pleasing to You.

Lord, I thank You for our great country. I thank You for every blessing You have bestowed upon us. I ask You to forgive us where we have failed You and enable us to live in a manner that would be pleasing to You.

Now to Him who is able to do exceedingly abundantly above all that we ask or think according to the power that works in us, to Him be the glory in the Church by Christ Jesus to all generations, forever and ever.

In Jesus' name I pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Alabama (Mr. RILEY) come forward and lead the House in the Pledge of Allegiance.

Mr. RILEY 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.

DR. ROGER D. WILLMORE

(Mr. RILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RILEY. Mr. Speaker, I would like to welcome Dr. Roger Willmore from Calhoun County, Alabama, to our Nation's Capitol to perform a sacred and time-honored tradition. Congress begins each day with a prayer, and to have a fellow Alabamian deliver it this morning makes everyone back home very proud, especially the members of the First Baptist Church in Weaver, Alabama.

He has been pastor there since 1995. He is a graduate of Samford University in Birmingham and Jacksonville State University in Jacksonville, Alabama.

Dr. Willmore also holds masters and doctorate degrees from Luther Rice Seminary in Jacksonville, Florida.

Since becoming a Southern Baptist pastor in 1971, Dr. Willmore has served both at home and abroad, performing missionary work in South America and Africa. He has taught at Kiev Christian University in the Ukraine. Dr. Willmore is married to Sandra Carroll of Arab, Alabama; and together they are the proud parents of one son, Steven Andrew.

In his prayer, Dr. Willmore asked God to give Congress wisdom and guidance so it can lead our Nation to a bright and blessed future. Mr. Speaker, I encourage all of us to work together today and every day so that the hopes and aspirations in that prayer will become a reality.

APPOINTMENT OF MEMBERS TO ATTEND FUNERAL OF THE LATE HONORABLE NORMAN SISISKY

The SPEAKER pro tempore. Pursuant to House Resolution 107, the Chair announces the Speaker's appointment of the following Members of the House to the Committee to attend the funeral of the late NORMAN SISISKY:

Mr. WOLF of Virginia;
Mr. GEPHARDT of Missouri;
Mr. BOUCHER of Virginia;
Mr. MORAN of Virginia;
Mr. GOODLATTE of Virginia;
Mr. SCOTT of Virginia;
Mr. TOM DAVIS of Virginia;
Mr. GOODE of Virginia;
Mr. CANTOR of Virginia;
Mrs. JO ANN DAVIS of Virginia;
Mr. SCHROCK of Virginia;
Mr. SKELTON of Missouri.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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STOP THE TIDE OF SUBSIDIZED CANADIAN LUMBER FROM FLOODING SOUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, this weekend is notable in that Sunday is April Fool's Day, and the Government of Canada, the Province of British Columbia in particular, is about to play a very sick April Fool's joke on the American people and particularly those in rural communities in the western United States.

On Saturday night at midnight, the U.S.-Canadian Softwood Lumber Agreement expires, and nothing has been put in its place to stop a tide of subsidized Canadian lumber from flooding south beginning on April Fool's Day.

Since the administration of Ronald Reagan, Presidents have recognized and strongly fought against the unfair competition of the wholly subsidized Canadian lumber and sawmill industry. This administration must act strongly to perpetuate those controls and protections against unfair competition.

Mr. Speaker, in Canada the Crown owns 95 percent of the timber; and in Canada the Crown gives away that precious resource. They have a bizarre bidding process. Well, it is not a bidding process; they just contract with companies, no bidding process, and then they say we will look at the logs on the first truck you bring out and we will grade them and set a price. So the companies go in and find the rattiest trees and bring out a truckload of ratty trees, and the government scalers look at them and say we are going to charge you $10 for that truckload. Then the lumbermen go back in and gather up precious old growth and other priceless timber, and they begin trucking it out. They pay virtually nothing for the resource. They observe no environmental constraints; there are no riparian protections. They are devastating their salmon and our salmon by these harvest practices, and now they want to take those subsidies and supplant our much more responsible industry here in the United States.

Mr. Speaker, they are sounding pretty tough, too. Here is Gordon Wilson, minister of forests from British Columbia: ''Why should we turn the energy tap on going south at the same time we cannot export our lumber to the biggest market we have?'' He is talking about cutting off natural gas supplies to the western United States which is already staggering under extortionately high natural gas prices. One Canadian timber executive said the United States better ''learn to speak Arabic and read by candlelight.'' Pretty tough words.

Mr. Speaker, I would hope that the Bush administration could be tougher in their response. If we retaliate against Canada for bringing in these subsidized lumber imports, the Canadians will fold in a second. Nationally they are running a huge trade surplus with the United States. They cannot afford irresponsible actions or words like this on the part of one province to undermine their trade relationship with the United States.

Mr. Speaker, I am asking and I have asked the Bush administration, along with a large number of Members of the House and Senate, to continue restrictions on the import of subsidized Canadian lumber. Just a 5 percent increase in this subsidized, unfairly produced, irresponsibly environmentally produced lumber coming across our border will cost 8,000 jobs in the Pacific Northwest. Just a 5 percent increase. And they have got it piled up because part of their sweet deals with these companies, they not only give the timber away, they require them to harvest it whether or not there is a market. So they have piles and piles of processed lumber waiting to come south from Canada.

Mr. Speaker, it is not free and fair trade by any measure of the imagination. Now, there are some special interests in the U.S. who would like to wipe out our lumber and sawmill industry and get that cheaper Canadian lumber. They have taken a shortsighted view. After the U.S. industry is gone, the Canadians will probably jack up the price. They will probably still give it away to their companies; but they will jack up the price, just like they have done to us on natural gas.

Mr. Speaker, I would ask the home builders and others who are pushing the Bush administration to back off. It is not in the long-term interest of the United States to not have a healthy and robust industry in this country, and it is also going to cost some customers because those customers will not be buying houses, they will be abandoning houses when those communities close down.

Mr. Speaker, let us not let a bunch of hardliners in British Columbia play an April Fool's joke on the American people in the Bush administration. Let us retaliate against unfair trade practices and continue the restrictions that have been in place, that were first put in place under the Reagan administration, continued under the first Bush administration, continued under the Clinton administration, and they must be continued under the Bush administration. Nothing has changed. They are still competing unfairly, and they are still going to destroy American communities and jobs if the administration does not act.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

ADJOURNMENT

Mr. DEFAZIO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 10 minutes a.m.), under its previous order, the House adjourned until Tuesday, April 3, 2001, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1405. A letter from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Onions Grown in South Texas; Decreased Assessment Rate [Docket No. FV01–959–1 IFR] received March 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1406. A letter from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Raisins Produced from Grapes Grown in California; Reduction in Production Cap for 2001 Diversion Program [Docket No. FV01–989–1 FIRA] received March 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1407. A letter from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Vidalia Onions Grown in Georgia; Increased Assessment Rate [Docket No. FV01–955–1 FR] received March 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1408. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Coniothyrium minitans Strain CON/M/91–08; Exemption from the Requirement of a Tolerance [OPP–301107; FRL–6772–1] (RIN: 2070–AB78) received March 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1409. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Bay Area Air Quality Management District [CA 179–0275; FRL–6954–9] received March 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1410. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—New Stationary Sources; Supplemental Delegation of Authority to the State of South Carolina [SC–AT–2001–01; FRL–6956–1] received March 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1411. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Approval of Several NOx Emission Trading Orders as Single Source SIP Revisions [CT064–7222A; A–1–FRL–6942–6] received March 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1412. A letter from the Deputy Archivist, National Archives and Records Administration, transmitting the Administration's final rule—NARA Freedom of Information Act Regulations (RIN: 3095–AA72) received March 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1413. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 2001–28] received March 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1414. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories [Rev. Rul. 2001–18] received March 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HOBSON (for himself, Mrs. CAPITO, Mrs. JONES of Ohio, and Mr. TANNER):

H.R. 1328. A bill to amend title XVIII of the Social Security Act to provide enhanced reimbursement for mammography services under the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H.R. 1329. A bill to amend the Internal Revenue Code of 1986 to make the credit for increasing research activities permanent; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 500: Mr. TOWNS.

H.R. 612: Mr. LEWIS of Kentucky and Mr. MCINTYRE.

H.R. 690: Ms. SLAUGHTER, Mr. LAFALCE, and Mr. NEAL of Massachusetts.

H.R. 824: Mr. WAMP and Mr. SCHROCK.

H.R. 911: Mr. SAWYER.

H.R. 964: Ms. CARSON of Indiana and Mr. STARK.

H.R. 1184: Mrs. MEEK of Florida, Mr. BLUMENAUER, Mr. BOUCHER, and Mr. DEUTSCH.

H. Res. 86: Mr. HASTINGS of Florida, Mr. FILNER, Mr. EVANS, Mr. WYNN, Mr. WEXLER, Mr. GEORGE MILLER of California, Mr. FROST, Mr. HINCHEY, Mr. LANGEVIN, and Mr. LEVIN.

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PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, FRIDAY, MARCH 30, 2001 No. 45

Senate

The Senate met at 9 a.m. and was called to order by the Honorable JUDD GREGG, a Senator from the State of New Hampshire.

PRAYER

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

Gracious Father, as this workweek comes to a close, we praise You for Your love that embraces us and gives us security, Your joy that uplifts us and gives us resiliency, Your peace that floods our hearts and gives us serenity, and the presence of Your Spirit that fills us and gives us strength and endurance.

Help the Senators to remember that debate and voting in the Senate is like members of a family playing on opposite teams in scrub football. After the wins and losses, they still are all brothers and sisters in the same family.

We dedicate this day to You. Help us to realize that it is by Your permission that we breathe our next breath and by Your grace that we are privileged to use all the gifts of intellect and judgment You provide. Give the Senators and all of us who are privileged to work with them a perfect blend of humility and hope so we will know that You have given us all that we have and are and have chosen to bless us this day. Our choice is to respond and commit ourselves to You. Through our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JUDD GREGG 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.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 30, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JUDD GREGG, a Senator from the State of New Hampshire, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. GREGG thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. MCCONNELL. Mr. President, today the Senate will resume consideration of the campaign finance reform legislation.

There will be numerous amendments offered with a time limitation of 30 minutes. Senators should be aware that all amendments must be offered prior to 11 a.m. By previous consent, any votes ordered will be stacked to occur at 11 o'clock this morning.

A vote on final passage, as everyone I think now knows, will occur on Monday at 5:30.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under a previous order, leadership time is reserved.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 27, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 27) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

Pending:

Reed amendment No. 164, to make amendments regarding the enforcement authority and procedures of the Federal Election Commission.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, was any time reserved for any closing discussion of the subject prior to the final vote prior to the 5:30 vote on Monday?

The ACTING PRESIDENT pro tempore. No time was reserved.

Mr. MCCONNELL. It seems to me, Mr. President, that both the proponents and the opponents might want maybe 10 minutes or so each. I will discuss that with Senator DODD and proponents of the legislation and come back to that later.

Mr. DODD. Mr. President, we may want to allocate an hour, I suspect, between the two authors of the bill and others who would want to use 5 minutes or so to put in final statements.

Mr. MCCONNELL. Mr. President, we will discuss that off the floor because we will be running time on the budget resolution. That will be the main business next week. We certainly are not going to enter into an agreement that interrupts that in any major way. We will discuss that off the floor of the Senate.

We are open for business, and we will be processing amendments throughout the morning.

Mr. DODD. Mr. President, I ask unanimous consent to be added as a cosponsor of S. 27.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

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

● 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 legislative clerk proceeded to call the roll.

Mr. MCCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Without objection, the pending amendment will be set aside.

AMENDMENT NO. 165

Mr. MCCAIN. I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 165.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment reads as follows:

On page 25, beginning with line 23, strike through line 2 on page 31 and insert the following:

SEC. 214. COORDINATION WITH CANDIDATES OR POLITICAL PARTIES.

(a) IN GENERAL.—

(1) COORDINATED EXPENDITURE OR DISBURSEMENT TREATED AS CONTRIBUTION.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 (8)) is amended—

(A) by striking ''or'' at the end of subparagraph (A)(i)—

(B) by striking ''purpose.'' in subparagraph (A)(ii) and inserting ''purpose;'';

(C) by adding at the end of subparagraph (A) the following:

''(iii) any coordinated expenditure or other disbursement made by any person in connection with a candidate's election, regardless of whether the expenditure or disbursement is for a communication that contains express advocacy;

''(iv) any expenditure or other disbursement made in coordination with a National committee, State committee, or other political committee of a political party by a person (other than a candidate or a candidate's authorized committee) in connection with a Federal election, regardless of whether the expenditure or disbursement is for a communication that contains express advocacy.''.

(2) CONFORMING AMENDMENT.—Section 315(a)(7) of the Federal Election Campaign Act of 1971 (U.S.C. 441a(a)(7)) is amended by striking subparagraph (B) and inserting the following:

''(B) a coordinated expenditure or disbursement described in—

''(i) section 301(8)(C) shall be considered to be a contribution to the candidate or an expenditure by the candidate, respectively; and

''(ii) section 301(8)(D) shall be considered to be a contribution to, or an expenditure by, the political party committee, respectively; and''.

(b) DEFINITION OF COORDINATION.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)), as amended by subsection (a), is amended by adding at the end the following:

''(C) For purposes of subparagraph (A)(iii), the term 'coordinated expenditure or other disbursement' means a payment made in concert or cooperation with, at the request or suggestion of, or pursuant to any general or particular understanding with, such candidate, the candidate's authorized political committee, or their agents, or a political party committee or its agents.''

(c) REGULATIONS BY THE FEDERAL ELECTION COMMISSION.—

(1) Within 90 days of the effective date of the legislation, the Federal Election Commission shall promulgate new regulations to enforce the statutory standard set by this provision. The regulation shall not require collaboration or agreement to establish coordination. In addition to any subject determined by the Commission, the regulations shall address:

(a) payments for the republication of campaign materials;

(b) payments for the use of a common vendor;

(c) payments for Communications directed or made by persons who previously served as an employee of a candidate or a political party;

(d) payments for Communications made by a person after substantial discussion about the communication with a candidate or a political party;

(e) the impact of coordinating internal communications by any person to its restricted class has on any subsequent ''Federal Election Activity'' as defined in Section 301 of the Federal Election Campaign Act of 1971.

(2) The regulations on coordination adopted by the Federal Election Commission and published in the Federal Register at 65 Fed. Reg. 76138 on December 6, 2000, are repealed as of 90 days after the effective date of this regulation

Mr. MCCAIN. Mr. President, this is an amendment on coordination. We have been trying now for 2 weeks to reach an agreement. We have come a long way with the hard work of both staffs and a lot of other people involved. We have narrowed the gap from our original language, which all agreed was not satisfactory to what we believe is a reasonable compromise.

Basically, we are talking about any coordinated expenditure or other disbursement, means of payment made in concert or in cooperation with, at the request or suggestion of or pursuant to any general or particular understanding with such candidate, candidate's authorized political committee, or their agents or political party or its agents.

We are talking about how we can prevent what is really in major circumvention of the intent—in fact, in my view, the letter of the law—and that is to coordinate soft money, which means that additional funds are funneled into political campaigns on behalf of candidates.

Mr. President, the amendment states:

Within 90 days of the effective date of the legislation, the Federal Election Commission shall promulgate new regulations to enforce the statutory standards set by this provision. The regulation shall not require collaboration or agreement to establish coordination.

That is an important point in this amendment.

In addition to any subject determined by the Commission, the regulation shall address (a) payment for the republication of campaign materials, (b) payment for the use of common vendor, (c) payments for communications directed or made by persons who previously served as an employee of a candidate or a political party, (d) payments for communications made by a person after substantial discussion about the communication with a candidate or a political party.

The impact of coordinating internal communications by any person to its restricted class has any subsequent ''Federal election activity'' as defined in section 301 of the Federal Election Campaign Act of 1971.

What we are trying to do is allow legitimate communication within organizations, whether they be unions or whether they be organizations such as the National Rifle Association, National Right to Life, or any other organization—protect their legitimate right to communicate and, at the same time, prevent the so-called coordination which has been the explosion and exploitation of the loophole which has allowed huge amounts, hundreds of millions of dollars, literally, of funds to flow into a political campaign.

I think it is a very legitimate compromise. It favors neither one side nor the other. Again, I would like to emphasize, the present language in the bill is not satisfactory, as viewed by both sides. I hope that this is far more satisfactory, if not totally satisfactory, language so we can enforce the law and at the same time not prevent any organization from legitimate communication within that organization.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I am pleased to support this amendment. It would replace section 214 of the McCain-Feingold bill concerning coordination. Section 214 was designed to override an FEC regulation issued in December 2000 and scheduled to become effective soon that many observers of campaigns who are concerned about evasions of the law think is far too narrow to cover what really goes on in campaigns.

Senators MCCAIN, LEVIN, DURBIN, and I wrote the FEC during the rulemaking and expressed our concern about the overly narrow interpretation of the law that the FEC had accepted. But almost from the very first day we introduced the bill, we have heard from people about this provision, and what we have heard has not been pretty. It is clear that the provision was not well drafted. It caught what we wanted to catch—groups coordinating activities with candidates without a specific agreement concerning a specific ad or other communication, but it also caught much more, including perhaps legitimate conversations between Members of Congress and groups about legislation without touching on a campaign.

I committed to these groups and to my colleagues who expressed concern we would address the problems with 214, and we have with this amendment. But this amendment simply defines ''coordination'' in a general way, using language from current law and language from the Supreme Court opinion in the Colorado Republican case that came down in 1996.

Then the amendment instructs the FEC to do a new rulemaking, to interpret and enforce this new and admittedly general statutory provision. The amendment, therefore, gives some guidance to the FEC as to what issues it should address, without actually dictating the result.

I think this is a reasonable solution to a difficult problem. I thank all the Senators and staff who have been involved in working out this amendment.

There is one thing I want to make very clear and reiterate: While this amendment instructs the FEC to consider certain issues in the new rulemaking, it doesn't require the FEC to come out any certain way or come to any definite conclusion one way or another.

Of course, I also want to note that the Senator from Kentucky has repeatedly said this change is being made at the behest of organized labor. That is not true. It is true that labor didn't like the original 214, but neither did a lot of other groups, including the Christian Coalition and the National Right to Life Committee.

I ask unanimous consent that the letters from these groups that contacted us and criticized section 214 be printed in the RECORD.

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

[E-mail from National Right-to-Life]

Here are some of the key ways in which the McCain-Feingold bill (S. 27) violates First Amendment protections for groups that engage in free speech about politicians and communicate with elected officials and their staffs;

Coordination Traps: Under current law, ''coordination'' between a ''candidate'' and a group is established only when there is an actual prior communication about a specific expenditure for a specific project which results in the expenditure being under the direction or control of a candidate, or which causes the expenditure to be made based upon information about the candidate's needs or plans provided by the candidate. But S. 27 (Section 214) would redefine ''coordination'' in extremely expansive terms, to include (for example) mere discussion of elements of a candidate's ''message'' (whatever that is) any time during a two-year period. Thus, if early on Congress representatives of six groups met with Senator Doe to discuss what language they, and he, will use to collectively promote Doe's landmark bill to ban widgets, and Doe subsequently campaigns in part on his leadership on the widget-ban issue, all six groups arguably are ''coordinated'' with Doe.

Once such so-called ''coordination'' is established, the ''coordinated'' organizations are flatly prohibited from spending money on any public communications deemed to be ''of value'' to Senator Doe—by any media, at any time of the year. For example, a group's literature promoting the widget-ban bill could be considered to be ''of value'' to Doe, even if Doe's name is not mentioned, if it is disseminated to his constituents. Moreover, even if these organizations have connected PACs, those PACs would be prohibited from engaging in independent expenditures on Doe's behalf of more than $5,000.

Under Section 214, ''coordination'' is also triggered by the mere sharing (by a ''candidate'' and a group or person) of certain vendors of ''professional services'' during a two-year period, including ''polling, media advice, fundraising, campaign research, political advice, or direct mail services (except for mailhouse services).''

''Electioneering Communications'': Section 201 applies additional restrictions to so-called ''electioneering communications,'' defined to cover TV and radio communications that merely mention the name of a federal politician, during ''pre-election'' periods, which include 30-day pre-primary periods that begin as early as February of each even-numbered year, as well as a 60-day period before a general election. For example, under the bill, an organization would engage in an ''electioneering communication'' if it purchased a radio ad within 30 days of a primary that said no more than, ''Urge [Congressman X] to vote against [or ''in favor of''] the McCain-Feingold bill.'' The bill flatly prohibits such ''electioneering communications'' by unions and by corporations, including for-profit business corporations, trade associations, veterans' groups, and organizations that hold 501(c)(3) status from the IRS. There is a narrow ''exception'' to the ban: corporations that hold 501(c)(4) or 527 status from the IRS would be permitted to pay for ''electioneering communications,'' but only by setting up a ''segregated fund,'' sort of a quasi-PAC, which could include no corporate or union contributions or business proceeds. The names of donors of over $1,000 to this quasi-PAC would be reported to the government and placed in the public domain.

Advance Notice Requirements: The ''disclosure'' provisions (for example, Section 202 and Section 212) include requirements that ''electioneering communications'' and independent expenditures be reported as soon as any contract is signed for the communication—which would be, in many cases, weeks in advance of the actual broadcasting of an ad. Such an advance notice requirement might be a boon to some powerful officeholders—an incumbent governor seeking a Senate seat, for example—who could then bring pressure to bear on broadcasters to refuse to sell airtime for the ads, or to back out. But under the First Amendment, Congress lacks authority to demand that NRLC declare in advance when and where we intend to utter a politician's name to the public, just as it lacks authority to utter a politician's name to the public, just as it lacks authority to impose such a burden on newspaper editorial boards.

Endorsements by Members of Congress: Section 101 of S. 27 would prohibit members of Congress from endorsing the fundraising efforts of advocacy groups that use any part of the money for any communication to the public—by any medium, at any time of the year—that ''promotes,'' ''supports,'' ''attacks'' or ''opposes'' a member of Congress (or other ''candidate''). This obviously would cover many of the routine communications that issue-oriented groups use to promote pending legislation. The following statement, for example, would certainly be considered an ''attack'' by some: ''Senator McCain has introduced an awful bill that would restrict the right of pro-life groups to communicate with the public about the voting records of members of Congress. Please write to Senator Jones and urge him to oppose the bill.'' Likewise, ''Senator Baucus has voted to keep the brutal partial-birth abortion method legal, but the bill is coming up again soon. Please call Senator Baucus and urge him to support the bill this time.''

[From the Christian Coalition of America]

PROTECT FREE SPEECH—OPPOSE H.R. 380, THE SHAYS-MEEHAN CAMPAIGN FINANCE BILL

FEBRUARY 27, 2001.

DEAR REPRESENTATIVE: The Christian Coalition of America strongly opposes H.R. 30, the Shays-Meehan campaign finance bill. H.R. 380 contains numerous unconstitutional provisions which are in direct opposition to Supreme Court rulings which have repeatedly upheld the First Amendment right of citizen groups, like the Christian Coalition of America, to educate the public on where officeholders and candidates stand on the issues. Because this legislation could effectively put our voter guides, as well as other voter education and issue advocacy activities at serious risk, we urge you to vote against the Shays-Meehan bill, as well as to actively oppose it on the House floor.

One of the most egregious of the unconstitutional provisions contained in H.R. 380 applies year-round during the entire two-year election cycle (or six-year cycle with respect to Senators). Section 206 contains a broad definition of ''coordination'' between a candidate and an outside group—so broad that if a representative or an organization were to discuss with an officeholder his ''message'' on a legislative issue, such as partial-birth abortion, anytime during the two-year election cycle, and the officeholder were to later campaign in the issue, the organization would be viewed as having ''coordinated'' with the officeholder. The organization could then be accused of violating the federal election laws if it were to disseminate a communication to the public that is deemed to be ''of value'' to the officeholder in his reelection campaign, even it if did not mention the officeholder by name.

Section 206 also broadens the definition of ''coordination'' to the point where if an incorporated organization making a voter education expenditure and a campaign were to merely use the services of the same fundraiser or media advisor—without having consulted or coordinated in any way—the expenditure would be considered an illegal contribution to the candidate's campaign if it were deemed to be ''of value'' to the campaign. This is what some have called, a form of ''guilt by association.''

And, as a catchall definition of ''coordination,'' the bill contains a vaguely worded restriction on payments ''made by a person in cooperation, consultation, or concert with, . . . or pursuant to any general or particular understanding with a candidate'' or candidate's agent.

Another section of the bill, Section 201, would prohibit incorporated organizations from funding television or radio communications to the public which mention the name of a candidate within 30 days of a primary or 60 days of a general election. This proposed restriction is blatantly unconstitutional. The Supreme Court has repeatedly protected the First Amendment right of like-minded citizens to educate the public on issues and where the officeholders and candidates stand on the issues. In Buckley v. Valeo (1976) and its progeny, the Supreme Court has made clear that issue advocacy (discussion on an issue in the public realm without expressly advocating the election or defeat of a candidate) is protected under the First Amendment from government regulation. Yet, under Section 201 of the Shays-Meehan bill, an organization such as the Christian Coalition of America, would be prohibited from disseminating a broadcast communication regarding an upcoming congressional vote within 60 days of an election, if the communication merely advised constituents of the name of their elected representative who would be casting that vote. The communication would also be banned if it merely mentioned the names of the sponsors of the bill, such as a reference to the ''Shays-Meehan'' bill.

But the Shays-Meehan bill goes even further in bringing issue advocacy by private citizen organizations under federal government regulation. The United States Supreme

Court and numerous other federal courts, have repeatedly protected issue advocacy and voter education from government regulation unless it ''expressly advocates'' the election or defeat of a clearly-identified candidate (i.e., ''vote for,'' ''defeat,'' etc.). This clear test ensures that the speaker will know whether they are complying with the law. As the Supreme Court explained in Buckley v. Valeo, the lack of such a clear distinction ''offers no security for free discussion. In these conditions it blankets with uncertainty whatever may be said. It compels the speaker to hedge and trim.'' Yet the Shays-Meehan bill would do just that.

Section 201 would eliminate this bright-line protection set forth by the Supreme Court and redefine ''express advocacy'' to mean ''expressing unmistakable and unambiguous support for or opposition in one or more clearly identified candidates when taken as a whole and with limited reference to external events.'' This would take the determination beyond words of support or opposition (which is currently the standard in order to protect issue advocacy), to instead move to an examination of the overall context of a communication with respect to a candidate or type of candidate (such as pro-life candidates). Under this vague definition, a communication that contains any negative or positive commentary about an officeholder/candidate's positions or voting record, might become the subject of a complaint to the Federal Election Commission (FEC). This vague definition (in similar language) has been put forth by the Federal Election Commission in regulations and been rejected in court. Congress should reject it as well.

Lastly, the Shays-Meehan bill purports to contain an ''exception'' for voter guides. But under this exception, an organization could not verbally clarify the voting record or position of an officeholder or candidate for purposes of compiling the voter guide. Moreover, the ''exception'' prohibits the voter guide from containing ''words that in context can have no reasonable meaning other than to urge the election or defeat of one or more clearly identified candidates,'' as well as requiring that the voter guide ''when taken as a whole . . . not express unmistakable and unambiguous support for or opposition'' to a candidate—vague wording that would leave organizations that issue voter guides constantly at risk of being the subject of an FEC complaint and investigation. Furthermore, organizations that wish to issue voter guides would still have to fear violating the broad ''coordination'' prohibitions elaborated on at the beginning of this letter.

In light of the serious First Amendment ramifications that this bill would have on the week of the Christian Coalition of America, as well as on our nation's ability to discuss and debate issues, we urge you to vote against H.R. 380, the Shays-Meehan campaign finance bill.

Sincerely,

SUSAN T. MUSKETT, J.D.,
Director, Legislative Affairs.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, I rise in support of this amendment as well. I think this has been worked out carefully. I commend the Members and staffs who worked on this amendment. This is in very sound shape. It avoids the potential problems of being overly broad or too vague with respect to the language, which would expose too many honest and good people who want to be involved in the political process from allegations of criminality. None of us want that to occur. This amendment is worthwhile.

Mr. President, if I might, since we are going to be a few minutes before we vote on this, I want to take a couple minutes and address another matter that may come up this morning which deserves some attention. That is what I see as one of the glaring problems still with the bill as a result of an amendment we adopted last week dealing with the so-called millionaires loophole. I voted against that amendment because I thought it was unnecessary. But it is even more so by the events over the past week, as we have adopted amendments now which have increased the hard dollar limits by 100 percent. Thus, the need for providing some additional resources to so-called less wealthy candidates is certainly far less than it was a week ago.

As we all recall, last Tuesday the Senate adopted amendment No. 115 offered by Senators DOMENICI, DEWINE, DURBIN, MCCONNELL, and others. I opposed the amendment because it did not appear to me to be reform. It added more money to the system and did so in a way to protect nonwealthy incumbents with substantial campaign treasuries. The amendment that may be offered later this morning would intend to close what I think is an unintended loophole in this language.

The Domenici amendment addressed the situation of a wealthy candidate financing his or her own election with personal resources. It granted more generous contribution limits to nonwealthy opponents. It sounds reasonable enough, but in the case of a nonwealthy incumbent, the amendment ignored the substantial resource that such an incumbent may have at his or her disposal in their campaign committees' accounts or treasuries.

The amendment that may be offered provides that the amount of such campaign balances must be taken into account before a wealthy candidate's contributions to his or her own campaign trigger the higher contribution limits for the incumbent.

Last Tuesday, the authors of this amendment described the situation of a wealthy candidate financing his or her own election as a constitutionally protected loophole. But my colleagues' solution, as adopted last week, unwittingly opens a more insidious loophole. One that protects incumbents and, more precisely, incumbents' campaign treasuries, from a wealthy candidate.

In describing the purpose of their amendment, which I opposed, my colleague contended that the Buckley decision created a substantial disadvantage for opposing candidates who must raise campaign funds under the current fundraising limitations.

That was last Tuesday. This week we adopted the Thompson-Feinstein amendment which doubled the individual hard money contribution limits and indexed those limits for future inflation.

The Thompson-Feinstein amendment also doubled the contribution amount a Senate campaign committee can make directly to candidate to $35,000 per election cycle and indexed it for inflation also.

In a period of 1 short week, we potentially gave an incumbent facing a wealthy challenger an additional $17,500, plus an additional $4,000 per couple per election. So the substantial disadvantage that incumbents supposedly faced last Tuesday has been substantially eliminated by the actions we took during this week on the bill.

Even so, the entire premise of the Domenici amendment that somehow incumbents need protection from wealthy opponents ignores one simple fact: Many nonwealthy opponents are actually incumbents sitting on healthy campaign accounts. Those campaign war chests can be equal to or greater than the personal funds being used by a so-called wealthy opponent.

For example, based on FEC disclosures, some of my colleagues facing reelection next year are sitting on campaign accounts with cash balances ranging from $100,000 to in excess of $3 million.

Surely my colleagues cannot be serious that with $1 million or $2 million sitting in their treasuries, and the advantages of incumbency we have automatically, including increased hard money limits, that they somehow need protection from a candidate who decides to put $600,000 into their own race.

For example, take a State the size of mine, a State with a little over 3 million people. The threshold amount would be $270,000. A wealthy candidate who contributed or spent $600,000 of his or her own money in that race would trigger contribution limits three times the normal for that incumbent, or $12,000 per individual per election, or $24,000 per couple. If you double that for primaries, as well as an election, you actually get $48,000. That is a substantial increase from where we were a week ago.

If that same incumbent has a war chest of $1 million, he actually has a cash balance of $400,000 more than the wealthy challenger.

Are we really serious that the incumbent in that situation is somehow disadvantaged—should he or she be able to raise $24,000 from a couple until the difference in the balances are reached? Yet that is exactly what the Domenici amendment, which I opposed, will provide.

Although my colleagues have argued that the tiered trigger system of the Domenici amendment is proportional, and that proportionality levels the playing field, that is simply not the case when a nonwealthy candidate is an incumbent.

In the case of a nonwealthy incumbent, the provision does anything but level the playing field. It becomes essentially an incumbent protection provision.

The amendment that was adopted last week simply goes too far under the present circumstances.

The amendment that may be offered by Senator DURBIN, myself, and others restores some balance between the incumbents with healthy campaign treasuries and individuals with personal wealth. It requires that the personal wealth of an opponent be offset by the amount of campaign treasury funds of a nonwealthy incumbent before any trigger of benefits to that incumbent occurs.

This amendment effectively adds the amount of the cash-on-hand balance reserves of an incumbent's war chest into the calculation of the opposition personal funds amount. So in my example, until the ''wealthy'' challenger spent $1 million in personal funds, that ''poor'' incumbent with the war chest would not get the advantage of the increased limits.

Just as my colleague's amendment last week was an attempt to correct the unintended effects of the Buckley decision, this amendment, which I believe will be offered, corrects the unintended effects of the amendment adopted last week; namely, protecting incumbents from wealthy opponents.

When that amendment is offered, I urge my colleagues to support it.

AMENDMENT NO. 165

Mr. MCCONNELL. Mr. President, is the pending amendment the McCain amendment on coordination?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. MCCONNELL. Mr. President, unfortunately, the McCain amendment coordination provision lets big labor continue to coordinate its ground game with the Democrats. As you know, I have been predicting for 2 weeks that there would be an effort to water down provisions in the bill that were offensive to big labor.

With all due respect to the author of the amendment, the intent is quite clear: to mitigate the damage that has caused concern among those in organized labor about this bill. I note there is apparently not enough concern to get many Democratic votes against on final passage Monday, but they are very upset about the coordination provisions of this bill, thus the reason for the amendment that has been sent to the desk.

Let me make it clear, the coordination provision lets big labor continue to coordinate its ground game with the Democratic Party. It does this by changing the ''concept of coordinated activity'' that includes the union in-kind activity to ''coordinated expenditures or disbursements'' which are legal terms of art that do not encompass in-kind contributions. This new coordination provision is still unconstitutional and will result in Government witch hunts because it does not require actual collaboration or agreement to have a finding of coordination. This is in direct contravention to Colorado 1 and will result in a lengthy onerous investigation of citizens groups.

Mr. President, there will be a need to have a rollcall vote on the McCain amendment at 11 a.m. I do not know whether this is the appropriate time to request that rollcall vote or not.

The ACTING PRESIDENT pro tempore. If the Senator wishes to request a vote.

Mr. MCCONNELL. Mr. President, I request the yeas and nays on the McCain amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

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

The senior assistant bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 166

Mr. BOND. Mr. President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 166.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Federal Election Campaign Act of 1971 to increase the penalties imposed for making or accepting contributions in the name of another and to prohibit foreign nationals from making any campaign-related disbursements)

On page 37, between lines 14 and 15, insert the following:

SEC. 305. INCREASE IN PENALTIES IMPOSED FOR VIOLATIONS OF CONDUIT CONTRIBUTION BAN.

(a) INCREASE IN CIVIL MONEY PENALTY FOR KNOWING AND WILLFUL VIOLATIONS.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) in paragraph (5)(B), by inserting before the period at the end the following: ''(or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1000 percent of the amount involved in the violation)''; and

(2) in paragraph (6)(C), by inserting before the period at the end the following: ''(or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1000 percent of the amount involved in the violation)''.

(b) INCREASE IN CRIMINAL PENALTY.—

(1) IN GENERAL.—Section 309(d)(1) of such Act (2 U.S.C. 437g(d)(1)) is amended by adding at the end the following new subparagraph:

''(D) Any person who knowingly and willfully commits a violation of section 320 involving an amount aggregating $10,000 or more during a calendar year shall be fined, or imprisoned for not more than 2 years, or both. The amount of the fine shall not be less than 300 percent of the amount involved in the violation and shall not be more than the greater of $50,000 or 1000 percent of the amount involved in the violation.''.

(2) CONFORMING AMENDMENT.—Section 309(d)(1)(A) of such Act (2 U.S.C. 437g(d)(1)(A)) is amended by inserting ''(other than section 320)'' after ''this Act''.

(c) MANDATORY REFERRAL TO ATTORNEY GENERAL.—Section 309(a)(5)(C) of such Act (2 U.S.C. 437(a)(5)(C)) is amended by inserting ''(or, in the case of a violation of section 320, shall refer such apparent violation to the Attorney General of the United States)'' after ''United States''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring on or after the date of enactment of this Act.

Mr. BOND. Mr. President, we talked about imposing a lot of new laws and new provisions in some areas where I think we may not be doing what we wish to achieve. We are in this bill proposing to take political parties out of the campaign process which inevitably is going to shift money into other channels. One of the things I don't think we have adequately considered is what we do about people who have violated existing laws. Certainly, to the extent I have heard concerns about campaign finance, it has been about the failure to provide adequate penalties for those who violate the laws that are already on the books.

Under current campaign finance laws, there is no meaningful punishment of campaign violators. Over the last several years, we have had hearings, investigations and read about key figures in campaign scandals only to learn later that they walk. It is small wonder that abuse occurs on the scale that we have recently witnessed. It is a misdemeanor offense to make a campaign contribution in the name of another person, knowingly permit your name to be used for a contribution or knowingly accept a contribution made in the name of another, in other words make an illegal contribution through a conduit (2 U.S.C. 441f).

Despite this clear prohibition, it came to light that during the 1996 presidential campaign millions of dollars in illegal donations from foreign nations were funneled into party and campaign coffers through conduit contributors, some as outrageous as nuns and other people of worship. Despite these outrageous abuses, illegal contributions totaling hundreds of thousands of dollars in some cases flowed with impunity. Under the circumstances, the punishments handed out to those caught red-handed can barely be considered slaps on the wrist.

As simply a misdemeanor offense, those intent on corrupting the process do not fear the consequences. Despite the scale of some of the abuses, the offense is rarely prosecuted. When it is, the offenders are handed minimal fines and no jail time. The message from the so-called prosecutions is that there is no threat of jail time for those who break campaign finance laws. If it feels good, do it.

As the gross abuses of the 1996 presidential campaign came to light, we heard from the perpetrators of the

abuses themselves that what was needed was not enforcement of the law but new laws and reform of the campaign finance system. Despite their gross indifference to the law, it appears they got their wish. We are here debating more laws with no discussion about increasing penalties and cracking down on law breakers.

If we are truly serious about reforming the system, we must crack down on the lawbreakers. Abusers must be punished accordingly or no new law is going to make a difference in cleaning up the system.

Violators have to fear punishment or they will continue to violate the law as they have abused existing law. There is no reason to think that yesterday's lawbreakers will not break tomorrow's laws unless they understand there are consequences. New laws cannot be effective if ''teeth'' are not put in the law. Without this change, ''reform'' talk is cheap and just talk.

My amendment would make it a felony to knowingly make conduit contributions, knowingly permit your name to be used for such a contribution or knowingly accept a contribution made in the name of another. The amendment does not change the conditions of the underlying offense, but by making it a felony, it adds some ''teeth'' to the law. Maybe the Johnny Chungs and the Charlie Tries of this world will understand there are consequences for their actions and no longer violate campaign finance laws with impunity.

As a felony offense, violators will be subject to either jail time or a stiff fine, or perhaps both. Fines will be increased dramatically to a minimum of not less than 300 percent of the amount involved. The amendment requires, not suggests, that the FEC refer these cases to the Justice Department. Finally, it broadens the prohibition on donations from foreign nationals, ensuring that clever lawyers won't be able to move funds to accounts like ''redistricting'' or others. There is a prohibition on donations from foreign nationals. This takes away an exploitable loophole.

By taking this step, Congress will be sending a clear message that it considers the funneling of illegal campaign contributions a serious offense to be punished accordingly.

It becomes an offense that prosecutors can use in pursuing a case. Currently there is little incentive for a suspect to cooperate if they are threatened only with a misdemeanor. There is less incentive for busy prosecutors to dedicate the time and resources to prosecute this offense if it remains a misdemeanor. This amendment gives prosecutors something they can use.

This amendment goes after lawbreaking contributors to any candidate of any party. Contributors to all parties are required by law to disclose their donations properly. Concealing the source of a donation is illegal. If you do it, you can expect punishment. Similar legislation has been introduced on the House side and has strong bipartisan support.

We in Congress should be very concerned about the growing willingness we have seen in recent cycles for people to break the law apparently with impunity. We should be further concerned with the meaningless punishments handed down and the signal it sends that we will tolerate corruption.

According to news accounts, what has become of these notorious abusers of our campaign finance laws?

Yah Lin ''Charlie'' Trie was convicted of funneling over $1 million in conduit contributions during the 1996 cycle, a large percentage of the money was traced to Macau. For this, Mr. Trie was sentenced on November 1, 1999 to 3 years probation and 4 months home detention and fined $5,000—but he received no jail time.

Mr. Johnny Chung funneled $300,000 he received from a general in the Chinese Military Intelligence Agency and made another $350,000 in conduit contributions. This individual who brazenly said ''the White House is like a subway, you have to put in coins to open the gate,'' was sentenced to 3,000 hours of community service for bank fraud, tax evasion, and his role in aiding donations to the Clinton campaign, but he received no jail time.

Mr. President, 3,000 hours of community service—if they make enough, that ought to be a good year's work for anybody. They ought to be willing to do community service not as a punishment but as their contribution.

Next, John Huang pleaded guilty on August 12, 1999, to arranging illegal political contributions from overseas. It was found that he arranged over $1 million in illegal contributions, primarily with money from Indonesia. He was fined $10,000 and sentenced to 1 year probation and 500 hours of community service but no jail time.

I suspect that whatever source provided him the million dollars probably helped him cover the amount of that fine. And 500 hours of community service, well, that would be a nice year's work.

Maria Hsia, who funneled over $100,000 through nuns and monks at a temple was tried and convicted of five counts. She was sentenced on February 6 of this year to a whopping 90 days—90 days—of home confinement—that is really tough; you have to stay home for 90 days—250 hours of community service, 3 years of probation and she was fined a whopping $5,000. The ''home confinement,'' of course, permits Ms. Hsai to work each day, care for her elderly parents and attend religious services—but no jail time. So you can't really say this is an onerous penalty.

Billionaire James Riady agreed on January 11 of this year to pay an $8.6 million fine and plead guilty to unlawfully reimbursing donors to the 1992 campaign of President Bill Clinton—but he will serve no jail time.

But for a billionaire, $6 million is like me reaching in my wallet to buy lunch at the sandwich shop. Do you think that hurt him very much? I do not believe so. For $8.6 million, he has every incentive to come back and do his trick again. That is a small price to pay for being able to exercise inappropriate, unwarranted, and illegal influence on a campaign.

Until this point, this body has focused exclusively on making it more difficult for candidates to raise money legally while remaining silent on blatant abuses. If we are to get serious about reform, at least we should go after those who are willing to break the law. If campaign violators refuse to respect the law, then maybe they will respect the threat of real, not meaningless, punishment. Congress needs to get tough and send a clear message that the days of tolerance for these illegal, unlawful, and improper practices are coming to an end. I urge my colleagues to adopt this very simple amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields the time?

Mr. McCAIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the Senator from Missouri.

There is a great deal of redundancy in his amendment. We already bar foreign contributions and increase penalties in some areas. But I think the Senator from Missouri makes very valid points. I think his amendment probably addresses some very helpful areas. I am prepared to accept the amendment. I do not know about all Members yet, but we would like to run it by them and see if we can't get some agreement on the amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCONNELL. Would the Senator from Iowa withhold for just a moment? We have an amendment that is cleared. I would just like to process it if I could.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, the pending amendment is the Bond amendment?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. McCONNELL. I ask unanimous consent it be temporarily set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 167

Mr. McCONNELL. Mr. President, there is an amendment by Senator

HATCH with regard to expedited review that has been cleared on both sides. I send that amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. HATCH, proposes an amendment numbered 167.

Mr. MCCONNELL. I ask unanimous consent reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide expedited review)

On page 38, after line 3, add the following:

SEC. 403. EXPEDITED REVIEW.

(a) EXPEDITED REVIEW.—Any individual or organization that would otherwise have standing to challenge a provision of, or amendment made by, this Act may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that such provision or amendment violates the Constitution. For purposes of the expedited review provided by this section the exclusive venue for such an action shall be the United States District Court for the District of Columbia.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order or judgment of the United States District Court for the District of Columbia finally disposing of an action brought under subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 calendar days after such order or judgment is entered; and the jurisdictional statement shall be filed within 30 calendar days after such order or judgment is entered.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

Mr. HATCH. Mr. President, I am offering an amendment that will provide for expedited judicial review of the provisions of the McCain-Feingold Bipartisan Campaign Finance Reform Act of 2001. Without this amendment, American citizens and public interest groups, among others, will be subject to controversial, unworkable, and in my mind, likely unconstitutional provisions that infringe free speech rights protected by the first amendment.

Supporters of the bill should welcome this amendment as well. All of us, supporters and opponents alike, stand go gain by a prompt and definite determination of the constitutionality of many of the bill's controversial provisions.

For those who oppose the bill, these controversial provisions pose imminent danger not only to individuals' rights to free speech, but also to our cherished two party system. Because the harm these provisions will cause is serious and irreparable, it is imperative that we afford the Supreme Court the opportunity to pass on the constitutionality of this legislation as soon as possible.

The way the amendment works is simple, and I believe it should be noncontroversial. Those who challenge the constitutionality of the legislation must bring their case in the district court of the District of Columbia. Furthermore, only those who can show cognizable harm under the legislation will be permitted to bring a case. The district court, of course, has the authority to consolidate all the challenges brought against the legislation. To make certain that the district court considers the case promptly, my amendment directs the court to ''expedite to the greatest possible extent the disposition of [the] matter.''

My amendment also provides for an expedited appeal of the district court's ruling to the Supreme Court. The hearing of this appeal by the Supreme Court, however, follows the customary procedures for a writ of certiorari—that is, the Supreme Court has the discretion whether or not to review the case. If the Supreme Court declines to review the ruling, then the district court's ruling would stand.

Now some may complain that with this approach we are bypassing the Circuit Courts of Appeal. To them I say this: Such a procedure is not unprecedented. Indeed, the Supreme Court's own rules allow for such a procedure when it is authorized by law or when the case is of such imperative public importance as to justify deviation from normal appellate practice. I think we can all agree that the issues presented by this legislation meet that threshold.

I hope that my colleagues—whether they support or oppose the underlying legislation—will support my amendment. It is in all of our interests to have the prompt, authoritative, and final resolution of these issues that an expedited appeal will provide.

Mr. FEINGOLD. Mr. President, this amendment is acceptable to those who support this bill because we agree with the Senator from Utah that questions about its constitutionality should be resolved promptly. A procedure similar to the one set up in this amendment was used when the 1974 act was challenged, and although not all of us agree with everything that the Supreme Court decided in the Buckley case, the process served the country relatively well.

Let me make just a few points of clarification. First, the amendment makes no change in what would otherwise be the law on the issue of who has legal standing to sue. The text of the amendment is absolutely clear on that point. Second, as the Senator from Utah notes, the venue for actions challenging the constitutionality of the bill will be in the United States District Court for the District of Columbia, with direct appeal to the United States Supreme Court. The district court will have the power to consolidate related challenges into a single case.

Finally, and most importantly, although the amendment provides for the expedition of these cases to the greatest possible extent, we do not intend to suggest that the courts should not take the time necessary to develop the factual record and hear relevant testimony if necessary. And we do believe that the Court should allow interested parties to intervene, or become amici curiae as was done in the litigation that led to the Buckley decision. This case will be one of the most important that the Court has heard in decades, with ramifications for the future of our political system for years to come. By expediting the case, we in no way want to rush the Court into making its decision without the benefit of a full and adequate record and the opportunity for all interested parties to participate.

With that understanding, I support the amendment and I commend the Senator from Utah for thinking ahead to the inevitable legal challenges that await this bill and coming up with a fair and expeditious procedure to handle them.

Mr. DODD. Mr. President, we have been able to work out the amendment offered by my colleague from Utah, Senator HATCH, with regard to an expedited review of the McCain-Feingold measure.

While I strongly disagree with my colleague's conclusion that absent review, the citizens of this Nation will be subjected to unconstitutional provisions that infringe on speech, I do support the intent of this amendment. I believe that this measure, S. 27, is a balanced attempt to follow the requirements laid down in Buckley and the Shrink Missouri PAC cases. The Court has essentially invited Congress to express our will in this area, and the McCain-Feingold legislation does just that.

My support for the Senator's amendment should in no way be read to suggest that I think there are provisions of this measure that are unconstitutional. To the contrary, I believe it will pass constitutional review. However, I understand the Senator's desire to put this question to the test in an expedited manner.

This is not an unusual request for such far-reaching and important legislation. The purpose of this amendment is to provide expedited judicial review of this legislation. In this Senator's mind, this is a good idea. I am confident that the Supreme Court will ultimately uphold this legislation and it is in everyone's best interest to know that as soon as possible.

But by saying that, however, I do not want to suggest that the Court should not take adequate time to review any such challenge. Furthermore, I am not suggesting that such an expedited review be conducted at the expense of allowing all interested parties to intervene in this matter in order to provide assistance to the Court in its decision. This may be the first major effort to reform this Nation's campaign finance

laws in nearly 25 years that becomes law, and there is a wealth of expertise on this issue in both Congress and the private sector which can be of immense assistance to the Court in its review.

Finally, I express my appreciation to the Senator from Utah for his willingness to clarify that any such expedited challenge to this measure must be brought exclusively in the District Court for the District of Columbia.

I urge the adoption of the amendment.

Mr. MCCONNELL. Mr. President, I believe we are ready to adopt it.

Mr. DODD. Mr. President, there is no objection to the amendment on this side.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment? The question is on agreeing to the amendment.

The amendment (No. 167) was agreed to.

Mr. DODD. 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.

Mr. MCCONNELL. I yield the floor.

AMENDMENT NO. 168

The PRESIDING OFFICER (Mr. KYL). The Senator from Iowa.

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 168.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To add a nonseverability provision with respect to the ban on soft money and the increase in hard money limits)

On page 37, strike lines 15 through 24 and insert the following:

TITLE IV—NONSEVERABILITY OF CERTAIN PROVISIONS; EFFECTIVE DATE

SEC. 401. NONSEVERABILITY OF CERTAIN PROVISIONS

(a) IN GENERAL.—Except as provided in subsection (b), if any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

(b) NONSEVERABILITY OF PROHIBITION ON SOFT MONEY OF POLITICAL PARTIES AND INCREASED CONTRIBUTION LIMITS.—If any amendment made by section 101, or the application of the amendment to any person or circumstance, is held to be unconstitutional, each amendment made by sections 101 or 308 (relating to modification of contribution limits), and the application of each such amendment to any person or circumstance, shall be invalid.

Mr. HARKIN. Mr. President, this is a very simple amendment. All it does is provide that if the soft money ban is struck down in the courts, then the hard money increases now included in the bill will also be taken out.

During the debate on raising the hard money limits, we heard a lot of discussion about, if we are going to ban all the soft money, then we at least ought to raise the hard money limits. I happened to personally oppose that, but obviously I was on the losing side of that issue. So the hard money limits were raised. There is some question as to whether or not the ban on soft money is going to be upheld in the courts. There are those who say that it can withstand constitutional scrutiny; there are others who say it won't. I don't know. It is sort of a tossup on that one.

All my amendment says is that if the courts strike down the ban on soft money, then the increase in hard money that we included will go back to the limits we now have in law. It is very simple. I don't know that I need to describe it any more than that.

We would be a laughing stock if, in fact, the courts struck down the soft money ban so that now we have soft money and an increase in hard money. What kind of reform is that? Obviously, if the soft money ban is found to be constitutionally secure, then we have the increases in the hard money.

That is all this amendment does. There is more I could say about how much people give in hard money, but that has already been discussed. I don't need to go through that. It would cast a bad light on reform if in fact the courts struck down the soft money ban so now we have soft money and more hard money. That would be the total antithesis of what we are trying to do here.

That is what the amendment is. It is very simple. It is straightforward. Again, my amendment says, if the courts strike down the ban on soft money, then the increases we have put in here on hard money will go back to the levels we have had for the last 25 years.

Mr. DODD. Will my colleague yield for a question?

Mr. HARKIN. I am glad to yield.

Mr. DODD. I think this is an amendment that makes some sense. He is absolutely correct. There is some question about the soft money constitutionality. If that ban is found to be unconstitutional, then the door is wide open again. As my colleague knows, while I supported the Thompson-Feinstein compromise, I did so reluctantly, having spoken out against the increases. I agree with my colleague on that point. I have some concerns over the so-called millionaires amendment as well which allows for an exponential increase in contributions if someone challenges us with personal wealth. I know that makes Members uneasy, but it allows for a factor as high as presently six times the hard dollar limits.

Mr. HARKIN. That is correct.

Mr. DODD. I don't know if his amendment includes reaching that provision. Even if we go back to the original hard dollar limits, we still include the millionaires which would allow those numbers to go up. I was curious as to whether or not the amendment touched on that provision.

Mr. HARKIN. I don't think it touches that. No, we did not touch on that provision with the amendment.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, the Senator from Iowa voted against nonseverability yesterday. After Senator MCCAIN and Senator THOMPSON and others went through this painful compromise of working out an appropriate hard money increase that only had 16 votes against it, the Senator from Iowa wants to come in here at the last minute and unravel that compromise. I thought we were past that on this bill, I say to the Senator from Arizona. I thought we were down to a few wrap-up items. This amendment ought to be defeated overwhelmingly, and we should stick with the compromise that was so painstakingly worked out the other day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the Senator from Kentucky is exactly right. This whole thing has been a series of fragile compromises. This would unravel the whole effort. Although the Senator from Kentucky and I are not in agreement on the amount, there is no doubt that we have to increase hard money. To say that we would not increase hard money at all and do away with all the soft money is just not a viable proposal. I hope the Senator from Iowa will recognize that there is overwhelming opposition to this amendment, and we could voice vote it at this time.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Wisconsin.

Mr. FEINGOLD. I join in the opposition to the Harkin amendment. There was a very good discussion yesterday about the rarity and lack of wisdom of the nonseverability provisions. To head in that direction, given the rarity of it, given the clear intention of the Senate yesterday, is unwise. We oppose this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. Mr. President, 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. HARKIN. 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. HARKIN. Mr. President, it is my understanding that the pending amendment is one I had sent up earlier. To summarize the amendment, which is

now under consideration, it is simple and straightforward. It says if the courts strike down the ban on soft money, then the increases in the hard money limits we put in this bill would also go back to the levels we have right now. So we would not be faced with a situation later on that. If the court struck down the soft money ban, we get to raise soft money and also get the increases in the hard money limit.

Senator DODD pointed out that my amendment does not reach to the millionaire amendment that we adopted. It doesn't. I did not include that. These are the things I understand that are going to have to be worked out in conference with the House. I am hopeful that as we go into conference, the problem I just pointed out would also be addressed. We certainly don't want to wind up having both the soft money and the increases in hard money—at least I don't think.

In talking with colleagues on this side, that is why I decided to offer this amendment. But I understand that it would not be adopted; I understand the lay of the land.

I ask that we just proceed to a voice vote on the amendment and, hopefully, the managers would consider this when they get into conference.

Mr. MCCONNELL. Mr. President, there is bipartisan opposition to the amendment of the Senator from Iowa. We will be voting no on the voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 168) was rejected.

Mr. MCCONNELL. I move to reconsider the vote. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I suggest the absence of a quorum to be charged to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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. MCCONNELL. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The Bond amendment No. 166.

AMENDMENT NO. 166, AS MODIFIED

Mr. MCCONNELL. Mr. President, on behalf of Senator BOND, I send a modification to the amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 37, between lines 14 and 15, insert the following:

SEC. 305. INCREASE IN PENALTIES IMPOSED FOR VIOLATIONS OF CONDUIT CONTRIBUTION BAN.

(a) INCREASE IN CIVIL MONEY PENALTY FOR KNOWING AND WILLFUL VIOLATIONS.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) in paragraph (5)(B), by inserting before the period at the end the following: "(or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1000 percent of the amount involved in the violation)"; and

(2) in paragraph (6)(C), by inserting before the period at the end the following: "(or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1000 percent of the amount involved in the violation)".

(b) INCREASE IN CRIMINAL PENALTY.—

(1) IN GENERAL.—Section 309(d)(1) of such Act (2 U.S.C. 437g(d)(1)) is amended by adding at the end the following new subparagraph:

"(D) Any person who knowingly and willfully commits a violation of section 320 involving an amount aggregating $10,000 or more during a calendar year shall be fined, or imprisoned for not more than 2 years, or both. The amount of the fine shall not be less than 300 percent of the amount involved in the violation and shall not be more than the greater of $50,000 or 1000 percent of the amount involved in the violation.".

(2) CONFORMING AMENDMENT.—Section 309(d)(1)(A) of such Act (2 U.S.C. 437g(d)(1)(A)) is amended by inserting "(other than section 320)" after "this Act".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring on or after the date of enactment of this Act.

Mr. DODD. Mr. President, while I will not object to the adoption of the amendment by my colleague from Missouri, Mr. BOND, I do not believe that it presents the best approach for ensuring comprehensive enforcement of this new law. In particular, I disagree with the method of appearing to single out one type of violation for enhanced enforcement or prosecution, namely conduit contributions in the name of another.

My lack of objection should not be read to infer that either this Senator, or this body, believe that conduit contributions represent the most serious abuse of campaign finance laws nor that such an abuse requires selective enforcement and prosecution apart from other violations of the Act.

I also want to be clear that I do not completely agree with the characterizations of the Senator from Missouri of the alleged campaign finance abuses in the 1996 Presidential and Congressional elections. Let me also be clear, campaign finance violations are already subject to civil enforcement and prosecution as both misdemeanor and felony offenses. The remedies Senator BOND is proposing appear to already be available in law if the facts or evidence in such cases include aggrevated circumstances.

An unintended result of the amendment of Senator BOND may be the appearance and reality of selective prosecution. Such a result is avoided by the approach of my colleagues from Tennessee, Senator THOMPSON, and Connecticut, Senator LIEBERMAN. Theirs is the preferred approach which provides for comprehensive enforcement of all violations of the new law. I am pleased that their provision has also been included in S. 27, the McCain-Feingold legislation, and believe that it should be applied across the act to all violations.

We all agree that existing civil and criminal laws must be vigorously and uniformly enforced. I believe that this will be the case.

Mr. MCCONNELL. Mr. President, this has been worked out now and is acceptable to both sides.

Mr. DODD. The Senator from Kentucky is correct.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

The amendment (No. 166), as modified, was agreed to.

Mr. DODD. 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.

Mr. MCCONNELL. 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. MCCAIN. 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. MCCAIN. Mr. President, I am very cognizant of the very short period of time remaining under the UC agreement on amendments. We have been working on a modification of the so-called millionaires amendment. I believe we are very close in trying to equalize this situation so that when a person contributes a certain amount of money, then the incumbent or the candidate without the money will be able to have not an unfair advantage.

We have been in consultation, and I hope we can reach an agreement under the UC, if all sides agree, to have an amendment adopted after the vote. That is up to Senator MCCONNELL. I want to hear from him on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I missed the first part of the comment of the Senator from Arizona. I gather it was whether this amendment can be offered after 11 o'clock.

We have been on this bill 2 weeks. This was adopted the first day of the 2-week debate, and here we are at 2 minutes to 11 still trying to fix it. With all due respect to the Senator from Michigan, I am not going to agree to a modification of the consent agreement so it can be offered after 11 o'clock. I will be happy to work with him on whether it can be included as a technical amendment at the end on Monday. I am not going to agree to change the consent under which we are currently operating.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I understand Senator MCCONNELL's position. It

has been long debated. I had hoped we would reach agreement that by unanimous consent we could offer an amendment after 11 o'clock because we are still working on some of the technical aspects of this amendment. But if the Senator from Kentucky believes he has to object to that unanimous consent request, then I will offer this amendment at this time. I ask the Senator if that is his position.

Mr. MCCONNELL. I think the Senator should offer the amendment because this, at the risk of repeating myself, is the first amendment we dealt with 2 weeks ago, and here we are 1 minute to 11 trying to modify it. My colleague had plenty of time to do that. The Senator can go ahead and do that if he wants.

Mr. DURBIN. I thank the Senator.

AMENDMENT NO. 169

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 169.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To limit the increase in contribution limits in response to expenditures from personal funds by taking into consideration a candidate's available funds)

On Page 37, between lines 14 and 15, insert the following:

SEC. . RESTRICTION ON INCREASED CONTRIBUTION LIMITS BY TAKING INTO ACCOUNT CANDIDATE'S AVAILABLE FUNDS.

Section 315(i)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(i)(1)), as added by this Act, is amended by adding at the end the following:

''(E) SPECIAL RULE FOR CANDIDATE'S CAMPAIGN FUNDS.—

(i) IN GENERAL.—For purposes of determining the aggregate amount of expenditures from personal funds under subparagraph (D)(ii), such amount shall include the net cash-on-hand advantage of the candidate.

(ii) NET CASH-ON-HAND ADVANTAGE.—For purposes of clause (i), the term 'net cash-on-hand advantage' means the excess, if any, of

(I) the aggregate amount of 50% of the contributions received by a candidate during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 30 of the year preceding the year in which a general election is held, over

(II) the aggregate amount of 50% of the contributions received by an opposing candidate during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 30 of the year preceding the year in which a general election is held.

Mr. DURBIN. Let me explain.

Mr. DODD. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

The PRESIDING OFFICER. The hour of 11 o'clock has arrived, and there are 2 minutes equally divided.

Mr. DODD. Parliamentary inquiry: Is it permissible for a modification to be sent to the desk and considered prior to the vote of an amendment that has already been submitted?

The PRESIDING OFFICER. By unanimous consent.

Mr. DURBIN. Could I ask for clarification? I have 2 minutes to explain the amendment?

The PRESIDING OFFICER. Two minutes, equally divided.

Mr. DURBIN. This was one of the first amendments, the Domenici-DeWine-Durbin amendment, related to the millionaire candidates who are showing up more and more.

Since this amendment was originally adopted, some people have noted the fact that some incumbents may have cash on hand and that ought to be taken into consideration when you consider the triggers as to millionaires' expenditures. That is what this amendment addresses.

We also had changed the hard money contributions. We have raised the level of the contributions, which affects the same amendment, the Domenici amendment. I am only addressing the cash on hand aspect. I hope my colleagues would agree with me that we want to get as close to possible to a level playing field but not create incumbent advantage. That is what this amendment seeks to do.

Mr. DODD. I thank my colleague for doing this. I opposed the millionaires amendment for the very reason that the Senator from Illinois outlined this morning. The reason he has offered this amendment is to correct it; it creates a giant loophole.

Talk about incumbent protection, we allow now six times the new levels of hard money. It allows literally someone to receive a check from one couple of $48,000, vastly in excess of what Members intended when they adopted this amendment a week ago.

Under the Feinstein-Thompson increase in hard dollars, we need to come back to this. The Senator from Illinois offered a reasonable, sensible amendment to correct this problem. I urge its adoption.

Mr. DURBIN. I ask unanimous consent for 30 additional seconds.

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

Mr. DURBIN. I make the record clear. We asked for unanimous consent so we could continue to work on this amendment. I only addressed the cash on hand.

I agree completely with the Senator from Connecticut when it comes to the increased hard money contribution. I hope to address that in my technical amendment, if not in conference. I agree with him completely on the point. We have not had the time this morning to include that.

Mr. MCCONNELL. If ever that were a faulty excuse, this is the time. This was the first amendment adopted 2 weeks ago and the Senator from Illinois is here at the last minute trying to unravel an amendment that got 70 votes. A Domenici amendment was passed 70–30 2 weeks ago and here at the last minute we are trying to unravel it.

It is no surprise that there is some confusion about what is going on. My conclusion is that a vote that got 70 Members of the Senate maybe ought to stand. I think the Durbin amendment should be opposed.

AMENDMENT NO. 164, AS MODIFIED

Mr. DODD. Is it permissible to move to a second amendment? I want to send a modification on behalf of the Senator to the desk on the Reed amendment.

Mr. MCCONNELL. Reserving the right to object—I do not object.

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

The amendment will be so modified.

The amendment, as modified, is as follows:

On page 37, between line 14 and 15, insert the following:

SEC. ___. AUDITS.

(a) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended by striking ''6 months'' and inserting ''12 months''.

SEC. ___. AUTHORITY TO SEEK INJUNCTION.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

''(13) AUTHORITY TO SEEK INJUNCTION.—

''(A) IN GENERAL.—If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

''(i) there is a substantial likelihood that a violation of this Act is occurring or is about to occur;

''(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

''(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

''(iv) the public interest would be best served by the issuance of an injunction;

the Commission may initiate a civil action for a temporary restraining order or a preliminary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

''(B) VENUE.—An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found, or in which the violation is occurring, has occurred, or is about to occur.'';

(2) in paragraph (7), by striking ''(5) or (6)'' and inserting ''(5), (6), or (13)''; and

(3) in paragraph (11), by striking ''(6)'' and inserting ''(6) or (13)''.

SEC. ___. INCREASE IN PENALTY FOR KNOWING AND WILLFUL VIOLATIONS.

Section 309(a)(5)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(B)) is amended by striking ''the greater of $10,000 or an amount equal to 200 percent'' and inserting ''the greater of $15,000 or an amount equal to 300 percent''.

SEC. ___. USE OF CANDIDATES' NAMES.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by striking paragraph (4) and inserting the following:

''(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

''(B) A political committee that is not an authorized committee shall not—

''(i) include the name of any candidate in its name, or

''(ii) except in the case of a national, State, or local committee of a political party, or with the express authorization of the candidate, use the name of any candidate in any activity on behalf of such committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.''.

SEC. ___. EXPEDITED PROCEDURES.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)), as amended by this Act, is amended by adding at the end the following:

''(14) EXPEDITED PROCEDURE.—

''(A) 60 DAYS PRECEDING AN ELECTION.—If the complaint in a proceeding is filed within 60 days immediately preceding a general election, the Commission may take action described in this paragraph.

''(B) RESOLUTION BEFORE ELECTION.—If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that there is clear and convincing evidence that a violation of this Act has occurred, is occurring, or is about to occur and it appears that the requirements for relief stated in clauses (ii), (iii), and (iv) of paragraph (13)(A) are met, the Commission may—

''(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

''(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, immediately seek relief under paragraph (13)(A).

''(C) COMPLAINT WITHOUT MERIT.—If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

''(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

''(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.''.

SEC. ___. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL ELECTION COMMISSION.

Section 314 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439c) is amended—

(1) by inserting ''(a)'' before ''There'';

(2) in the second sentence—

(A) by striking ''and'' after ''1978,''; and

(B) by striking the period at the end and inserting the following: '', and $80,000,000 (as adjusted under subsection (b)) for each fiscal year beginning after September 30, 2001.''; and

(3) by adding at the end the following:

''(b) The $80,000,000 under subsection (a) shall be increased with respect to each fiscal year based on the increase in the price index determined under section 315(c) for the calendar year in which such fiscal year begins, except that the base period shall be calendar year 2000.''.

SEC. ___. EXPEDITED REFERRALS TO ATTORNEY GENERAL.

Section 309(a)(5) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking subparagraph (C) and inserting the following:

''(C) The Commission may at any time, by an affirmative vote of at least 4 of its members, refer a possible violation of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986, to the Attorney General of the United States, without regard to any limitation set forth in this section.''.

The PRESIDING OFFICER. There are 2 minutes equally divided. All time on the Reed amendment has expired.

Mr. REED. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. The question is on agreeing to the Reed amendment numbered 164, as modified.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Nevada (Mr. ENSIGN), the Senator from Texas (Mr. GRAMM), the Senator from North Carolina (Mr. HELMS), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from Louisiana (Mr. BREAUX), the Senator from Minnesota (Mr. DAYTON), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 50, as follows:

[Rollcall Vote No. 62 Leg.]

YEAS—41

Akaka	Edwards	Lieberman
Bayh	Feingold	Lincoln
Biden	Fitzgerald	Mikulski
Byrd	Graham	Murray
Cantwell	Harkin	Nelson (FL)
Carnahan	Hollings	Reed
Carper	Inouye	Reid
Cleland	Johnson	Rockefeller
Conrad	Kennedy	Sarbanes
Corzine	Kerry	Schumer
Daschle	Kohl	Stabenow
Dodd	Landrieu	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	

NAYS—50

Allard	Domenici	Nelson (NE)
Allen	Enzi	Nickles
Baucus	Feinstein	Roberts
Bennett	Frist	Santorum
Bond	Grassley	Sessions
Boxer	Gregg	Shelby
Brownback	Hagel	Smith (NH)
Bunning	Hatch	Smith (OR)
Burns	Hutchinson	Snowe
Campbell	Hutchison	Specter
Chafee	Inhofe	Stevens
Clinton	Jeffords	Thompson
Cochran	Kyl	Thurmond
Collins	Lott	Torricelli
Craig	Lugar	Voinovich
Crapo	McCain	Warner
DeWine	McConnell	

NOT VOTING—9

Bingaman	Ensign	Miller
Breaux	Gramm	Murkowski
Dayton	Helms	Thomas

The amendment (No. 164), as modified, was rejected.

Mr. MCCONNELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, let me report to the Members of the Senate that there may only be one more rollcall vote. I ask unanimous consent—there could be more than one but maybe only one—that the next vote in the series be limited to 10 minutes.

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

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona has 1 minute.

AMENDMENT NO. 165

Mr. MCCAIN. Mr. President, I urge adoption of this amendment. It basically codifies regulation. It requires the Federal Election Commission to promulgate new regulations to enforce the statutory standards. It shall not require collaboration or agreement to establish coordination, in addition to any subject determined by the Commission. In other words, we are asking the FEC to promulgate regulations to crack down on the abuses of coordination. I think it is legitimate. It neither favors unions nor business and corporations.

It may not be the answer that we both wanted, but it is a far significant improvement from the present language. I look forward to working with the Senator from Kentucky in trying to improve it even further.

I urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I urge that the amendment be opposed. I particularly want to get the attention of the Republican Senators. I have been predicting for 2 weeks that at the end there would be an effort to water down offending language that big labor did not like that was inadvertently included, or maybe on purpose included, in the original McCain-Feingold. This is that effort. What it does is let big labor continue to coordinate its ground game with the Democratic Party.

This is a modification of the original language in McCain-Feingold which the AFL-CIO thought was offensive. It is now being modified in a way that makes it bite less. So this will complete the job.

You noticed, all the amendments during the course of the last 2 weeks that had any impact on labor at all were defeated. Now the provision that was in the bill that was offensive to labor is being watered down. I urge that this amendment be opposed.

Mr. DODD. Mr. President, is there any time remaining?

The PRESIDING OFFICER. All time has expired.

Mr. DODD. Mr. President, I ask unanimous consent for 20 seconds, if I can.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I ask unanimous consent for 20 seconds.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DODD. This amendment covers every organization. If you are for McCain-Feingold, you don't want to put people in the situation where you are potentially becoming a criminal because you had a conversation. So this covers the NRA, pro-life groups, every organization. Without the adoption of this amendment, you have a situation that is inviting criminality. I do not think any of us want to see that be the case. Senator MCCAIN and others have worked this out. I urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 20 seconds.

Mr. MCCONNELL. Let me sum this up. This is the last gift to the AFL–CIO right here at the end of the bill. It will allow them to continue to coordinate their ground game with the Democrats. I urge opposition of the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 165. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Nevada (Mr. ENSIGN), the Senator from Texas (Mr. GRAMM), the Senator from North Carolina (Mr. HELMS), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Wyoming (Mr. THOMAS), are necessarily absent.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from Louisiana (Mr. BREAUX), the Senator from Minnesota (Mr. DAYTON) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 34, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—57

Akaka	Durbin	Lugar
Baucus	Edwards	McCain
Bayh	Feingold	Mikulski
Biden	Feinstein	Murray
Boxer	Graham	Nelson (FL)
Byrd	Harkin	Nelson (NE)
Cantwell	Hollings	Reed
Carnahan	Hutchison	Reid
Carper	Inouye	Rockefeller
Chafee	Jeffords	Sarbanes
Cleland	Johnson	Schumer
Clinton	Kennedy	Snowe
Cochran	Kerry	Specter
Collins	Kohl	Stabenow
Conrad	Landrieu	Thompson
Corzine	Leahy	Torricelli
Daschle	Levin	Warner
Dodd	Lieberman	Wellstone
Dorgan	Lincoln	Wyden

NAYS—34

Allard	Enzi	Nickles
Allen	Fitzgerald	Roberts
Bennett	Frist	Santorum
Bond	Grassley	Sessions
Brownback	Gregg	Shelby
Bunning	Hagel	Smith (NH)
Burns	Hatch	Smith (OR)
Campbell	Hutchinson	Stevens
Craig	Inhofe	Thurmond
Crapo	Kyl	Voinovich
DeWine	Lott	
Domenici	McConnell	

NOT VOTING—9

Bingaman	Ensign	Miller
Breaux	Gramm	Murkowski
Dayton	Helms	Thomas

The amendment (No. 165) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, there is one amendment remaining, and I believe it has been worked out. I believe Senator DURBIN has to modify it.

AMENDMENT NO. 169, AS MODIFIED

Mr. DURBIN. Mr. President, I ask unanimous consent that the modification I have delivered to the desk be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 169), as modified, was agreed to, as follows:

On page 37, between lines 14 and 15, insert the following:

SEC. . RESTRICTION ON INCREASED CONTRIBUTION LIMITS BY TAKING INTO ACCOUNT CANDIDATE'S AVAILABLE FUNDS.

Section 315(i)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(i)(1)), as added by this Act, is amended by adding at the end the following:

''(E) SPECIAL RULE FOR CANDIDATE'S CAMPAIGN FUNDS.—

(i) IN GENERAL.—For purposes of determining the aggregate amount of expenditures from personal funds under subparagraph (D)(ii), such amount shall include the gross receipts advantage of the candidate's authorized committee.

(ii) GROSS RECEIPTS ADVANTAGE.—For purposes of clause (i), the term ''gross receipts advantage'' means the excess, if any, of

(I) the aggregate amount of 50% of gross receipts of a candidate's authorized committee during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held, over

(II) the aggregate amount of 50% of gross receipts of the opposing candidate's authorized committee during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held.

Mr. DURBIN. Mr. President, I ask unanimous consent that Senators DOMENICI, DEWINE, and LEVIN be shown as cosponsors of the modified amendment.

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

Mr. DODD. Mr. President, I am going to oppose the modified Durbin amendment. Quite simply, it preserves all of the incumbency protection provisions of the original Domenici amendment.

I compliment my colleague from Illinois on his attempt to correct his amendment of last week, but this modification does not get the job done.

Let me review for my colleagues what happened last Tuesday and which provisions of the Domenici amendment are most objectionable to this Senator.

Last Tuesday the Senate adopted amendment number 115 offered by Senators DOMENICI, DEWINE, DURBIN, MCCONNELL and others regarding wealthy candidates. The proponents of this amendment claimed that it addressed an unintended effect of the Buckley decision—namely, that wealthy candidates have a constitutional right to use their own resources to finance a campaign. My colleagues argued at the time that the Buckley decision created a substantial disadvantage for opposing candidates who must raise campaign funds under the current fund-raising limitations.

That is an outrageous statement. Who among us really believe that we are disadvantaged by hard money contribution limits? The benefits of incumbency are well known and are recognized obstacles for challengers to overcome.

The contention of my colleagues, who supported the Domenici amendment last week, is that the current limits are simply too low for incumbents to overcome challengers who have independent wealth. Consequently, their amendment establishes threshold amounts, based on the voting population of the state, which if exceeded by contributions of personal wealth by a candidate, would trigger outlandish benefits to an incumbent. Benefits of 4 to 6 times the contribution limits of current law.

I opposed that amendment because it clearly created yet another advantage of incumbency—that of ignoring the significant wealth that incumbents also have in the form of campaign treasuries.

Moreover, the benefits afforded to an incumbent with a war chest were way out of line with the threshold limits that triggered these benefits.

For example, in my State of Connecticut, the voting age population is roughly 2.5 million. Under the Domenici amendment, a wealthy candidate would only have to expend $250,000 of his or her own resources to trigger benefits to an incumbent. And what are those benefits? Well, it depends upon how much the wealthy candidate spends.

If the wealthy candidate spends $500,000 of his or her own money—not an insignificant sum, but not huge either—the amendment would triple the contribution rates for the incumbent. That means that the incumbent could raise funds, equal to 110% of the $500,000, in amounts three times as large as current law. The incumbent facing this moderately wealthy challenger in the State of Connecticut would be able to solicit $6,000 per individual, per election for a total of $12,000, or $24,000 per couple. That is hardly reform.

But what if that moderately wealthy challenger expends twice that amount

in personal resources, or $1 million? In that case, the so-called disadvantaged incumbent can raise contributions from individuals at 6 times the current rate. In that instance, the incumbent could legally solicit funds from an individual in the amount of $12,000 per election, or $24,000 per election cycle, or $48,000 per couple.

Is there anyone who believes that asking a couple to write a check in the amount of $48,000 is reform or in the best interest of this Democracy? I think not.

But let me add another twist. Suppose this same incumbent, facing the wealthy challenger, has a campaign account—as almost all incumbents do. And in that campaign account there is a balance of $1,000,000, not an unrealistic amount for many incumbents. And yet, even though that incumbent has 1 million dollars in the bank, and the wealthy candidate spends only $500,000 of their personal funds, the incumbent still gets 3 times the benefits. What is fair about that?

Some of my colleagues suggest that their campaign accounts are not the same as a challenger's personal wealth—that they have worked hard to raise those campaign dollars, living within the current limits of only $1,000 per individual per election. Before my colleagues feel too sorry for themselves, let me point out that I am sure that wealthy candidate believes he has worked equally hard for his personal wealth. And like the wealthy candidate who, alone, controls whether to spend those resources, the incumbent is similarly in charge of his or her campaign account.

There is simply no way to justify treating an incumbent's war chest differently than a challenger's personal wealth. And yet, both the original Domenici amendment and this so-called fix offered today do.

The amendment by the Senator from Illinois also ignores what has transpired since last Tuesday and the adoption of the original amendment. Since that time, the Senate has adopted the Thompson-Feinstein amendment which doubled the hard money contribution limits for individuals and indexed them for future inflation, so we are now up to $2,000 per year, or $4,000 per election, $8,000 per couple. That amendment also doubled the amount that a Senate campaign committee can give such a candidate to $35,000 and indexed it for inflation also.

In the period of a short week, we potentially gave an incumbent facing a wealthy challenger an additional $17,500, plus an additional $4,000 per couple per election. To address these increased limits would require additional reform which Senator DURBIN's amendment does not address—that is, whether the benefits of this provision providing for a triple or 6 times current rates, are now too great. When the original amendment was drafted, the contributions limits were one-half of what they are today. Consequently, any benefits offered by this amendment should recognize that fact.

Moreover, this so-called fix is not a fix at all. To fairly level the playing field, an incumbent's campaign treasury should be matched dollar-for-dollar by a wealthy candidate's spending of personal funds before any benefits accrue to the incumbent. But that is not what the amendment before us does. Rather, it allows an incumbent to disregard 50% of the funds in his or her war chest before matching such balances against the personal spending of a challenger.

So again, in the example of a race in Connecticut, the incumbent has a war chest of $1,000,000, but only $500,000 of that is considered. So when the wealthy candidate spends $500,000 of his or her own money, no benefits are triggered. But as soon as that wealthy candidate spends $1,000,000, the triple limits apply. That simply does not make sense. The entire balance of the incumbent's campaign treasury should be counted.

I opposed the original amendment because it did not appear to me to be reform, and I oppose this so-called fix as well. I urge my colleagues in the House to take a close look at this provision and either completely eliminate the Domenici provision from the bill—which would be preferable—or amend it to eliminate the substantial loophole for incumbents.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for the third reading and was read the third time.

Mr. MCCONNELL. Mr. President, that essentially completes the underlying bill, upon which final passage will occur at 5:30 on Monday. There will be no more rollcall votes.

Mr. DODD. Mr. President, I know the leaders were discussing this.

I ask unanimous consent that there be 1 hour on Monday, off the budget resolution, prior to the vote at 5:30 for Members to come over to make final comments about the adoption of this important piece of legislation.

Mr. MCCONNELL. Reserving the right to object, we need to check with our leader in terms of how that might impact the running of the clock on the budget resolution, which is the most important item for next week, obviously. I will have to object, until I get some word from the leader.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, I think it is appropriate to have at least a brief discussion before final passage—very brief because we have been on this 2 weeks. People do have a sense of what this issue is about.

One possibility, of course, would be to let that time we use on this subject count on the budget resolution. That would probably smooth the passage to approving this. We will get a report from our leader shortly.

Mr. DODD. Mr. President, I point out we are not on the budget resolution yet. I was just looking for time for Members to speak on the bill, to get a little time to be heard prior to final passage.

It seems to me that is not an unreasonable request. Given the 2 weeks we have spent on this bill, I think Members would like to spend a few minutes expressing their thoughts on this legislation. Rather than take the time of the Senate today, I thought prior to the vote on Monday was the time to do that.

Mr. MCCONNELL. The perfect time to do it is right now. We are basically finished with business for today, and anybody who believes they need to express themselves on this matter further after 2 weeks of robust debate might want to take advantage of morning business, or something along those lines, today.

Mr. DODD. Mr. President, I suggest the absence of a quorum until we come to some understanding.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, Stuart Taylor, Jr. of the National Journal, has been among the more insightful and persuasive voices emerging against the so-called reformers' campaign finance effort.

In the January 1, 2000 edition of that publication, in a piece entitled The Media Should Beware of What it Embraces, Mr. Taylor cautions the media to reconsider its hypocrisy in so zealously attacking the first amendment freedom of every other participant in the political process.

This is especially significant because at one point not long ago, Mr. Taylor had advocated banning party soft money.

I ask unanimous consent that this article by Mr. Taylor and an article by Michael Barone, which ran in U.S. News, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the National Journal, Jan. 1, 2000]

THE MEDIA SHOULD BEWARE OF WHAT IT EMBRACES

(By Stuart Taylor, Jr.)

The uncritical enthusiasm of most media organizations for abolishing ''soft money'' and restricting issue advertising by ''special interests'' prompts this thought: How would the networks and The New York Times like a law imposing strict limits on their own rights to editorialize about candidates? After all, if some of their favored proposals were to be enacted, the media would be the only major interest still enjoying unrestricted freedom of political speech.

A few liberal legal scholars have proposed such laws as a long-term component of any

''reform'' aimed at purging the influence of private money and promoting true political equality. Associate Professor Richard L. Hasen of Loyola University Law School (Los Angeles) put it this way in the June issue of the Texas Law Review:

''If we are truly committed to equalizing the influence of money on elections, how do we treat the press? Principles of political equality could dictate that a Bill Gates should not be permitted to spend unlimited sums in support of a candidate. But different rules [now] apply to Rupert Murdoch just because he has channeled his money through media outlets that he owns. . . . The principle of political equality means that the press too should be regulated when it editorializes for or against candidates.''

Far-fetched? Politically impossible? Blatantly unconstitutional?

Perhaps. But I'm not the only one worried about the lack of a stopping point on the slippery slope that runs from such seemingly modest proposals as the McCain-Feingold bill to the notion of censoring New York Times editorials. Listen to former acting Solicitor General (and former Deputy White House Counsel) Walter Dellinger, the most widely respected constitutional expert to come out of the Clinton Administration:

''I've been struck by how shallow the thought has been about whether McCain-Feingold is a good idea. There's a credible argument that political parties may be the least bad place for monies to be funneled, and yet that's where money would be limited.

''[And] it's odd to see the press clamoring for restricting independent spending on campaigns by everybody other than the media. Even assuming that it would be desirable to say to one individual or group that you may not spend more than X dollars for television ads—while allowing another individual to buy a television network and spend as much as he wishes promoting a candidate or a party—it may be impossible under the First Amendment to restrict the 'media,' and it may be technically impossible in the age of the Internet to draw lines between the 'media' and everyone else.''

Part of Dellinger's point is what more-conservative critics of campaign finance restrictions stress: that each incremental step advocated by us reformers would create new problems and new inequities, fueling demands for more and more sweeping restrictions on political speech.

I say ''us reformers'' because I have been among the advocates of banning unlimited gifts of soft money to the political parties. (See NJ, 9/11/99, p. 2535.) But while John McCain and Bill Bradley have been riding a wave of media acclaim for pushing various reforms, I've been having second thoughts.

Banning soft money has considerable attraction because it would stop corporations, unions, and wealthy individuals from giving political parties the huge gifts that emit such a strong stench of corruption, or at least of influence-peddling.

But unless accompanied by a major increase in the caps on individual contributions of ''hard money''—which most campaign finance reformers vehemently oppose—a soft-money ban could muffle the voices of the parties and their candidates while magnifying the influence of the independent groups (''special interests'') that have already come to dominate some election campaigns. These include ideologically based groups ranging from the National Right to Life Committee on the right to the Sierra Club on the left.

Would it make sense to shift power from broad-based political parties to ideologically driven interest groups that are relatively unknown to the electorate? Dellinger thinks not: ''It wasn't a political party that did the Willie Horton ad. It was an independent expenditure group. . . . They are free to do drive-by political character assassinations without political accountability.''

In part for this reason—and in part because of the simple urge to quiet their critics—many members of Congress insist that any soft-money ban be coupled with restrictions on fund raising by independent groups that use issue ads to influence elections.

The House-passed Shays-Meehan bill would restrict fund raising by such independent groups. And while those restrictions have been stripped from the Senate bill (McCain-Feingold) in order to pick up more votes for the effort to abolish soft money, most reformers see that move as only a temporary, tactical concession.

A further complication is the likelihood that the current Supreme Court majority would strike down the Shays-Meehan restrictions on independent groups, even it if upheld the provision abolishing soft money. The reason is that the danger of corruption that has persuaded the Justices to uphold caps on hard-money contributions to candidates (and that might persuade them to uphold a ban on soft-money contributions to parties) seems far more remote when independent groups are raising and spending the money.

Indeed, the urge of many reformers to restrict independent groups has less to do with preventing corruption than with equalizing the political clout of all citizens by reducing that of people (and groups) with money. And that goal clashes with the Court's crucial holding in 1976, in Buckley vs. Valeo, that ''the concept that government may restrict the speech of some elements of our society in order to enhance the relative voices of others is wholly foreign to the First Amendment.''

Suppose, however, that Congress does eventually abolish soft money and tightly restrict issue ads and that the Supreme Court goes along—and thereby abandons its First Amendment ruling in Buckley. One result would be to weaken the political parties and the independent groups alike by restricting their fund raising.

Another result, liberal and conservative scholars agree, would be to enlarge greatly the power of the big media companies, because they would be the only major organizations still free to raise and spend unlimited amounts of money to amplify their speech about political campaigns. A.J. Liebling's line—''freedom of the press is guaranteed only to those who own one''—would become truer than he ever imagined. In such an environment, what justification would remain for continuing to exempt the institutional media from the pervasive regulation of everyone else?

Would the media be protected by their image of themselves as disinterested, politically neutral guardians of democracy? Hardly. The public is already properly skeptical of the accuracy and fairness of the big media companies. Many of them are already owned by commercial conglomerates, such as General Electric (which owns NBC and half of MSNBC), Disney (which owns ABC), and Rupert Murdoch's empire (which owns the Fox network, The New York Post, The Weekly Standard, and more). Many are even big soft-money donors.

And a media monopoly on freedom of political speech would enhance the already considerable incentives for monied interests seeking political clout to go into the media business.

Could the media count on the Supreme Court to strike down any congressional restrictions on their rights to editorialize? Dellinger believes so. I'm a bit less confident. For if we ever reach that point, Buckley vs. Valeo will already be dead, the First Amendment will be unrecognizable, and political speech will no longer be deemed a fundamental freedom, but rather a privilege to be rationed.

In such a ''post-Buckley era,'' Hasen enthuses, ''op-ed pieces or commentaries expressly advocating the election or defeat of a candidate for federal office could no longer be directly paid for by the media corporation's funds. Instead, they would have to be paid for either by an individual (such as the CEO of the media corporation) or by a PAC set up by the media corporation for this purpose. The media corporation should be required to charge the CEO or the PAC the same rates that other advertising customers pay for space on the op-ed page.''

This scenario seems very remote now. But it suggest some questions that we should ask ourselves before jumping aboard the campaign finance reform bandwagon: How far do we want to go? Is there a good place to stop? Who will be at the controls? And will we be any happier in the end that the campaign finance reformers of 1974 have been with the system they helped create?

[From U.S. News, Nov. 15, 1999]

MONEY TALKS, AS IT SHOULD

(By Michael Barone)

''How a company lets its cash talk,'' read the headline in the New York Times last month. The article tells of the success of Samuel Heyman, chairman of GAF Corp., in lobbying for a bill to change rules for asbestos lawsuits. The article sets out how much money Heyman, his wife, and GAF's political action committee have contributed to politicians and both parties, and the reader is invited to conclude that this billionaire and his company are purchasing legislation that will benefit them. Money buys legislation, which equals corruption: It is the theme articulated by John McCain in the Senate last month and on the campaign trail; it was the premise of questions asked at the Hanover, N.H., candidates' forum and taken for granted by Al Gore and Bill Bradley in their responses; it is the mantra of countless editorial writers and of Elizabeth Drew in her book The Corruption of American Politics.

But is it true? Careful readers of the Times's ''cash talks'' story can find plenty of support for another conclusion: ''Strong arguments talk.'' For 25 years, asbestos lawsuits have transferred billions of dollars from companies that once manufactured asbestos (it was banned in the 1970s) to workers exposed to asbestos and their lawyers. Asbestos causes sickness in some but by no means all workers many years after exposure. But most claimants who have recovered money are not sick and may never be, while those who are sick must often wait years for claims to be settled. The biggest winners in the current system are a handful of trial lawyers who take contingent fees of up to 40 percent and have made literally billions of dollars.

Heyman's proposal, altered somewhat by a proposed House compromise, would stop nonsick plaintiffs from getting any money, while setting up an administrative system to determine which plaintiffs are sick and to offer them quick settlements based on previous recoveries. The statute of limitations would be tolled, which means that nonsick plaintiffs could recover whenever signs of sickness appear. Sick plaintiffs would get more money more quickly, while companies would be less likely to go bankrupt; 15 asbestos firms are bankrupt now, and the largest pays only 10 cents on the dollar on asbestos claims. The two groups who lose, according to Christopher Edley, a former Clinton White House aide and Harvard Law professor who

has worked on the legislation, would be nonsick plaintiffs who might get some (usually small) settlements under the current system and the trial lawyers who have been taking huge contingent fees.

These are strong arguments, strong enough to win bipartisan support for the bill, from Democratic Sens. Charles Schumer and Robert Torricelli as well as House Judiciary Chairman Henry Hyde and Senate Majority Leader Trent Lott. You would expect Hyde and Lott to support such a law, but for Schumer and, especially, Torricelli, it goes against political interest: Torricelli chairs the Senate Democrats' campaign committee, and Democrats depend heavily on trial lawyer money. One can only conclude that Schumer and Torricelli were convinced by strong arguments, which was certainly the case for Democrat Edley, who was writing about cases long before Heyman's bill was proposed. When McCain charged that the current campaign finance system was corrupt, Republican Mitch McConnell challenged him to name one senator who had voted corruptly. Certainly no one who knows the issues and the senators involved would have cited this case.

Air pollution? And not just this case. When a government affects the economy, when it sets rules that channel vast sums of capital, people in the market economy are going to try to affect government. They will contribute to candidates and exercise their First Amendment right to ''petition the government for a redress of grievances,'' i.e., lobby. Both things will continue to be true even if one of McCain's various campaign finance bills is passed. There is no prospect for full public financing of campaigns (Gore says he's for it, but he has never really pushed for it); one reason is that it leaves no way to prevent frivolous candidates from receiving public funds. (Look at the zoo of candidates competing for the Reform Party's $13 million pot of federal money). Reformers speak of campaign advertisements as if they were a form of pollution and try to suppress issue ads as if no one but a candidate (or newspaper editorialist) had a First Amendment right to comment on politicians' fitness for office. And to communicate political ideas in a country of 270 million people you have to spend money.

The idea that the general public interest goes unrepresented is nonsense. There is no single public interest; reasonable people can and do disagree about every issue, from asbestos lawsuits to zoo deacquisitions. This country is rich with voluntary associations ready to represent almost anyone on anything; any interest without representation can quickly get some. Even when the deck seems stacked, as it has for trial lawyers on asbestos regulation, there will be a Samuel Heyman with, as Edley puts it, ''the moxie to act on his convictions.'' Money talks, as it always will in a free society. But in America, and on Capitol Hill, strong arguments can talk louder, and do.

Mr. McCONNELL. Mr. President, it has been encouraging to see the evolution of this debate over the years. While the New York Times and Washington Post are a broken record, repeating ad nauseam the tired and disproven cliches of the reform industry, there has been a marked increase in dissents put forth op-eds and scholarly works.

Among the leading columnists who has weighed in on behalf of the first amendment perspective is Charles Krauthammer.

I ask unanimous consent that Mr. Krauthammer's column of March 23, 2001 in the Washington Post be printed in the RECORD.

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

[From the Washington Post, Mar. 23, 2001]

MCCAIN'S COSTLY CRUSADE

(By Charles Krauthammer)

Pharmaceutical companies live on patent protection. They make their profits in the few years they enjoy a monopoly on the drugs they have discovered. They fight fiercely to protect their turf, and given generously to politicians to make sure they protect that turf too.

Who, then, do you think has just issued a report showing that changes in law and regulation have effectively doubled the drug companies' patent protection time? Some tiny, Naderite public interest group? Some other representative of the little guy?

No. A nonprofit institute founded and largely funded by the insurance companies. Insurance companies, you see, pay the bill for patent protection by drug companies. And they don't like it. There is more than one 800-pound gorilla in this room.

You wouldn't know that from hearing John McCain talk about how special interests buy their way in Washington. They try to, but they run up against the classic Madisonian structure of American democracy. Madison saw ''factions,'' what we now call interests, not only as natural, but as beneficial to democracy because they inevitably check and balance each other.

His solution to the undue power of factions? More factions. Multiply them—and watch them mutually dilute each other. For two centuries we followed the Madisonian model. But now McCain's crusade calls for restriction rather than multiplication: curtailing the power—and inevitably the right to petition and the right to free speech—of special interests.

True, money in politics in corrupting; opponents of McCain should admit as much. Generally one can't prove quid pro quos. But it is obvious that legislators are more attentive to the views of those who give money. Otherwise, they wouldn't give it. The problem, however, is that like all attempts to banish sin from public life—Prohibition, for example—campaign reform comes at a fearful price.

There are three basic ways to conduct effective political speech: own a printing press; buy a small piece of space (or time) in a medium owned by others, say, 30 seconds on TV or a page in a newspaper; or bypass the media and directly support a political actor—candidate, leader, party—whose views reflect yours.

McCain-Feingold would drastically restrict the third, by banning ''soft money'' contributions to parties. The Snowe-Jeffords amendment would drastically restrict the second by curtailing political ads by outside groups.

This is bad policy, first of all, on principle. Free speech is the first of all the amendments not by accident. It is the most important. Which is why we regulate it with the most extreme circumspection. It borders on the comic that the First Amendment should be (correctly) interpreted as protecting nude dancing and flag-burning but not political speech. And there are few more effective ways for someone who does not own a printing press to express and promote his political views than by contributing to a party that reflects them.

Hence, the second problem with McCain-Feingold. It purports to eliminate the influence of money and power in politics. In fact, it eliminates only some influence. It does not end influence peddling. It only skews it.

By restricting Madison's multiple factions, McCain-Feingold radically tilts the playing field toward (a) incumbent politicians, who enjoy the megaphone of public office; (b) the very rich, who can buy unlimited megaphone time (which is why so many now populate the Senate); and (c) media moguls, who own the megaphones.

The conceit of McCain-Feingold is that politicians prostitute themselves only for big corporate or individual contributors. But they give far more care and feeding, flattery and deference to the lords of the media. It stands to reason.

They can be helped or hurt infinitely more by the New York Times or network news shows than by any lobbyist. By restricting the power of contributors, McCain-Feingold magnifies the vast power of those already entrenched in control of information.

How to mitigate the effects of money? By demanding absolute transparency, say, full disclosure on the Internet within 48 hours of a contribution, so that contributions can be the subject of debate during, not after, the campaign. And by requiring TV stations, in return for the public licenses that allow them to print money, to give candidates a substantial amount of free air time.

Far better to reduce the demand for political money rather than the supply. For the Robespierre of American politics, however, such modest steps are almost contemptible. McCain's mission is not the mitigation of sin but its eradication. Yet like all avengers in search of political purity, McCain would leave only wreckage behind: a merely different configuration of influence-peddling—and far less freedom.

Mr. McCONNELL. Mr. President, William Raspberry has also made some astute observations on this issue over the years. In the March 23, 2001 Washington Post, in a column entitled ''Campaign Finance Frenzy,'' Mr. Raspberry makes a refreshing observation, conceding that while he is drawn to ''reform'' he is not sure just what ''reform'' means. What is it? A fair question.

''I don't quite get it,'' Mr. Raspberry writes. He's for it but confesses to not being sure what it is.

I venture to guess Mr. Raspberry speaks for a lot of people who are not intimately familiar with the McCain-Feingold bill and the jurisprudence which governs this arena.

I ask unanimous consent that Mr. Raspberry's column be printed in the RECORD.

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

[From the Washington Post, Mar. 23, 2001]

CAMPAIGN FINANCE FRENZY

(By William Raspberry)

When it comes to campaign finance reform, now being debated in the Senate, I don't quite get it.

I know what the problem is, of course: People and organizations with big money (usually people and organizations whose interests are inimical to mine) are buying up our politics—and our politicians. It is disgraceful, and I'd like it to stop.

What I don't get is how the reform proposals being debated can stop it.

Up to now, I've been too embarrassed to say so. I think I'm for McCain-Feingold, but that's largely because all the people whose politics I admire seem to be for it. Besides, John McCain looks so sincere (I don't really

have a picture of Russ Feingold in my mind) and the Arizonan has made campaign finance reform such an important matter that he was willing to risk offending a president of his own party. I'm attracted to people of principle.

Similarly, I've been denouncing the substitute lately put forward by Sen. Chuck Hagel (R–Neb.) because my colleagues who know about these things say it is a sham—even a step backward. I don't like shams.

The problem is (boy, this is humiliating!) I don't know what I want.

Do I want to keep rich people from using their money to support political issues? Political parties? Political candidates? No, that doesn't seem right.

Didn't the Supreme Court say money is speech, thereby bringing political contributions under the protection of the First Amendment? That pronouncement, unlike much that flows out of the court, makes sense to me. If you have a First Amendment right to use your time and shoe leather to harvest votes for your candidate, why shouldn't Mr. Plutocrat use his money in support of his candidate? If it's constitutional for you to campaign for gun control, why shouldn't it be constitutional for Charlton Heston and the people who send him money to campaign against it?

If money is speech—and it certainly has been speaking loudly of late—how reasonable is it to put arbitrary limits on the amount of permissible speech? Is that any different from saying I can make only X number of speeches or stage only Y number of rallies for my favorite politician or cause?

But if limits on money-speech strike me as illogical, the idea that there should be no limits is positively alarming. Politicians—and policies—shouldn't be bought and sold, as is happening far too much these days.

The present debate accepts the distinction between ''hard'' and ''soft'' contributions—hard meaning money given in support of candidates and soft referring to money contributed to political parties or on behalf of issues.

McCain-Feingold would put limits on hard money contributions and, as I read it, pretty much ban soft money contributions to political parties. Hagel would be happy with no limits on contributions to parties but has said he might, in the interest of expediency, accept a cap of, say, $60,000 per contribution.

Hagel's view is that the soft money given to parties is not the problem, since we at least know where the money is coming from. More worrisome, he says, are the ''issues'' contributions that can be made through nonpublic channels and thus protect the identity of the donors.

Why has money—hard or soft—come to be such a big issue? Because it takes a lot of money to buy the TV ads without which major campaigns cannot be mounted. Politicians jump through all sorts of unseemly hoops for money because they're dead without it.

So why aren't we debating free television ads for political campaigns? Take away the politician's need for obscene sums of money and maybe you reduce the likelihood of his being bought. We'd be arguing about how much free TV to make available or the thresholds for qualifying for it, but at least that is a debate I could understand.

All I can make of the present one is that I'm for campaign finance reform, and I'm against people who are against campaign finance reform. I just don't know what it is.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, are we now in morning business?

The PRESIDING OFFICER. The Senator is correct.

SENATE'S FINEST HOUR

Mr. TORRICELLI. Mr. President, in my brief tenure in the Senate, I have never witnessed the Senate perform better or meet the expectations of the American people so unequivocally. The Senate is particularly indebted to the Senator from Kentucky, Mr. McCONNELL, , and the Senator from Connecticut, Mr. DODD, for presiding over this debate and dealing with difficult moments. They have led the Senate to what is, in my experience, its finest hour.

I will confess, when this debate began on McCain-Feingold, I had real reservations as to whether, indeed, an attempt at narrow reform could genuinely result in comprehensive campaign finance reform. This legislation has exceeded my expectations. The public may have expected simply an elimination of soft money, but many of us who have lived in this process know that the rise of soft money contributions was only one element in a much broader problem.

This legislation is genuine comprehensive campaign finance reform. We have dealt with the need to control or eliminate soft money, but also reduce the cost of campaigns themselves, allowed a more realistic participation through hard money contributions, and dealt with the rising specter of eliminating the class of middle-class candidates in this country by opening this only to become the province of the very wealthy.

The burden may soon go from this Congress to the Supreme Court. I only hope that the Supreme Court meets its responsibility to protect the first amendment, assuring that in our enthusiasm to deal with campaign finance abuses we have not trespassed upon other fundamental rights of the American people. I understand that is their responsibility. I know they will meet it.

I hope they also balance that this Congress felt motivated to deal with the problem of public confidence, assuring the integrity of the process; that, indeed, the Court is mindful that we have attempted to meet that responsibility.

I have never felt better about being a Member of this institution. I am proud of my colleagues. I believe we can feel good about this product. It is not partisan in nature. It does not deal with one part of this problem. It is broad. It is deep reform. It has been a good moment for the Senate.

I yield the floor.

Mr. REID. 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. BYRD. 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. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The Senate is in a period of morning business with Senators allowed to speak for up to 10 minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak out of order without a limitation on time. I do not expect to speak at great length.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE BUDGET RESOLUTION

Mr. BYRD. Mr. President, the Senate will debate, beginning next week, legislation that will be remembered by Americans for decades to come.

The budget resolution that the Senate will debate will set the Nation on a course that will change, that will affect, and that will impact upon people's lives for a generation or more.

How long is a generation? One might think in terms, in speaking of a generation, of 25, 30 years. We are at a unique moment—hear me—we are at a unique moment in the history of this Nation when we must decide what is the most appropriate way to allocate a projected surplus when we know that just over the horizon we are facing the staggering costs of the retirement of the baby boom generation.

What do we mean in terms of the calendar when we speak of the baby boom generation? I started out in politics in 1946. The baby boom generation began then and there, for the most part, in 1946. That was a good starting point. Ten years from now, when 53 million Americans are expecting Social Security—hear me—10 years from now, when 53 million Americans will be expecting Social Security to be there for them in their retirement, they will remember—they will remember—whether we voted for a budget resolution that failed to address the long-term financing crisis that faces the Social Security program. They will remember, and so will we.

Ten years from now, when 43 million Americans—hear me, again—10 years from now, when 43 million Americans are expecting to rely on the Medicare program for their health care, they will remember whether we voted for a budget resolution that failed to address the long-term problem—they will remember whether we failed to address the long-term problem—the financing crisis that faces the Medicare program. Forty-three million Americans will remember us, whether we addressed the

financing crisis that faces the Medicare program.

Ten years from now our elderly citizens will remember if we, in our day in time, voted for a resolution that failed to provide a fair prescription drug benefit.

Ten years from now our children—our children—will remember if we voted for a budget resolution that resulted in a nation with a failed infrastructure—broken roads, dilapidated bridges, polluted water, water that is not safe to drink. They will remember if we voted for a budget resolution that forced them to go to crumbling schools. What will we say, when they say: Where were you?

When God walked through the Garden of Eden—in the cool of the day, when the shadows were falling, when the rays from the Sun were dying out in the west—Adam was hiding. God said, ''Adam, Adam, where art thou?''

Ten years from today, the people of America will look at today's legislators, on both sides of the aisle—they will look at the mighty men and women who were given the awesome honor and the profound duty to serve this country in this hour—and they will say to us: Where were you? Where were you? You were there at a time when you could have acted to preserve this system, this Social Security system, Medicare, our infrastructure, our Nation's schools, its forests, its parks. You were there. You had the chance. You had the duty. Where were you?

This is a critical debate. I have been through lots of them. This is as critical a debate, you mind me—hear me, listen to me—this is as critical a debate as you will ever participate in or witness or hear or see in your lifetime, this debate that is coming up on the resolution next week. And yet as we approach this critical debate, we are being asked to do so without a detailed President's budget, without a markup in the Senate Budget Committee, and based on highly, highly questionable 10-year surplus projections—projections. Guesswork—that is what it is, these projections.

When Alexander was being importuned by the Chaldeans upon his return from India not to enter the city of Babylon, Alexander said: ''He is the best prophet who can guess right.''

That is what we have here. He is the best prophet who can guess right. And who knows? Who knows? When one looks at these 10-year projections that tell us there will be these huge surpluses, $5.6 trillion—that is the projection for 10 years—it isn't worth the paper it is written on. What is the weather tomorrow? What is the weather this coming weekend? What is the weather the middle of next week? They can't tell us. With all of our marvelous techniques, they can't tell us. What will the stock market do on Monday? They can't tell us. They didn't know in advance that it was going to drop 436 points in one day.

Yet we are told that we have massive surpluses down the road and, on that basis, on the basis of those projections, we are going to have a $1.6 trillion tax cut. And it is growing. All in all, it is already well over $2 trillion, and still growing. Some are saying we ought to have a bigger one based on these projections.

We are operating without a detailed President's budget, without a markup in the Senate committee, and based on these highly questionable 10-year surplus projections. We do not have a detailed proposal from the President of the United States on how to address the Social Security crisis. We do not have a detailed explanation from the President on how to fix the Medicare program. We do not know the details of his proposed budget cuts that are supposed to help pay for his proposed $2 trillion tax cut. We don't have it.

Yet we are not only being importuned but we are virtually being forced to take up this budget resolution next week with a beartrap restriction on time that militates against the Senate's working its will. We are being forced into this situation, and we can't even see through a glass darkly, as the Apostle Paul said. We are flying blind. You know the old saying: It is your money.

I hear a lot of talk about bipartisanship. I think that is what the people want—bipartisanship. Let us hope we can give it to them. But they want something else, too. They want us to do our work, and they want us to do our work well. That is what they are paying us to do. That is why they gave every Senator here the votes that placed upon our shoulders the toga of senatorial honor. With that honor goes the duty.

They want us to do our work. They want us to do it well. They want us to represent their views and their interests well. Doing that—representing their views and their interests well—should be a bipartisan concern, a concern of every Member of this body regardless of party.

It is our sworn duty, especially now, now when we are debating a budget that will set the course of this Nation for the next decade. And the ramifications of this budget will go far beyond the next decade. We owe our people our very best judgment.

How can we exercise that judgment, if we don't know the details of the President's budget? How can any of us go back to our people at home and claim that we knew what we were doing on this critical matter—a budget that will largely set our course for the next 10 years and beyond—when we only had just a little, teeny-weeny glimpse of the picture on which to base our judgments and to base our votes? Conscience should pain us very deeply if we dare make that claim.

The Members of this Senate do not at this time—not one Senator in this body—know the details of the President's budget. Yet we are beginning to consider the budget in 2 days—Saturday, Sunday, Monday. Members have no committee report from the Budget Committee—none. Having no committee report, Members therefore have no majority views. Members have no minority views. We don't have any committee report. We are denied a committee markup of a resolution.

On that point, let me say, I have been told—I want to make this clear—I have been told by one of my colleagues in the Senate—it may be a Republican, it may be a Democrat; I am on good speaking terms with both sides—I was told that one of our Republican colleagues told this colleague, whom I am now quoting, that the reason the Budget Committee did not vote on a budget resolution was that ROBERT BYRD in some way had precluded it or prevented it.

Do you see what is going on here? There is an effort apparently to demonize ROBERT BYRD, along with some other Senators. But I am the demon, understand, according to that rumor, and that is all it is. Apparently, the reason we don't have a measure that has been reported out of the Budget Committee, called a markup, is that ROBERT BYRD somehow prevented it.

I am waiting on any member of that Budget Committee to come to the floor and say that to me, right here and before other Senators. That is the kind of old wives' tale, the kind of rumor, that has no basis whatsoever. Yet it is being used to create fiction here in the minds of the Republicans that the reason we don't have that markup is because of Senator BYRD. It is what he did in the committee. He prevented it. He prevented it. Senator BYRD prevented it.

There isn't a scintilla of truth in that. I have seen that happen before. I have been a victim of demonizing before in the Senate.

I am the one who asked the question at the last meeting, ''Is this the last meeting of the committee? If it is, why don't we have a markup?''

Well, Members have no committee report, Members have no majority views, and Members have no minority views because we have no committee report. We are flying as blind as if we were flying in a blizzard with our eyes sewn shut. It should be of no comfort at all to the American people, who are watching through those electronic eyes above the Presiding Officer's chair, that the blindness is completely bipartisan.

Now that is truly bipartisan. The blindness is completely bipartisan. No Member of this Senate, regardless of party, has a complete picture of what is contained in this 10-year budget. Further exacerbating our common difficulties here is that there is no clear mandate for the President's budget.

I respect this President. I have an admiration for this President. I like what he said in his inaugural speech. I like the fact that he referred to the Scripture, to the Good Samaritan. I like the fact that when I sat down with him at dinner in the White House last week, at his invitation—he was kind enough to

invite me, my colleague TED, the chairman and ranking member of the Appropriations Committee, and our wives to dinner at the White House. I like the fact that he said grace. He asked God's blessing upon the food. In many circles in this town and across this land, the word ''God,'' except in a profane use, is taboo. Don't mention God. On TV, I noticed the other day a Member of the other body swore in a witness and said, ''Do you solemnly swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth.'' I said to my wife, ''Why did that Member not also say 'so help you God' ''?

So you can use God's name all you want to in profanity. That is the ''in'' thing, but don't use it otherwise. But this President used God's name. He had us all bow our heads. He didn't call on me and he didn't call on Senator STEVENS. He, himself, thanked God for the food.

So what I am saying is, I have a great respect for this President, but this President has no clear mandate for this budget. Look at the Senate. It is 50/50; half the people on one side, half on the other. So there is no clear mandate for this President's budget. The election was a virtual dead heat. Who would know that better than the distinguished Senator from Florida, Mr. NELSON, who is on this floor. The election was a virtual dead heat. The Senate is split 50/50. We have no clear direction from the people on what they think of this budget plan. They don't know about it.

I say to Senators, as they said in the days of the revolution, ''Keep your powder dry. Don't fire until you see the whites of their eyes.'' I think we ought to wait to see what is in this budget before we buy into it. Let's wait and see before we have this concurrent resolution on the budget before this Senate.

We have no clear direction from the people on what they think of this budget plan because they don't know what is in it. All they know is what they heard in a campaign that maybe started up in the snows of winter in New Hampshire. Maybe that is where this idea came from, the $1.6 trillion, or whatever it is. Maybe it is where some of the other things came from. But we have no clear direction from the people today on what they think of this budget plan because they have not seen it, and neither have any of our colleagues on the right or on the left, on the Republican side, on the Democratic side. We are all like the blind leading the blind, in which case we all fall into the ditch.

Such a situation underscores every Senator's responsibility to understand the details before he casts his vote in the name of the people he or she represents.

(Ms. STABENOW assumed the chair.)

Mr. BYRD. Madam President, what I am saying is nonpartisan. I am saying on behalf of my colleagues on the Republican side of the aisle, who are in the majority, in a 50/50 Senate: You have a right to know the details of the President's budget. And I say that to my colleagues on the Democratic side: You have a right to know. And I say to the people out yonder in the hills, in the mountains, on the Plains, on the stormy deep: You have a right to know what is in that budget. And we won't know because, apparently, the die is cast and the concurrent resolution on the budget will be called up next week under the restrictions of the Budget Act.

So here we have it. It is the product of hearings and the product of the chairman's work—the chairman and his staff. And I have a very high respect for the chairman. He has been kind enough, upon occasion, to come to my office and talk with me about matters. There is a bond between us. It will not be broken, but what we are going to be voting on next week, the concurrent budget resolution—will be the handiwork, for the most part, at this moment, of the chairman of the Senate Budget Committee.

The House has passed a concurrent resolution on the budget. I have not seen it. It may very well be that the leader will call that up. That will be the basic measure on which we begin to work our will.

There are reconciliation instructions in that measure. If there were reconciliation instructions in the Senate measure that had come out of the Budget Committee, I would like, under the circumstances, to move to strike those instructions. There may not be any reconciliation instructions in the Senate Budget chairman's proposal which may be offered as a substitute for the House resolution. Then perhaps there will be an alternative by the ranking member of the Senate Budget Committee.

Who knows how this will work itself out? But let us say just for the moment that when the product leaves the Senate, it leaves without reconciliation instructions. It still has to go to conference, and there Senate conferees will be faced with the reconciliation instructions of the House. They will be in conference.

I know my colleague from Florida wants to speak or wants me to yield. Let me say before I yield, Senators simply do not know. It is a stacked deck. We do not know what the cards are in that deck. We do not know on what we will be voting. I say wait and see what is in that President's budget before you make up your mind to support, for example, a massive tax cut of $1.6 trillion or $2 trillion, which is what it will amount to certainly by the time the other matters are taken into consideration. Wait until you see. Do not jump, do not leap, do not start across that railroad crossing. The red lights are flashing. Do not start across it. Do not launch out into that unknown. Do not sign up. Do not sign up here. Let us wait and see what is in the President's budget. I think you are in for some surprises.

A short time ago, we received an outline of the President's budget. I have it right here—this so-called blueprint: ''A Blueprint for New Beginnings.'' Now that is just a little peek, a little peek; let's see what this does; a little peek, just a little peek. We get to see just a little peek of what will be in the President's budget. Yet, we are expected to sign on at this juncture and say: Sign me up; I am for that; I will be for that; I am for a $1.6 trillion tax cut, or whatever it may be. Sign me up.

How are you going to pay for it? Out of what domestic programs is the cost going to come? You cannot count on those. It is really a laughing matter, to count on those projected surpluses out there.

What are some of the programs that are going to help pay for that tax cut? I am going to sign up for tax cuts; put me down; put my name down; I am going to sign up for that.

What are you prepared to give for that tax cut? Look at your children out there in those crowded classrooms. Look at the broken windows in the schools. Look at the broken plumbing in the schools. Look at our housing developments where the people live. Look at our parks and our forests. What about Medicare? What are we going to do about Medicare? What are we going to do about Social Security? What about our highways? What about our airports? What about safety in the air? What about safety in drinking the water in this country that comes out of the faucet? Are you willing to suffer huge cuts in those programs? What about energy? We are facing an energy crisis in this country. What are you willing to give there? And I can go on and on and on.

Why do we want to get on board something blindfolded—blindfolded? So I say wait and see, wait and see. We should have the budget before us. We are the people's elected representatives. We have no king in this country. People decided that over 200 years ago. The people's representatives—you, the Presiding Officer, you, the Senator, my friends on the Republican side—they are as entitled to know what is in this budget as we, the Democrats, are. Their duties are as deep, their responsibilities are as demanding as are ours.

So I am making a bipartisan, or nonpartisan, speech this afternoon, and I am saying: Let us have the President's budget. No one can tell me that, this late in the game, the executive branch cannot share with us the budget details. Why won't they share the budget details with us? They can do it. Why don't our friends on the Republican side tell the people in the Republican administration: Share with us; we have as much a responsibility as the Democrats have to know where we are going; share with us; what is in this budget?

Even if I had to wait on the document itself, why shouldn't the administration at this point in time be willing, and why should not Members on both sides feel the need for, the desire for,

the necessity for the details that are in that budget? They are available somewhere. Surely they are not going to fall from the skies on the first day after recess. They are around. Why can't we have them before we vote?

I thank the distinguished Senator from Florida, Mr. NELSON. He is on the floor. He has been sitting here and listening, and he is now standing. I am prepared to yield the floor or I can yield to him, whichever he desires.

I ask unanimous consent, Madam President, that I be allowed to yield to the Senator for a statement if he wishes or for questions.

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

The Senator from Florida.

Mr. NELSON of Florida. Madam President, I thought it might be instructive in the course of this debate if the distinguished Senator from West Virginia might explain the gravity of the situation contained within the budget resolution having to do with reconciliation instructions; how several months from now it would bring back to this body a tax bill that would be able to be debated only under very confined circumstances, throwing out the history, the tradition, and the rules of the Senate which have caused it to be recognized as the greatest deliberative body in the world.

Would the Senator please explain for purposes of this debate the threat to the institution that is known as the greatest deliberative body in the world?

Mr. BYRD. Madam President, I thank the very distinguished Senator. William Ewart Gladstone, who was Prime Minister of England four times referred to the U.S. Senate as ''that remarkable body, the most remarkable of all the inventions of modern politics.''

Why did he do that? Because this Senate is so unique there is nothing else in the world like it. There has never been anything in the world like it. It is the forum of the States, and as a result of the Great Compromise of 1787, July 16, the States are equal in the Senate. The States are equal. Every State is equal to every other state when it comes to voting.

Here, if anywhere, the people's representatives may debate freely and may amend at length.

From 1806 until 1917, there was no limitation on debate in this body. Since 1917, of course, debate can be limited in this body by the invocation of the cloture rule. Other than that, the only way, as the Supreme Court has said, we can have debate limited in this Senate is if we limit it ourselves; if we agree by unanimous consent agreement that we will limit debate, then it will be limited.

Now comes the Budget and Impoundment Control Act of 1974. From that day to this we have had, by virtue of that act, a Congressional Budget Office, we have had congressional Budget Committees in the two Houses, and we have agreed by that act to bind our hands and to restrict ourselves in regard to debate and to amendments on concurrent budget resolutions, reconciliation bills, and conference reports thereon.

The purpose of that act was to set up a framework of fiscal discipline which would allow us to oversee the whole budget, its revenues, its expenditures, and certain other elements of the fiscal equation, and exercise discipline and reduce the deficits.

Prior to that time, we passed 13 appropriations bills. Each little subcommittee, being a little legislature of its own, adopted its appropriation bill without knowledge of what the other dozen subcommittees were including in the appropriation bills they were reporting out. We had no control over the global fiscal situation, but the Budget Reform Act enabled us to unify the actions of all of these subcommittees and to have better control of the overall fiscal picture and to exercise fiscal discipline.

It came with a price, as I say. It came with very severe restrictions on debate time and on amendments.

Now, to answer the distinguished Senator's specific question, in the concurrent resolution on the budget we will lay out the blueprint for the year, and the impact will be for many years into the beyond. In that blueprint, there will likely be reconciliation instructions. The Concurrent Resolution on the budget, which will be coming up next week, has a time limitation of 50 hours: 2 hours on amendments in the first degree; 1 hour each on debatable motions, or appeals or amendments in the second degree.

But this measure will say to the Finance Committee in the Senate, or the Ways and Means Committee in the House, to report a bill providing up to x amount of money for tax cut purposes. It may say up to $1.6 trillion. It will instruct that Finance Committee here or the Ways and Means Committee in the House to bring back a reconciliation measure with x amount for tax cuts.

The Finance Committee eventually will bring back its tax bill. That is where the vote will come on cutting the taxes—not here. This concurrent resolution on the budget will never become law. It will never even get to the President's desk. He will never sign it. That Finance Committee will report back a tax bill. That is the reconciliation bill about which the Senator is asking. On that measure, there will be 20 hours of debate—20 hours, half to the majority and half to the minority. That means we on our side of the aisle will have 10 hours, my Republican friends on the other side of the aisle will have 10 hours.

Under the act, the majority party can yield all of its time back if it wishes at any point. Let's say just for the purpose of having an understanding, the majority party could yield all of its time back, yield its 10 hours back; that would leave 10 hours on our side—the minority.

Suppose then, the minority wishes to offer an amendment, which under the act is 2 hours. Guess what? The majority, let's say, has already yielded all its time back on the resolution. Guess what? The majority gets half the time on the amendment that we, the minority, offer on our side. So, in effect, the majority could, in a certain scenario, end up with 5 of the minority's remaining 10 hours.

Let's go a bit further. The majority could move to cut remaining time on the measure to 2 hours or to 1 hour or to 30 minutes or to zero minutes. It is not a debatable motion, and it carries by a majority vote.

If we were to follow the thesis that might makes right, a party could make us go to a vote without any time left for debate. It is a beartrap. It is a gag rule. Who is being gagged? The people, our constituents, because their elected representatives are being gagged.

Enough said, in response to the question.

Mr. NELSON of Florida. Madam President, will the Senator further yield?

Mr. BYRD. Yes, I yield.

I ask unanimous consent, Madam President, I retain the floor and I may yield to the Senator.

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

The Senator from Florida.

Mr. NELSON of Florida. I thank the Senator for yielding.

He started telling us the story about one of the great Prime Ministers of England, Gladstone—four times Prime Minister—who made reference to the Senate as a great deliberative body. The scenario the distinguished Senator from West Virginia has just outlined is a description that could occur on this floor, in the greatest deliberative body in the world, that would foreclose debate, would stop amendments, would ram down the throats of Senators a piece of legislation that would have far-reaching economic and fiscal consequences for this Nation, without the opportunity for debate and amendment.

As we contemplate this prospect happening as a result of our passing this budget resolution next week, will the Senator further contemplate and reflect upon the history of the Founding Fathers in crafting this Constitution in the protection of the minority and how those rights of the minority might be trampled next week?

The PRESIDING OFFICER. The distinguished Senator from West Virginia.

Mr. BYRD. Madam President, I want to yield the floor soon. There are other Senators here, including the Senator from Florida, who want to speak. I do not want to maintain the floor.

Let me answer the Senator like this. One of the reasons for the Senate's being is for the protection of the minority. The minority can be right. With respect to the upcoming Budget

Resolution, the minority is being gagged by the events that are bringing us up to the point of action on the concurrent resolution on the budget. And a part of that gagging, if I may use the word this way—a part of that gagging is that we are being forced to act on the President's budget without seeing the President's budget. That is a kind of gagging, as I see it. Senators are not going to be able to speak on what is truly in the President's budget.

It is a fast-track operation that takes away the rights of the minority. In this instance, it is also going to take away the rights of the majority Senators. They won't see the budget either.

Let me leave it at that for the moment. I hope I will have another opportunity one day to speak on this. But let me close by saying this. The Senator from Florida, the Senator from New York, Mrs. CLINTON, the Senator from Delaware here—these Senators, and the Senators on the other side of the aisle, come here wanting to work for the people, wanting to be a part of a productive process, and wanting to fulfill their commitments to the people who send them here. That is what they want to do.

They must understand, however, that they cannot do that and achieve the full potential if the minority—and in this instance it is also the majority, meaning both sides, Republican and Democrats—are forced to debate a matter which is a revolving target. We can't see it: It is here—no. It is here—no. It is there. It is here. It is there. We can't see it. It is a budget we shall have to read in the dark.

A Senator cannot fulfill his high ideals. He comes here with the highest, most noble purpose. ''I do not want to be a part of the bickering. I want to be a part of making things happen. I want to serve my people. It is time to get on with the business of the people. I don't want to be a part of this bitter partisanship.''

But how can you do what you want to do if you have this resolution crammed down your gullet because of a time constriction here that is going to be enforced and because you don't know what is in that budget? Believe me, if you did know what is in that budget, it might change your mind on many things in that budget, one of which could be a $1.6 trillion tax cut.

It may not change your mind. Senators shouldn't have to vote in the dark. Senators shouldn't have to wear blinders in making this decision. This decision isn't just for you, or for me, or for my children today. It is not just for my grandchildren today, not just for my great-granddaughter, Caroline. It is beyond all these, because we will be laying down a baseline here. We are going to be laying down a baseline. We are going to be making decisions here without knowing what we are really voting on really, and that decision is going to affect our children and their children.

We know it is going out there 10 years, but that is not the whole picture. It is a fateful decision that we are embarking upon, and we are being forced to make these judgments sight unseen in many instances—a pig in a poke.

That is not right. That is wrong. That is not just. That is an injustice to our people.

Madam President, I am going to yield the floor. I thank the Senators who are here on this nice afternoon. We have finished our voting for the day but these Senators are still working.

I yield the floor.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that I may proceed for such time as I may consume.

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

Mr. NELSON of Florida. Madam President, I want to add to the comments of the very distinguished Senator who has taught us freshmen Senators so much in the few short days that we have been here.

If I may dare to expound upon the lesson that he has already taught us today by just underscoring the fact of this wonderful experiment we sometimes call a democracy is really a republic. The rights of the minority were one of the most cherished rights to be protected under the Constitution. That is why a body such as this was developed, crafted, and created by those political geniuses who, at a moment in history, happened to come together and create this government.

For the protection of the rights of the minority, they clearly intended that whenever a piece of legislation would come in front of this body—which would be so important that it would have an economic consequence over years and years—that it ought to have the right of debate for more than 10 hours.

You heard the Senator describe how this tax bill may come back to this body and only have 10 hours of debate. And through the process of amendment it could have even less than 10 hours of debate.

No one ever contemplated that a $1.6 trillion tax bill—which all the economists are starting to tell us is really a $2.5 trillion tax cut, and maybe even more—would ever be discussed, debated and amended in less than 10 hours.

That is a travesty; and, that is what the American people need to understand is about to happen, if we don't clean up this budget resolution next week.

I echo the sentiments already expressed by the distinguished Senator from West Virginia that we should have, as a priority—and I can tell you my people in Florida have clearly indicated to me in no uncertain terms that their No. 1 priority is to pay down the national debt, out of this surplus, if it continues to exist, and if the projections are right. One projection is $5.6 trillion. But recently that was lowered to $4.5 trillion. With the economy seemingly going in a downward trend, who knows what that projection of the surplus is going to be?

It is incumbent upon us, as we all have agreed, that we enact a substantial tax cut. It is incumbent upon us to make reasoned judgments, with fiscal restraint, on how we can pay down the national debt; enact a tax cut; and, provide for certain other priorities in this nation that my people have also told me that they want very much:

A prescription drug benefit that will modernize Medicare;

A substantial investment in education, so we can bring down class size; so we can pay teachers more; and, so we can have safer schools and have those schools be accountable.

My people have also instructed me about their concern for the environment. They want investment there. They clearly are concerned about health care; and, they want investment there. They are concerned about providing for the common defense. They want an additional investment there—to pay our young men and women in the armed services adequate wages to keep the quality we need in the defense of this country, instead of losing it to the private sector.

I have mentioned a few things. All of those are high priorities for the people of this nation, and I know they are high priorities for the people of Florida.

They sent me up here to exercise judgment about how to pay down the national debt, and how within the resources we have, to enact a substantial tax cut, take care of those other needs, and to be fiscally disciplined in the process of exercising that judgment—so we don't run ourselves into the economic ditch like we did in the 1980s, when we were deficit financing.

I will conclude. I have been through this before because I was one of the people who voted for the 1981 tax cut. It was an excessively large tax cut. It was well intended, but it was overdone. It was overdone so much so that we had to undo it—not once, but three times—in the decade of the 1980s, while I was in the House of Representatives.

As a result of that, and a lack of fiscal restraint by the Congress, the annual deficit spending—that is spending more than you have coming in in tax revenue—in the late 1970s went from approximately $22 billion to close to $300 billion by the end of the decade—that's spending $300 billion more in that one year than we had in tax revenue. You see what the result was in the economy in the 1980s. You see how painful it was to have to turn that around.

Thus, it is our responsibility in the government of the United States to wisely spend the surplus. And I can tell you, this one Member of the Senate wants to be able to exercise his judgment for the people who sent me here to be as fiscally disciplined and fiscally restrained as I can—so we don't go back into that economic ditch.

I am grateful, beyond measure, to the Senator from West Virginia for the history lessons he has provided for us, for the perspective he has provided for us, for the knowledge he has provided about what can happen to the economy of this Nation. It is my intention, with every ounce of energy I have, to continue to speak out on the issue of fiscal discipline.

There is a very crucial vote that is coming up next week on how we dispose of this budget resolution, and how we dispose of the reconciliation instructions, which will ultimately determine how we handle the tax bill when it comes back to the Senate for debate.

Again, let me say, in closing, what a tremendous privilege it is for me to be a part of this deliberative body. I want to be a good Senator. I want to be a Senator who reaches across the aisle to forge bipartisan consensus. And that opportunity is either going to be there or not, in great measure, next week. I hope it is going to be a bipartisan consensus.

Thank you, Madam President. I yield the floor.

Mrs. CLINTON addressed the Chair.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from New York.

Mrs. CLINTON. Madam President, I yield myself 10 minutes.

The PRESIDING OFFICER. We are in morning business with Senators permitted to speak for 10 minutes each.

The Senator is recognized.

Mr. BYRD. Will the Senator yield to me?

Mrs. CLINTON. Yes.

Mr. BYRD. Madam President, I ask unanimous consent that the distinguished Senator from New York speak out of order and that she may speak for up to 20 minutes.

Mrs. CLINTON. Thank you.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Madam President, reserving the right to object, and I will not object if the Senator chooses to speak for 20 minutes, but I would like to get in the queue, if I might. Since the distinguished Senator from West Virginia has been speaking now or has had the floor at least for over an hour, I would like, after the Senator from New York has concluded—for however long she takes—to have the right to speak or be yielded time for up to 1 hour.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New York.

Mrs. CLINTON. Madam President, I come to the floor today to speak out and join the distinguished Senator from West Virginia and the distinguished Senator from Florida to express our concerns about the upcoming budget debate.

First, I thank Senator BYRD for his extraordinary commitment to this institution, which is really unprecedented in history and is such a blessing for not only the institution and those who have been privileged to serve with him but for our country. And I heed his words seriously because he has taken the long view about what is in the best interests of a deliberative body, of this Senate, of a nation, that should rely upon the careful, thoughtful analysis of the issues that come before us and the people we represent.

I am personally grateful to him for the time he has taken as my good friend, the distinguished Senator from Florida, referred to, to help mentor us freshmen Senators, to give us the guidance we need to be able to do the best possible job for the people who sent us here. And it is such an honor to stand on the floor of this Senate, a place I have long revered, on behalf of New Yorkers.

But I come today with somewhat of a heavy heart because I believe in the principles and values this Senate represents. I want to see them fulfilled. I want to be a part of perpetuating them into our future.

I find myself, as a new Member, struck by how difficult it will be to discharge my responsibilities in the upcoming week without having seen the budget, without having the opportunity to debate its priorities, and even more than its priorities, the values which it seeks to implement. I do not know that the people I represent, or the people any of us represent, will get the benefit of our best judgment, that the decisions we make will be grounded in our careful, thoughtful analysis.

There will certainly be differences among us. That is what makes this a great deliberative body and makes our country so great. We come with different experiences. We come with different viewpoints. I come as the daughter of a small businessman who did not believe in mortgages, did not have a house until he could pay for it with cash, did not believe in credit, and who believed it was his responsibility to always make sure our family's books were balanced.

I come with the belief that we had to go to extraordinary efforts to make sure our economy enjoyed these last 8 years of prosperity and progress and that we could not have done so had we not reversed the decade of deficits and debt that really did undermine America's capacity at home and abroad.

So when we talk about the important debate in which we will engage next week, I think it is the most important debate in which I may engage in my entire term as Senator. It is certainly one of the most important debates for our country, and everyone who is following it, to understand what is at stake.

This debate will set our priorities as a nation for the foreseeable future and could determine whether or not we have surpluses, whether or not we will be prepared for the impending retirement of the baby boomers that starts in just 11 years. It is a debate that will certainly be about numbers, deficit projections, surplus projections, and spending.

But I think underlying it is a debate about who we are as a people. It is not only about our prosperity, not only about our Federal budget—it is certainly about that—it is about who we are as Americans.

I come to this body determined to represent the people of my State and our country, as all of us do. But will we be able to do that? We are going to be deciding, in the votes we cast—starting with procedural votes—whether or not our seniors will have prescription drug benefits. We are going to be deciding whether or not our children will have the teachers they need and the schools they deserve to have. We are going to be deciding whether we have the sewer systems and the clean drinking water that every American deserves and should be able to count on. We are going to be deciding whether or not we do have the resources to maintain America's strength around the world, whether we will combat terrorism, whether we will stand firm with our allies. We are going to be determining whether we make the investments in research and development that will make us a stronger, richer, smarter nation in the decades ahead.

I am deeply concerned that we enter this debate without the benefit of the administration's budget.

I am privileged to serve on the Budget Committee under the extraordinary leadership of the Senator from North Dakota and my colleagues, the Senators from West Virginia and Florida. We sat through fascinating hearings. We listened as our defense priorities were discussed, as our education priorities were discussed, as our health care priorities were discussed. We listened to experts from all across the spectrum of economic opinion and analysis. I found it an extraordinarily enlightening experience. But we are not going to get a chance to debate with our colleagues what it is we as a committee should be deciding to recommend to this body with respect to the budget we will be debating. So we are flying blind. We are looking through a glass darkly. We are in the dark.

Will this budget have the investments we need to protect child care and child abuse programs? The early information is it will not; that we will be turning our backs on working parents, cutting tens of millions of dollars from child care. Will we protect our most vulnerable children, those who are abused? The information we have, without a budget but kind of leaking out of the administration, suggests that we are going to be asked to cut child abuse prevention programs.

We also are being told that we are going to be asked in this budget to cut training programs for the pediatricians who take care of the sickest of our children in our children's hospitals. These are very difficult issues in any circumstance, but not to have the chance to be able to analyze what is

being proposed is troubling to me. Will this budget ensure our children will grow up in a safe environment with clean water and clean air, with access to quality, affordable health care? Will it adequately protect our food supply? Every day we see a new article in the paper about what is happening with our food supply in Europe, in the United States, around the world. Will we be able to protect ourselves so we have the kind of reliable food supply that Americans deserve?

What are we doing in this time of surplus to ensure a safety net for all Americans, young and old? The prescription drug benefit that we hear about from the administration would leave over 25 million of our seniors without prescription drugs. I don't want to choose between some of our seniors and others in New York, those who may be just a penny over the limit that they, therefore, won't get the prescription drugs they need. I want to make sure that everyone on Medicare—and that is what most Americans want—has access to those prescription drugs.

To pay for the tax cut, the administration includes the Medicare surpluses. Those are resources that should be ensuring the solvency of Medicare for all Americans, totally in a reserve that is set off, never to be used for any other obligations. I believe other obligations that we have should be paid for in the context of a balanced budget and not put Medicare at risk.

The administration has correctly committed to doubling the number of people served through community health centers. I support that. It is a worthy goal. But then on the other hand, I understand they are doing it by completely eliminating the community access program that ensures that community health providers work together to create an infrastructure for care so no patient falls through the cracks. New York is filled with wonderful religiously based hospitals, privately based hospitals that are part of this infrastructure of care that would be left out completely. We also have the finest teaching hospitals in the world. There are no resources that will continue to make sure that they are the finest in the world. New York trains 50 percent of all the doctors in America. What are the plans for making sure that continues and that our teaching hospitals are given the resources they need?

We are also hearing that the administration's budget will provide more security guards for our Nation's schools. That, too, is a worthy goal. In fact, I was heart broken to hear today of yet another school shooting in another school in another part of our country. That is an issue we must address. If security guards would help, I will support that. But I am troubled and my heart goes out to the families who are suffering these terrible tragedies in school shootings.

I will do whatever I can on all fronts to try to deal with that problem. But I understand from the President's budget that they are shifting funds from the very successful COPS Program that has really helped us drive down the crime rate in order to pay for the security guards at the schools. We are robbing Peter to pay Paul. Why would we take resources away from the COPS Program, where so many brave men and women put on the uniform and walk those streets, that has become so effective in driving crime out of neighborhoods? Why would we take money away from our police officers and put it in our security guards at schools, if we need to do both? I argue strenuously we do.

Are we being confronted with such a Hobson's choice because of a genuine shortage of resources or are we making these choices and cutting needed investments simply to allow for an enormously expensive tax cut that leaves millions of Americans out, leaves millions of America's working families again behind where they need to be in order to make the decisions that are best for their families because we are favoring others?

The kinds of priorities I speak of today, for which I have fought for so many years, going back to the days when we tried to bring fiscal responsibility to our budget, when we tried to lower the crime rate, when we tried to improve health care and education and protect the environment, are bipartisan priorities. These are genuinely American priorities. Child care, child abuse prevention, police on our streets, we don't stop and ask: Are you for it or against that based on party? We say: Isn't this something we should do together in America?

Madam President, I hope we will come together once again, Republicans and Democrats, Americans, to fashion a budget that pays down the debt, which is still the best tax cut we can give the vast majority of Americans. That is what puts money in your pocket when you have to have a mortgage, when you do have a credit card, when you do have a car payment. Let's keep those interest rates down.

We have learned from the last 8 years that the best way to do that is to be fiscally responsible and pay down our debt.

We need to provide sensible tax relief. Everybody in this Chamber is for that—sensible, affordable, fiscally responsible tax relief that says to every American, we are going to make it possible for everybody to share in these surpluses. We are not going to favor one group over another. That is the kind of tax relief I would be proud to be part of and for which I will speak out.

Finally, we need a budget that invests in our Nation's most pressing needs, not just what we see right before us. The fact that we should continue to lower class size in the early grades, that we should continue to modernize our schools, those are needs I see every day. I go in and out of schools. I talk with teachers and parents and students. I know how much better our education system can be if we have both increased accountability and increased investments. I know we have needs that are staring us right in the face that we may be turning our back on if we are not careful.

I also want to be looking to the horizon, looking around the corner. It is not just enough to take care of today. We have to be thinking about next year and the next 10 years and the next 25 and 50 years, if we are to fulfill our obligations as stewards for our people. That means we cannot turn our backs on the demands of Social Security and Medicare.

As a member of the so-called baby boomer generation, I do not want to be part of a generation that is not responsible. The World War II generation is often rightly called the greatest generation. I am proud of the service of my father. I am proud of the service of all who came before. But they also understood the investment that needed to be made. It was in those years after that war when we started investing in our Nation's schools, started building the Interstate Highway System, started making the investment that we, frankly, have been living on for the last 50 years in this country. How on Earth can we keep faith with those who came before us, let alone our children and grandchildren and great grandchildren, if we don't have the same level of responsibility?

I think we have a rendezvous with responsibility, and it is now. If we turn our backs on that responsibility, we are going to have a great price to pay. Maybe the bill won't become due until 5 years, 10 years, maybe 15 or 25 years. But like my colleagues who have spoken, I want to be able to say to the young children I meet that we tried to be responsible, we tried to do the right thing that will make us a stronger, richer, smarter nation.

The American people—and I certainly know that people in New York who sent me—send us here to Washington to work together across party lines, to make the tough choices necessary to move our country forward. That is exactly what I want to do. It is not necessarily going to mean that Democrats will support all Republican proposals, or vice versa. But what it does mean is that we will reason together and work together to do what is right for our Nation. I hope when that process begins next week we will have a chance to really sit down and look at the President's budget, have a good, honest, open debate, as we just had these last few weeks about another very important matter before this body, and that we will honestly say what the priorities are we are setting, the values we stand for, the vision we have for America.

I believe there won't be a more important issue that I will face. I want to make my decisions in a deliberative, thoughtful manner. I want to look for ways I can work with my friends across

the aisle, as well as my colleagues on this side, because I want to be sure that at the end of the day we have done the right thing for the children of America. If we are not going to leave any child behind, then let's make sure we know what we are voting on that will affect every child.

If we can make that determination to work together, I am confident we can come up with a bipartisan, sensible policy that leads to a budget we can support. In the absence of that, it will be very difficult to do so, and I hope that certainly the people of New York and America understand we are trying to stand firmly in favor of a process that may sound arcane and difficult from time to time to understand but which goes back, as Senator BYRD so rightly points out, to people who were very thoughtful about how to design a process that protected the rights of everybody. It is not just about that, as important as that is; it is fundamentally about the choices we will make for the children and families of America.

I know that people of good faith will find a way to come to a resolution about how we proceed next week. I am looking forward to that. But I do have to say that, in the absence of such an agreement, I for one will have to be asking the hard questions the people of New York sent me here to ask about what specifically will be done to affect the hopes and aspirations and needs and interests of the people I represent.

So I will be guided by three principles:

Will this budget pay down the debt to continue us on a path of fiscal responsibility that protects Social Security and Medicare?

Will we be in a position to recognize that the investments we need to make are important investments that are not going to disappear overnight?

And, at the end of the day, will we have made decisions that will protect America's long-term interests at home and abroad?

Madam President, I hope I will be able to answer affirmatively every one of those questions.

I yield back the remainder of my time.

Mr. BYRD. Madam President, will the distinguished Senator from Arizona yield me just a couple of minutes?

Mr. KYL. Certainly.

Mr. BYRD. Without the time being charged to the Senator from Arizona.

Madam President, I merely want to take this moment to thank both of the Senators on my side of the aisle who have spoken this afternoon—the Senator from Florida, Mr. NELSON, and the distinguished Senator from New York, Mrs. CLINTON—in support of the need for having the President's budget in the Senate before the Senate debates and amends the concurrent resolution on the budget.

They have spoken from their hearts. I have sat and listened to every word, and I am personally grateful for the insights they brought here, their dedication, their perception of the necessity for our having the President's budget, or at least knowing what is in the budget before the Senate proceeds to it.

Let me also thank them for their desire to work with other Senators on both sides of the aisle, their desire for bipartisanship, their desire to work with our Republican leadership and our Republican Senators. Both of these Senators who have spoken have manifested that very clearly, stated it clearly, and it comes from their heart because they came here to do the work of the people, and they know that the work of the people and of the Nation and our children cries out for bipartisanship, cries out for us working together to meet the needs of this country.

That is what they are here for. That is what they are here to do. I thank them for such a clear enunciation of the need to serve our people and, in so serving, the need to have before us all of the facts and details that we can so we can exercise judgment on both sides of the aisle. I thank them from the bottom of my heart.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized.

THE BUDGET

Mr. KYL. Madam President, while the distinguished Senator from West Virginia is still here, let me thank him for the remarks he has just made. I, too, listened very carefully to his remarks, as well as to the Senator from Florida and the Senator from New York.

But I must say that I find this rather bemusing—if I am using that term correctly. People around the country might wonder why there is such an emphasis on, or such a concern for, taking up the budget. After all, isn't it time to take up the budget? Indeed, in the normal course of events in the Senate, we would be taking up the budget about right now. So why is there all this expression about concern about taking up the budget? I suggest it has to do with the old phrase, ''You follow the money.''

While I came here to speak about another subject, I want to speak for a few minutes about this subject because I think people across this country deserve to know what is really behind all of this talk about taking up the budget. You see, the truth is, until we take up the budget and pass a budget, we can't take up tax relief. Until we take up and pass tax relief, the money that is available here in Washington to be spent by the politicians will be spent by the politicians. So you follow the money. If we never take up the budget, then we can't pass the tax relief. If we don't pass the tax relief, the money that the hard-working families of this country have sent to Washington, DC, will be available for this Congress to spend.

People who like to spend other people's money don't want to see tax relief. They can't stand in the way of tax relief, which is too popular. It is going to pass. But they might be able to stop the budget from being considered, based upon some parliamentary procedures. That, Madam President, is what I think this is all about.

Let me take the four points that have been raised by my friends across the aisle in order:

First of all, that we can't possibly take up the budget yet because we don't have the details of the President's budget. I have in my hand a copy of something called ''A Vision of Change For America.'' The Senator from West Virginia will remember this. It is dated February 17, 1993.

This is what the Democratically controlled Senate had before it when it considered the budget resolution in that year. We did not have the Clinton budget. There was no Clinton budget.

Like the first year of President Bush, that was the first year of President Clinton. It takes a new President's team a little while to put together the budget, but that has never stopped the Congress from passing a budget in the ordinary timeframe because that is the first thing we have to do. We are pretty well stymied in all of the other things we have to do in terms of reconciliation, in terms of appropriations, until we have adopted the budget.

What is this ''Vision for Change for America'' that President Clinton sent up? It was not a budget, as he acknowledges here; it was a blueprint, a vision, as he called it, pretty similar to the document the Senator from West Virginia has been referring to that President Bush sent up to Capitol Hill.

It is a blueprint. It is a vision for what he would like to do. There is a lot of information in it. It is not as detailed as the usual budget, to be sure, but there is plenty of information about the general direction he would like to take.

What happened to this ''Vision for Change for America''? Did Republicans say: We cannot possibly take this budget resolution up; we have to wait for a detailed budget by President Clinton? Actually, I think some Republicans did say that, but the Democratic leadership said: Forget it; we are going to take up the budget resolution, and this body passed a budget resolution in a number of days—we are trying to determine whether it was 12 or 13. It was a number of days, close to 2 weeks, before the real Clinton budget was sent up here. The Senate acted upon its budget resolution before it ever had the detailed Clinton budget before it.

I do think it is a bit much to argue that it is unprecedented, that it is improper for the Senate to take up a budget resolution when it has not yet got the exact, complete, detailed budget from the President. We know full well the general direction this President's budget is going to take.

The second point is that there are questionable forecasts. I have heard

the phrase twice used here, ''looking through a glass darkly.'' My goodness, we have to make decisions every day based upon what we think is going to happen. We cannot know for certain. As the fine Senator from West Virginia pointed out, we can hardly forecast the weather tomorrow, and that is true.

Yet we make decisions in the Congress, in the Government, in business, for our own families every day based upon imperfect and uncertain knowledge of what is going to happen in the future. We have to do that; otherwise, we would be frozen into inaction. We would never be able to do anything. We do the best we can.

We have been using very conservative budget estimates. The congressional budget estimates are that over the next 10 years, we would have about a $5.6 trillion surplus and in that President Bush has decided to ask for $1.6 trillion over a 10-year period to be returned to American taxpayers. That is the size of his tax cut.

That tax cut was proposed during the campaign when the estimated budget surplus was far less. That budget surplus has grown virtually every quarter since then. It is now up to $5.6 trillion, $5.8 trillion.

Given the fact that these are conservative estimates, given the fact that we all have to make decisions on imperfect information, it certainly seems to me we ought to at least proceed to take up the budget. My goodness, we will be here all year waiting for exactitude, and nobody, of course, expects that.

The third point I have heard is there is not going to be room for debt relief if we are not careful. That, of course, is not true. I was in a hearing yesterday of the Finance Committee in which we had experts talk about how much debt we could pay down and over what period of time.

Everybody agrees that the debt can be paid down within the 10-year period as far as we can possibly pay it. The only difference is, can we pay it down to about $500 billion or down to $1 trillion, somewhere in between there? The experts are in disagreement as to where exactly we can pay it down. It is virtually impossible to pay off more debt than that because it is held by people in long-term obligations and obligations that would cost too much to buy back.

We are going to pay down the debt all we can, and there is just over $1 trillion left, after we have done the tax cuts, after we have paid off the debt, and after we have paid for everything on which the Government has to spend money, plus a 4-percent rate of growth, more than the rate of inflation. And that is on top of record huge historical increases in spending over the last 2 years, all of which are built into the baseline.

We have the historic spending, greater even than—well, literally any other period in our history, including all but the largest year of spending in World War II. We have historic spending levels. We are increasing that spending; we are paying off the national debt; we are providing $1.6 trillion over 10 years in tax relief; and we still have another billion dollars left over. That does not sound to me to be a very risky proposition.

Finally, the fourth point that has been raised by our friends on the other side is we have to come together in a bipartisan spirit, and that, I gather, is why the Democratic leadership has worked so hard to get every single Democrat to oppose the budget resolution in an absolute 100-percent partisan vote. That is bipartisanship?

Every Democrat can decide to oppose this budget resolution on the basis that they do not like it. That is totally fair. They will probably all conclude that is why they are not going to vote for it, and I certainly respect that. But I think it is a bit much to talk about a spirit of bipartisanship when we already know that for several days this week, the Democratic leadership has been working very hard to get an absolute, 100-percent partisan vote against the Republican budget resolution. That is not bipartisanship.

That is the condition we are faced with right now. Why wouldn't Senators want to take up the budget? What is really behind this? As I said, follow the money. We cannot cut taxes until we take up the budget, and that, in fact, is why some Senators do not wish us to take up the budget.

Paul Harvey has a saying at the end of his broadcast in which he says: ''And that's the rest of the story.'' If we are direct and clear-eyed about this, this is the rest of the story. It has nothing to do with whether we should take up the budget, whether we have enough information to take up the budget, whether it is time to take up the budget, whether we will have all week long to debate the budget, to offer amendments to the budget. All of that will be quite possible.

It all has to do with partisan politics to delay taking up the budget so that we delay taking up the issue of tax relief because there are a lot of folks who do not want the degree of tax relief for which President Bush has called.

I see my distinguished friend from West Virginia wants to intercede with a comment which he will pose in the form of a question, and I will be happy to yield.

Mr. BYRD. Mr. President, I am struck with amazement, if I might say. I thank the distinguished Senator for yielding. But when he charges the Democratic leadership with having spent all these days trying to get a solid vote against this resolution, I ask the question: What on Earth has the Republican leadership been doing this past week?

I am sorry that this discussion is taking a very partisan turn.

I say that with all due respect to the very distinguished Senator. I didn't come here to speak in politically partisan terms. I have been talking about the need for both sides of the aisle to have the President's budget in front of us before we vote.

May I say to the distinguished Senator, I don't determine my vote on what the leadership on this side says or what the leadership on that side says. So let me debunk his mind with respect to that.

Let me get to the earlier point of the distinguished Senator when he spoke of the ''Vision of Change,'' when he was reacting to my comments regarding ''A Blueprint for New Beginnings,'' this outline of what the Bush administration is proposing. It is a mere outline. The distinguished Senator from Arizona reminded the Senate that in 1993 the Senate operated on the basis of this document entitled ''A Vision of Change for America.''

The difference, may I say to my friend, and he probably already knows this, the difference in 1993 and now is that this document in 1993 contained more detail than does this document on which we are going to have to base our judgment, apparently, in the forthcoming debate next week.

Furthermore, in that instance, the Budget Committee had a markup and reported to the Senate a concurrent resolution on the budget. That is not the case here. The Budget Committee of the Senate has not had any markup this year. In 1993 the Budget Committee had a markup. It sent to the Senate a document, a resolution, that came out of that committee and was the result of that committee's deliberations, both Democrats and Republicans. Further, in that instance, CBO had enough information to provide an analysis of Clinton's 1993 budget.

We need a CBO analysis for this budget. We don't have it here. We had it then. We had a markup by the Budget Committee that year; we were denied a markup in the Budget Committee this year. We were denied that opportunity. We had a CBO analysis in 1993; in this instance we don't have. Furthermore, in that instance we were following the true purposes of the Budget Reform Act in that we were seeking to reduce the deficits; in this case we are going to increase the deficits in all likelihood if we enact a huge tax cut purely on the basis of projected surpluses.

And finally, in that instance, not a single Republican in the Senate, not a single Republican in the House of Representatives, voted for the budget. So, if my friends on the Republican side are going to hold this document up and say, look what we did back then, the Senate went ahead and acted on the basis of that document. That is the role model, I assume they are saying. Look at what you did, you Democrats; you did it without the President's budget in 1993.

But they fail to remind listeners that not a single Republican voted for that document, and that that document is the basis for the surge of surpluses that

we now enjoy. The budget in 1993 took us out of the deficit ditch and made possible the surpluses of today, and yet not a single Republican in either House voted for that document. And here we are today, the Republicans are extolling the 1993 budget.

Mr. KYL. I think the Senator from West Virginia would concede I have been quite liberal in yielding to him to answer that question.

Mr. BYRD. The Senator has. I wanted to help set the record straight.

Mr. KYL. I know that, and I appreciate the Senator helping to set the record straight. Let me set it exactly straight, however.

Mr. BYRD. I am waiting.

Mr. KYL. President Clinton's vision of America was transmitted on February 17, 1993, 145 pages long, outlining the details of the fiscal 1993 spending stimulus package and tax increase plan, plus the other visions of President Clinton.

President Bush's ''Blueprint for New Beginnings,'' of which the Senator from West Virginia has a copy, was transmitted on February 28, 2001. The document is 207 pages long and outlines a 10-year budget plan with $1.6 trillion in tax cuts.

The Senator from West Virginia might say my document is more detailed than your document. I think that is a matter of judgment. My document is longer than your document. It covers a longer period of time.

The fact is, neither are budgets in the pure traditional sense, the Senator from West Virginia would acknowledge. Both are the best the administration could do within the short period of time they had, and in both cases the majority party in the Senate sought to take up a budget resolution prior to the submission of the budget by the President.

The Democratic-controlled Congress in 1993 not only reported a budget resolution on a party-line vote—and I will stop for a moment and say the Senator from West Virginia is exactly correct, not a single Republican supported it but every Democrat did support it. So I don't know which side you blame for being partisan.

Mr. BYRD. I am not blaming either side.

Mr. KYL. It was a partisan vote.

Mr. BYRD. I am not blaming either side.

Mr. KYL. Thank you. I thought for a moment you were suggesting Republicans were partisan for sticking together but Democrats were not partisan for sticking together. The fact is, at that time the Democrats were in charge of the Senate. It passed Senate and House floors on party-line votes—budget resolutions based on the document, completed conference on the two budget-passed resolutions, completed and passed on party-line votes, budget resolution conference based upon this ''Vision of Change'' document and, most importantly, Congress did all of this by April 1, 1993, a full week before President Clinton submitted his detailed budget plan.

The 107th Congress now is working to adopt a budget resolution in the Senate following the submission of President Bush's blueprint, and that is no different than what was done in the 1993 democratically-controlled Congress.

The point I am trying to make is that all of this debate about procedures—is it the real budget? Is it just a blueprint? Have we ever done this before? Is it partisan? All of that is a smokescreen. It is a smokescreen to hide the fact that my friends on the other side of the aisle are trying to delay the consideration of the budget in order to delay the consideration of tax relief so that possibly something will come up so the tax relief won't pass to the degree that President Bush wants it to pass.

Just to make it crystal clear, I would never suggest that the Senator from West Virginia would feel himself bound to follow his party leadership. I suggest that it is the Senator from West Virginia who is helping to lead his party. I know in this case he believes strongly about this. We believe just as strongly. I do not think that it is too much to ask the Congress to take up the budget at the time it does every year, pursuant to the budget resolution, and consider that budget so we can get on with the other business of the Congress and the other business of the nation, to take up the questions of appropriations for all of the spending programs we need to fund, to take up the question of tax relief for hard-working Americans, and to do all the other things the American people sent us back here to do.

To try to get bogged down in a bunch of parliamentary or procedural wrangling, I suggest, doesn't do the people's business.

Mr. BYRD. Will the Senator yield?

Mr. KYL. Madam President, I had asked for an hour to present to the Senate another very interesting set of comments.

However, given the fact that we have begun an actual conversation on the Senate floor, something somewhat rare, I am delighted to continue to use the time that was allocated to me under the unanimous consent agreement to continue this debate and, under it, not only have Republicans speaking, but also to have Democrats speaking, with the stipulation that when we are all done with this I have an opportunity to present my other remarks in full, which really will not take a full hour but at least I ask I have that opportunity at the time.

Mr. BYRD. Madam President, what we are seeing here is not a very illuminating discussion between two Senators. This is precisely what the President, I think, had in mind when he said he would like to see an end to the quibbling and to the bickering and the partisanship in Washington.

I came to the floor today suggesting that the Senate would be much better off if we had the President's budget in front of us before we vote. Then I said even if we can't have the President's budget, surely the administration has the details, the information it can submit to the Senate. Let us see what is in it. I did not come here with any intent to engage in quibbling, or partisanship.

Mr. KYL. I hope the Senator from West Virginia doesn't mind if anyone disagrees with his assessment that we shouldn't take up the budget. May I ask the Senator a question?

Mr. NICKLES. Regular order, Madam President.

Mr. KYL. The regular order is I have the time, I believe.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. BYRD. May I say I came here hoping I could speak out for the rights of both sides of the aisle; the rights of Republican Senators, the rights of Democrats; the rights of the majority, the rights of the minority, to have before us the President's budget, which we need in order to exercise a reasoned judgment. That is what I came here for. I am not interested in bickering, arguing about partisanship.

I will be just as happy if we concentrate on the need for the President's budget for the edification of both sides. I want to stand up for our rights, for the Senator's rights—the Senator from Arizona.

Mr. KYL. I ask the Senator from West Virginia, were you willing to stand up for the——

Mr. NICKLES. Regular order, Senators are having discussion. They are supposed to go through the Chair. I believe the Senator from Arizona has the floor. I believe he can only yield for a question.

Mr. KYL. I would like to yield to the Senator for a question if he would care to answer it.

The PRESIDING OFFICER. The Senator from Oklahoma is correct.

Mr. BYRD. I will be glad to ask a question.

Mr. KYL. When Republicans, in 1993, objected to the consideration of the budget resolution on the grounds that President Clinton's ''Vision of Change'' was not a real budget, did the Senator from West Virginia stand up for their rights to wait until the President submitted a complete budget? Or did the Senator from West Virginia vote with the majority on a purely partisan vote to pass the budget resolution and, in fact, to pass the final budget resolution, all prior to the time President Clinton submitted a budget?

Mr. BYRD. Madam President, I was thinking of Cicero's statement when he said, ''Let us not go over the old ground.''

Mr. KYL. That was then; this is now.

Mr. BYRD. Wait. Let's just wait. I like your smile, but I don't like the interruption of Cicero's quotation. But the Senator is being very liberal to me in letting me speak on his time.

Cicero said:

> Let us not go over the old ground. Let us, rather, prepare for what is to come.

The Senator wants me to ask him a question? I will ask that question.

Mr. KYL. No, I want the Senator to answer the question.

Mr. BYRD. I answered the question, didn't I?

Mr. KYL. Was the answer yes?

Mr. BYRD. Yes. Yes, I voted for that budget.

Mr. KYL. Thank you.

Mr. BYRD. I was one of—I don't remember the precise number, but I was one Senator who voted for that budget in 1993, and not a single Republican voted for it in the Senate or in the House. Yet, it was that budget that put this country on the course of having surpluses rather than deficits.

Now, did the Senator want me to ask a question or answer a question?

Mr. KYL. No, I think the Senator answered the question. The Senator was willing to vote for a budget resolution prior to the submission of the complete budget by the President in 1993, but he criticizes Republicans for doing precisely the same thing in the year 2001.

Mr. CONRAD. Will the Senator from Arizona just yield for a question?

Mr. KYL. If I might, since the Senator from Oklahoma was here earlier and had sought recognition, I would like to yield to him first.

Mr. NICKLES. The Senator has an hour under his control. I wish to make a speech on campaign finance.

Mr. KYL. Then, Madam President, perhaps what I should do is ask how much time we have remaining so I can give the remarks I was originally prepared to give and then yield to those others.

The PRESIDING OFFICER. The Senator has 30 and one-half minutes remaining.

Mr. KYL. I think that will be sufficient to give the other remarks I have, unless the Senator from North Dakota wishes to engage me in a lengthy colloquy, in which case I would want to ask for a little bit more time.

Mr. CONRAD. No, I will be very brief. Was the Senator aware that in 1993 there was sufficient detail from the President to have the Joint Tax Committee and the Congressional Budget Office estimate the cost of the President's tax proposals? That is totally different from this year. In this year, we have insufficient detail from the President for the Joint Tax Committee and the Congressional Budget Office to give us an independent estimate of the cost of the President's proposals.

Mr. KYL. That is a question. Let me answer by saying apparently the Joint Tax Committee believes it has enough information, because it has given us an estimate of the cost, both to the House and the Senate. In fact, it gave a very uncomplimentary estimate of the part of the tax relief which I am putting forward. I might argue with what they have come up with, but apparently they believed they had enough information to do it.

We do have an estimate this year, whether it is right or wrong. We had an estimate back in 1993. We have an estimate this year. We are going to have to live with it one way or the other. But I don't think that should be a basis for suggesting it is improper at this point to take up the budget resolution. I think what we have established is that just as with the change of President in 1993, when you have a President in the year 2001, it is unrealistic to expect there would be the same degree of detail in the budget they send up in their very first year as there is for the remainder of their term.

But the fact has not stopped Congress from acting on a budget resolution at the time of year when it should do so, that we will be doing that, and that hopefully we will have an entire week next week for a continuation of this debate for proposals of amendments. I suspect we will be going very late at night next week as we consider all the different ideas different Senators have before we finally act on the budget.

I hope, to conclude the remarks here, this could be done in a bipartisan fashion and it will not be a purely partisan vote. One would hope that. We will see how it develops.

Mr. CONRAD. Will the Senator further yield just for a brief question?

Mr. KYL. I would like to get on with what I started a half hour ago, if I may.

Mr. CONRAD. May I be permitted a brief question?

Mr. KYL. I think, as the Senator from West Virginia has said, I have been more than liberal in yielding to my colleagues. I really would like to get on to what I came here to talk about.

Mr. CONRAD. Madam President, we have not seen an estimate from the Congressional Budget Office nor the Joint Tax Committee of the cost of the President's plan, except for pieces of it, the estate tax provision of the Senator from Arizona, and two pieces of it from the House. But we don't have an estimate of the President's full plan.

Mr. KYL. What we have, of course, is the estimate of those portions of the President's tax plan that have been put forward by Members of the House and Senate, and that is ordinarily what is reviewed and what we get estimates of. That is plenty enough for us to move forward on it at this point.

I know the Senator from North Dakota appreciates that we in the Senate operate on that basis as a routine matter.

I appreciate the opportunity to have this exchange. I think it may illustrate some of the tough sledding that we have to do as we move forward with the consideration of the President's budget, with the Senate budget resolution, with our tax relief legislation, and the other business that we have.

CHINA'S MILITARY POLICY

Mr. KYL. Madam President, I rise today to express concern about the direction of Chinese military policy vis-a-vis the United States.

America's relationship with China is one of the key foreign policy challenges facing our nation in the 21st Century. It is hard to understate the importance of our relationship with China. It is the world's most populous nation, has the world's largest armed forces, and is a permanent member of the U.N. Security Council. Its economic and military strength has grown a great deal in recent years, and is projected to continue to grow significantly in the coming decades. And most significantly, it is intent on gaining control over Taiwan, even by military force if necessary.

For some time now, I have been concerned that, out of a desire to avoid short-term controversies in our relationship with China that could prove disruptive to trade, we have overlooked serious potential national security problems.

As Bill Gertz noted in his book, The China Threat, the former administration believed that China could be reformed solely by the civilizing influence of the West. Unfortunately, this theory hasn't proven out—the embrace of western capitalism has not been accompanied by respect for human rights, the rule of law, the embrace of democracy, or a less belligerent attitude toward its neighbors. Indeed, serious problems with China have grown worse. And continuing to gloss over these problems for fear of disrupting the fragile U.S.-China relationship, primarily for trade reasons, only exacerbates the problems.

We must be more realistic in our dealings with China and more cognizant of potential threats. As Secretary of State Colin Powell said in his confirmation hearing:

> A strategic partner China is not, but neither is it our inevitable and implacable foe. China is a competitor, a potential rival, but also a trading partner willing to cooperate in areas where our strategic interests overlap . . . Our challenge with China is to do what we can do that is constructive, that is helpful, and that is in our interest.

I believe it is in our best interest to seriously evaluate China's military strategy, plans for modernization of its People's Liberation Army, including the expansion of its ICBM capability, and buildup of forces opposite Taiwan. Let us not risk underestimating either China's intentions or capabilities, possibly finding ourselves in the midst of a conflict we could have prevented.

I would like to begin by answering a seemingly obvious question: Why isn't China a strategic partner? Among other things, China is being led by a communist regime with a deplorable human rights record and a history of irresponsible technology sales to rogue states. Furthermore, Beijing's threatening rhetoric aimed at the United States and Taiwan, as well as its military modernization and buildup of forces opposite Taiwan, should lead us to the conclusion that China potentially poses a growing threat to our national security. While it is true that

China is one of the United States' largest trading partners, we must not let this blind us to strategic concerns. Strategically, we must consider China a competitor—not an enemy, but certainly a cause for concern that should prompt us to take appropriate steps to safeguard our security.

Chinese government officials and state-run media have repeatedly threatened to use force against Taiwan to reunite it with the mainland; and further, have warned the United States against involvement in a conflict in the Taiwan Strait. For example, in February 2000, the People's Liberation Army Daily, a state-owned newspaper, carried an article which stated, ''On the Taiwan issue, it is very likely that the United States will walk to the point where it injures others while ruining itself.'' The article went on to issue a veiled threat to attack the U.S. with long-range missiles, stating, ''China is neither Iraq or Yugoslavia . . . it is a country that has certain abilities of launching a strategic counterattack and the capacity of launching a long-distance strike. Probably it is not a wise move to be at war with a country such as China, a point which U.S. policymakers know fairly well also.''

This treat, and countless others like it, have been backed by China's rapid movement to modernize its army. The immediate focus of the modernization is to build a military force capable of subduing Taiwan, and capable of defeating it swiftly enough to prevent American intervention. According to the Department of Defense's Annual Report on the Military Power of the People's Republic of China, released in last June, ''A cross-strait conflict between China and Taiwan involving the United States has emerged as the dominant scenario guiding [the Chinese Army's] force planning, military, training, and war preparation.''

We should also be concerned with China's desire to project power in other parts of the Far East. According to a recent Washington Post article, China announced that it will increase its defense spending this year by 17.7 percent—its biggest increase in the last 20 years. China's publicly-acknowledged defense budget of over $17 billion for next year is higher than the defense budgets of neighboring countries like India, Taiwan, and South Korea. Most analysts estimate China's real spending on defense is at least three times as great as the publicly disclosed figure. For example, according to the Secretary of Defense's January 2001 report, Proliferation: Threat and Response, China's military funding levels are expected to average between $44 and $70 billion annually between 2000 and 2004. Chinese Finance Minister Xiang Huaicheng, in a speech to China's National People's Congress, stated that the increase would go, in part ''. . . to meet the drastic changes in the military situation around the world and prepare for defense and combat given the conditions of modern technology, especially high technology.'' This is consistent with the Department of Defense's assessment in the Annual Report on the Military Power of the People's Republic of China, that ''China's military planners are working to incorporate the concepts of modern warfare . . . and have placed a priority on developing the technologies and tactics necessary to conduct rapid tempo, high technology warfare . . .'' Defense Department assessment, an invasion of the island would likely be preceded by ''a naval blockade, air assaults and missile attacks on Taiwan.'' Furthermore, it states:

> Airborne, airmobile, and special operations forces likely would conduct simultaneous attacks to the rear of Taiwan's coastal defenses to seize a port, preferably in close proximity to an airfield. Seizing a beachhead would likely constitute a support attack. An airborne envelopment would facilitate amphibious operations by cutting off Taiwan's coastal defenders from supply lines and forcing them to fight to two directions. China would likely seek to suppress Taiwan's air defenses and establish air superiority over an invasion corridor in the Taiwan Strait . . .

To solidify is ability to launch such an attack. China is expected to continue to increase its force of short-range ballistic missiles. According to an article in the Far Eastern Economic Review, Taiwan estimates that the Chinese Army currently has 400 short-range missiles deployed opposite that island. More recently, the Washington Times reported that a U.S. satellite detected a new shipment of short-range missiles to Yongan, in Fujian province, opposite Taiwan. The Washington Times had previously reported ''that China had deployed nearly 100 short-range ballistic missiles and mobile launchers'' at this particular base. Bill Gertz's book, the China Threat, cites a 1999 internal Pentagon report that indicates China plans to increase its force of short-range M–9 and M–11 missiles to 650 by 2005. In addition, China has also deployed medium-range CSS–5 missiles, with a range of 1,800 kilometers, which cannot be stopped by Taiwan's Patriot missile defense batteries.

China's continued development of its ICBM force, which directly threatens U.S. cities, is also troubling. The Defense Department's report, Proliferation: Threat and Response, states:

> China currently has over 100 nuclear warheads . . . While the ultimate extent of China's strategic modernization is unknown, it is clear that the number, reliability, survivability, and accuracy of Chinese strategic missiles capable of hitting the United States will increase during the next two decades.
>
> China currently has about 20 CSS–4 ICBMs with a range of over 13,000 kilometers, which can reach the United States. Some of its ongoing missile modernization programs likely will increase the number of Chinese warheads aimed at the United States. For example, Beijing is developing two new road-mobile solid-propellant ICBMs. China has conducted successful flight tests of the DF–31 ICBM in 1999 and 2000; this missile is estimated to have a range of about 8,000 kilometers. Another longer-range mobile ICBM also is under development and likely will be tested within the next several years. It will be targeted primarily against the United States.

Another study completed by the National Intelligence Council, presenting the consensus views of all U.S. intelligence agencies, echoed these concerns stating, Beijing ''will have deployed tens to several tens of missiles with nuclear warheads targeted against the United States'' in the not too distant future. The intent of this deployment is obvious—to preclude the United States from intervening in any Chinese military actions against Taiwan.

China's advances in its air and naval forces are also weighing upon the growing imbalance in the Taiwan Strait. Russian transfers of military equipment and technology are accelerating China's efforts in these areas. According to a February article in Jane's Intelligence Review,

> Between 1991 and 1996 Russia sold China an estimated $1 billion worth of military weapons and related technologies each year. That figure doubled by 1997. In 1999 the two governments increased the military assistance package for a second time. There is now a five-year program (until 2004) planning $20 billion worth of technology transfers.

China's Air Force is continuing its acquisition of Russian fighters and fighter bombers. For example, China now has at least 50 Russian Su–27 fighters, and has started co-producing up to 200 more. Furthermore, according to a 1999 Defense News article, Russia and China signed a preliminary agreement in 1999 calling for the transfer to China of approximately 40 Su–30MKK fighter-bombers, which are comparable to the U.S. F–15E Strike Eagle. According to a 1999 article in the Russian publication Air Fleet (Moscow), these aircraft will be equipped with precision-guided bombs and missiles, as well as an anti-radar missile. Delivery has not yet occurred, but is expected within the next three years.

The June 2000 Defense Department report predicted that by 2020, the ''. . . readiness rates, the distances over which China can project air power, and the variety of missions which China's air forces can perform also can be expected to improve.'' Furthermore, it states that after 2005, ''. . . if projected trends continue, the balance of air power across the Taiwan Strait could begin to shift in China's favor.'' This shift will undoubtedly be accelerated by Russia's assistance.

Additionally, the report estimates that, by 2005, China will have developed the capability for aerial refueling and airborne early warning. Also, the development of a new Chinese active-radar air-to-air missile similar to the U.S. AMRAAM for China's fourth-generation fighters is likely to be complete.

In an effort to increase its ability to place a naval blockade around Taiwan, the Chinese Navy is in the process of acquiring new submarines, anti-ship missiles, and mines. According to the Defense Department's June 2000 report,

''China's submarine fleet could constitute a substantial force capable of controlling sea lanes and mining approaches around Taiwan, as well as a growing threat to submarines in the East and South China Seas.'' Furthermore, a January 2001 Jane's Defense Weekly article states that the core of China's future naval plans calls for the acquisition of an aircraft carrier capability and the incorporation of nuclear-powered attack submarines into its fleet. According to this article, the Chinese Navy recently acquired two Russian Sovremenny-class destroyers armed with Sunburn anti-ship missiles that were developed by Russia to attack U.S. carrier battle groups. It is also continuing to buy Kilo-class submarines from Russia, and has discussed purchasing an aircraft carrier from Russia.

Faced with China's moves to increase its ability to blockade Taiwan or to disrupt sea lanes near the island, its steps to develop the ability to establish air superiority over the Taiwan Strait, and its moves to increase its missile force facing the United States and Taiwan, we must contend with the question of how to deter an attack on Taiwan, and how to defend our forces which would be deployed in the area.

The obvious answer is to supply Taiwan with the defensive weaponry it has sought to buy from the United States and to be able to defend the United States against missile attack threatened by China. Taiwan has submitted its official defense request list to the United States, and next month, the Administration will make its final decision as to which items will be sold.

According to the Washington Times, Taiwan has requested approximately 30 different weapons systems from the United States this year. Though the official list is classified, a recently released Senate Foreign Relations Committee staff report discussed Taiwan's current defense needs, mentioning some of the items that it is interested in acquiring. I would like to highlight just a few of these items.

According to this Senate report, Taiwan has, once again, expressed its need for four Aegis destroyers—a request that was repeatedly denied by the Clinton Administration. These destroyers would, according to the Foreign Relations Committee report, provide Taiwan ''with an adequate sea-based air defense and C4I system to deal with rapidly developing [Chinese] air and naval threats.'' Because final delivery will take 8 to 10 years, however, Taiwan will need an interim solution to deal with these threats. Thus, it may be necessary to sell Taiwan four used Kidd-class destroyers, which do not have a radar system as capable as Aegis, but are more advanced than what Taiwan currently possesses.

Additionally, the report indicates that Taiwan has stated its need for submarines. It currently has only four, while China has sixty-five. They could prove particularly important should Taiwan need to defend itself against a Chinese blockade of the island.

Taiwan also needs our help to deal with the growing imbalance of air power across the Taiwan Strait. According to the report, Taiwan's Air Force has indicated its need to be able to counter China's long-range surface-to-air missiles, and to counterattack its aircraft and naval vessels from long distances. In order to counter China's surface-to-air missile sites that can threaten aircraft over the Taiwan Strait, Taiwan has expressed interest in obtaining High-Speed Anti-Radiation Missiles (HARM). Taiwan reportedly would also like to purchase Joint Direct Attack Munitions (JDAM), and longer-range, infra-red guided missiles capable of attacking land targets.

The United States should approve all of Taiwan's requests, provided they are necessary for Taiwan to defend itself, and provided they do not violate technology transfer restrictions. Section 3(b) of the Taiwan Relations Act states, ''The President and Congress shall determine the nature and quantity of such defense articles and services *based solely upon their judgment of the needs of Taiwan . . .*'' (Emphasis added) Taiwan clearly needs to upgrade its capabilities in several key areas and should act to address these shortfalls.

We must also deal with a broader question. Since the approach adopted by the Clinton Administration clearly did not move China in the right direction, how can we positively influence China to act responsibly and eschew military action against Taiwan?

One way is to be unambiguous in our dealings with China. During the cold war, Ronald Reagan and Margaret Thatcher took a principled stand against the Soviet Union, which contributed to one of the greatest accomplishments in history: the West's victory without war over the Soviet empire. The time has come for the United States to take a similarly principled, firm approach to our dealings with China. We should hold China to the same standards of proper behavior we have defined for other nations, and we should work for political change in Beijing, unapologetically standing up for freedom and democracy.

We should begin by assuring that the United States is not susceptible to blackmail by China—to freeze the United States into inaction by threat of missile attack against the United States. In this regard, we need to work toward the development and deployment of a national missile defense system. The United States currently has no defense against a ballistic missile attack from China, or any of the countries that it has assisted in developing a long-range missile capability. Missile defense will allow us to abandon the cold war policy of mutually assured destruction.

China has threatened that NMD deployment will lead to destabilization and to an arms race with that country. I disagree. As former Secretary of Defense William Cohen testified to the Senate in July of last year, ''I think it's fair to say that China, irrespective of what we do on NMD, will in fact, modernize and increase its ICBM capability.''

And this is why president George W. Bush is correct to remain firm in his decision to deploy an NMD system as soon as possible.

Secondly, we need to maintain strong U.S. military capabilities in Asia and improve ties to our allies in the region. As Secretary of State Colin Powell recently said about these relationships, particularly with Japan, ''Weaken those relationships and we weaken ourselves. All else in the Pacific and East Asia flows from those strong relationships.''

The United States can promote democracy, free-markets, and the rule of law by standing by our democratic allies in Asia, like Japan and Taiwan. The preparedness of Taiwan's defense forces is questionable. Increasing this preparedness will decrease the chances that the United States will need to become involved in a conflict in the Taiwan Strait, or that such a conflict will occur in the first place. As I mentioned earlier, not only do we need to sell Taiwan the necessary military equipment for defense against China, our defense officials and military personnel need to be able to work with their Taiwanese counterparts to ensure that they know how to use the equipment. Without this training, the equipment we provide will be far less useful.

As stated in the Defense Department's report:

> The change in the dynamic equilibrium of forces over the long term will depend largely on whether Taiwan is able to meet or exceed developments on the mainland with programs of its own. Its success in deterring potential Chinese aggression will be dependent on its continued acquisition of modern arms, technology and equipment, and its ability to integrate and operate these systems effectively . . .

President Bush recently stated that China, our ''strategic competitor'' needs to be ''faced without ill will and without illusions.'' Our long-term goal is to live in peace and prosperity with the Chinese people, as well as to promote democratic transition in that country. China's far-reaching ambitions in Asia, coupled with efforts to modernize and strengthen its military force, however, require the United States to exercise leadership. There is no doubt that China will and should play a larger role on the world stage in the coming years. The challenge before us is to deal with this emerging power in a way that enhances our security by dealing candidly and strongly with some of the troubling facts and trends. It is time to take a more clear-eyed approach to dealing with China.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. KYL. Madam President, on behalf of the leader, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations: Nos. 24 through 30, 32 through 35, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

AIR FORCE

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. James D. Bankers, 0000
Brig. Gen. Marvin J. Barry, 0000
Brig. Gen. John D. Dorris, 0000
Brig. Gen. Patrick J. Gallagher, 0000
Brig. Gen. Ronald M. Sega, 0000

To be brigadier general

Col. Thomas A. Dyches, 0000
Col. John H. Grueser, 0000
Col. Bruce E. Hawley, 0000
Col. Christopher M. Joniec, 0000
Col. William P. Kane, 0000
Col. Michael K. Lynch, 0000
Col. Carlos E. Martinez, 0000
Col. Charles W. Neeley, 0000
Col. Mark A. Pillar, 0000
Col. William M. Rajczak, 0000
Col. Thomas M. Stogsdill, 0000
Col. Dale Timothy White, 0000
Col. Floyd C. Williams, 0000

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Martha T. Rainville, 0000

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Dennis A. Higdon, 0000
Brig. Gen. John A. Love, 0000
Brig. Gen. Clark W. Martin, 0000
Brig. Gen. Michael H. Tice, 0000

To be brigadier general

Col. Bobby L. Brittain, 0000
Col. Charles E. Chinnock, Jr, 0000
Col. John W. Clark, 0000
Col. Roger E. Combs, 0000
Col. John R. Croft, 0000
Col. John D. Dornan, 0000
Col. Howard M. Edwards, 0000
Col. Mary A. Epps, 0000
Col. Harry W. Feucht, Jr, 0000
Col. Wayne A. Green, 0000
Col. Gerald E. Harmon, 0000
Col. Clarence J. Hindman, 0000
Col. Herbert H. Hurst, Jr, 0000
Col. Jeffrey P. Lyon, 0000
Col. James R. Marshall, 0000
Col. Edward A. McIlhenny, 0000
Col. Edith P. Mitchell, 0000
Col. Mark R. Ness, 0000
Col. Richard D. Radtke, 0000
Col. Albert P. Richards, Jr, 0000
Col. Charles E. Savage, 0000
Col. Steven C. Speer, 0000
Col. Richard L. Testa, 0000
Col. Frank D. Tutor, 0000
Col. Joseph B. Veillon, 0000

IN THE ARMY

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Robert M. Carrothers, 0000

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Robert M. Diamond, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Eugene P. Klynoot, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Paul C. Duttge, III, 0000

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Perry V. Dalby, 0000
Brig. Gen. Carlos D. Pair, 0000

To be brigadier general

Col. Jeffery L. Arnold, 0000
Col. Steven P. Best, 0000
Col. Harry J. Philips, Jr., 0000
Col. Coral W. Pietsch, 0000
Col. Lewis S. Roach, 0000
Col. Robert J. Williamson, 0000
Col. David T. Zabecki, 0000

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Robert G.F. Lee, 0000

IN THE NAVY

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Kenneth C. Belisle, 0000
Rear Adm. (lh) Mark R. Feichtinger, 0000
Rear Adm. (lh) John A. Jackson, 0000
Rear Adm. (lh) John P. McLaughlin, 0000
Rear Adm. (lh) James B. Plehal, 0000
Rear Adm. (lh) Joe S. Thompson, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. James C. Dawson, Jr., 0000

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

Air Force nominations (5) beginning LAUREN N. JOHNSON-NAUMANN, and ending ERVIN LOCKLEAR, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Air Force nominations (2) beginning EDWARD J. FALESKI, and ending TYRONE R. STEPHENS, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Air Force nomination of WILLIAM D. CARPENTER, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Air Force nominations (48) beginning ANTOIN M. ALEXANDER, and ending TORY W. WOODARD, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Air Force nominations (82) beginning PHILIP M. ABSHERE, and ending ROBERT P. WRIGHT, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Air Force nominations (208) beginning WILLIAM R. ACKER, and ending CHRISTINA M. K. ZIENO, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Air Force nominations (599) beginning ROBERT C. ALLEN, and ending RYAN J. ZUCKER, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Air Force Nominations (1511) beginning FREDERICK H. ABBOTT, III, and ending MICHAEL F. ZUPAN, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

IN THE ARMY

Army nominations (550) beginning KENT W. ABERNATHY, and ending ROBERT E. YOUNG, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Army nomination of BRIAN J.* STERNER, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Army nominations (3) beginning WILLIAM N.C. CULBERTSON, and ending ROBERT S. MORTENSON, JR., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Army nominations (2) beginning MARK DICKENS, and ending EDWARD TIMMONS, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Army nominations (4) beginning JOSEPH N.* DANIEL, and ending PHILLIP HOLMES, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Army nominations (7) beginning JOE R. BEHUNIN, and ending RANDALL E. SMITH, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Army nominations (3) beginning ROBERT G. CARMICHAAEL, JR., and ending LARRY R. JONES, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Army nominations (4) beginning JAMES P. CONTREARAS, and ending ROBERT D. WILLIAMS, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Army nominations (2) beginning CHERYL E. CARROLL, and ending SUSAN R.* MEILER, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Army nominations (66) beginning JEFFREY A.* ARNOLD, and ending CHARLES L. YOUNG, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Army nominations (309) beginning CARA M.* ALEXANDER, and ending KRISTIN K.*

WOOLLEY, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Army nominations (12) beginning HANSON R. BONEY, and ending WILLIAM D. WILLETT, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Army nomination of Joel L. Price, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of March 6, 2001.

Army nominations (3) beginning JAY M. WEBB, and ending SIMUEL L. JAMISON, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 8, 2001.

IN THE MARINE CORPS

Marine Corps nominations (2) beginning JOSEPH D. APODACA, and ending CHARLES A. JOHNSON, JR., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Marine Corps nominations (293) beginning JOHN A. AHO, and ending JEFFREY R. ZELLER, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Marine Corps nominations (117) beginning WILLIAM A. AITKEN, and ending DOUGLAS P. YUROVICH, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

IN THE NAVY

Navy nomination of Edward Schaefer, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Navy nominations (12) beginning ANTHONY C. CREGO, and ending TERRY W. BENNETT, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Navy nominations of James G. Libby, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of March 8, 2001.

Navy nomination of Anthony W. Maybrier, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of March 8, 2001.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

PEACE TALKS ON NAGORNO KARABAGH

Mr. JOHNSON. Mr. President, I want to offer my hope for the continued success of the Nagorno Karabagh negotiations. On April 3, the presidents of Azerbaijan and Armenia will meet in Key West, FL, to continue their dialogue on the Nagorno Karabagh region, an area that is essential for the continued stability of the Caucasus.

President Heidar Aliyev of Azerbaijan and President Robert Kocharian of Armenia started a direct dialogue in 1999 and have met over a dozen times in an attempt to bring peace and stability to the South Caucasus. Their upcoming talks in Key West are a continuation of the most recent set of meetings that included French President Jacques Chirac. My hope is that the United States, France, and Russia—working directly with the two presidents—can increase the potential for resolving the conflict over Nagorno Karabagh.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, March 29, 2001, the Federal debt stood at $5,770,774,722,962.15, Five trillion, seven hundred seventy billion, seven hundred seventy-four million, seven hundred twenty-two thousand, nine hundred sixty-two dollars and fifteen cents.

One year ago, March 29, 2000, the Federal debt stood at $5,733,452,000,000, Five trillion, seven hundred thirty-three billion, four hundred fifty-two million.

Five years ago, March 29, 1996, the Federal debt stood at $5,117,786,000,000, Five trillion, one hundred seventeen billion, seven hundred eighty-six million.

Ten years ago, March 29, 1991, the Federal debt stood at $3,465,189,000,000, Three trillion, four hundred sixty-five billion, one hundred eighty-nine million.

Twenty-five years ago, March 29, 1976, the Federal debt stood at $600,421,000,000, Six hundred billion, four hundred twenty-one million, which reflects a debt increase of more than $5 trillion, $5,170,353,722,962.15, Five trillion, one hundred seventy billion, three hundred fifty-three million, seven hundred twenty-two thousand, nine hundred sixty-two dollars and fifteen cents during the past 25 years.

ADDITIONAL STATEMENTS

THE UNIVERSITY OF MINNESOTA WRESTLING TEAM'S NATIONAL CHAMPIONSHIP

• Mr. WELLSTONE. Mr. President, I rise today in celebration of a wonderful victory by the 2001 NCAA Wrestling Champions, The University of Minnesota. Because this is the Golden Gophers' first national championship in wrestling, this team victory is worthy of special note.

As colleagues may know, I follow college wrestling closely. Having seen a good deal of wrestling in my life, I can say that the performance by this year's Golden Gopher team was nothing short of spectacular. Throughout this season, members of the team showed a level of determination and skill that became the pride of the people of my state and captured the respect of college wrestling fans across the country. In gaining the national championship on March 19, the team scored 138.5 points and earned an NCAA-record 10 All-Americans.

College wrestling is a consummate American sport. It centers around matches in which individuals face off and are recognized for their strength, speed, and versatility, just as we celebrate individual achievement in other aspects of American life. However, wrestling championships are not won by individuals, they are won by teams. Just as this country thrives based on the contributions of all its citizens, college wrestling teams rely upon teammates of all weights for points if they are to gain a championship.

I do want to take this opportunity to make the point to my colleagues that we should be concerned about recent problems of amateur wrestling in the United States. According to a recent report from the Government Accounting Office, 40 percent of the nation's college wrestling programs have disappeared in the past two decades. As someone who was given the opportunity to develop personally through the challenge of wrestling and as a former student-athlete who gained access to a first-rate education thanks to a wrestling scholarship, I am concerned about those who, increasingly, are not able to pursue wrestling during their college years. It is important to many Americans that the United States be competitive in all Olympic sports such as wrestling. Furthermore, amateur athletics has provided a way up and a way out for many young Americans. We have a responsibility to do what we can to revitalize a wonderful sport at the college level.

That can be a discussion for a later day, Mr. President. Today is a day to celebrate the accomplishment of a superb team, The University of Minnesota Golden Gopher wrestlers.•

THE 80TH BIRTHDAY OF HAROLD BURSON, FOUNDING CHAIRMAN, BURSON-MARSTELLER

• Mr. THOMPSON. Mr. President, last month marked the 80th birthday of Harold Burson, the founding chairman of one of the world's leading public relations firms, Burson-Marsteller. This milestone, celebrated with good health and good humor by Mr. Burson along with his family and many friends, is especially noteworthy to the people of Tennessee because he is one of our most distinguished native sons. Harold Burson was born in Memphis on February 15, 1921. Despite a lifetime of accomplishment and honors on a global scale, he has never forgotten his Tennessee roots. Likewise, Mr. Burson's lifetime of professional achievement has earned him the deep respect of his fellow Tennesseans.

I ask that a series of letters written in tribute to Mr. Burson on the occasion of his 80th birthday be printed in the RECORD.

These letters from President Bush and others demonstrate that Harold Burson's contributions have meaning not just to folks in Tennessee, but to all Americans.

Thanks to the legacy of Harold Burson, public relations is a more respected and honored profession. Those of us who have the privilege of holding public office know that public opinion is at the heart of our democratic process. Harold Burson has helped create a profession that has brought credibility

and integrity to the practice of influencing public opinion. People who have worked with Mr. Burson and have had him as a mentor are leading the public relations industry today and will do so in the future. Thanks to Mr. Burson's good health and robust spirit at the age of 80, his legacy is still being written.

When the last century was coming to a close, PRWeek, an industry publication, named Harold Burson the most influential figure in public relations in the twentieth century. The publication cited Mr. Burson's career as a counselor, advisor and mentor, and described him as ''the most complete PR professional in history.''

I know other Americans join me in wishing Harold Burson many more years of health, happiness and fulfillment.

The letters follow.

U.S. SENATE,
Washington, DC, March 9, 2001.

Mr. HAROLD BURSON,
Founding Chairman, Burson-Marsteller,
New York, NY.

DEAR MR. BURSON: It is a privilege for me to join your friends and relatives in saluting you on your eightieth birthday.

For half a century, you have been a pioneer in the public relations profession. The respected firm you founded has set a high standard as a result of your close attention to integrating integrity and credibility. Your lifetime of good works and professional achievement has earned you the respect of your native state of Tennessee.

Please accept my personal best wishes and warmest regards.

Sincerely,

FRED THOMPSON,
U.S. Senator.

THE WHITE HOUSE,
Washington, March 19, 2001.

Mr. HAROLD BURSON,
Founding Chairman, Burson-Marsteller,
New York, NY.

DEAR MR. BURSON: Congratulations as you celebrate your 80th birthday surrounded by family and friends.

This special occasion is an excellent opportunity for all who know you to salute your many contributions to the field of public relations and to public service. I hope the future brings you good health and continued success. Laura joins me in sending best wishes.

Sincerely,

GEORGE W. BUSH.

CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, NY, March 21, 2001.

DEAR MR. BURSON: My best wishes to you on the wonderful occasion of your 80th birthday.

May this be a truly joyous and special day as family and friends gather to celebrate this moment with you. I also wish to take this opportunity to commend you for your countless contributions to the public relations industry and the New York City community as well. You are a true pioneer in your field.

Congratulations. On behalf of the residents of New York City, I wish you continued health and happiness.

Sincerely,

RUDOLPH W. GIULIANI,
Mayor.●

HONORING GLENN E. SLUCTER AND THE 551ST PARACHUTE INFANTRY BATTALION

● Ms. STABENOW. Mr. President, I rise today to recognize the heroic efforts of Mr. Glenn Slucter, a Michigan veteran of the 551st Parachute Infantry Battalion. He and approximately 50 other veterans who served with him received a Presidential Unit Citation on February 23, 2001, at the Pentagon for their heroism during World War II.

It is certainly fitting that Mr. Slucter and his fellow veterans are now being recognized for their brave and exemplary service. Although it has been more than fifty years since the war ended, it is important that their heroic role in the invasion of Southern France and the Battle of the Bulge is finally being acknowledged and honored. This ceremony was a wonderful reminder of the critical part our veterans have played in protecting and preserving our life of freedom.

Mr. Slucter and four of his children traveled to Washington, DC to attend the ceremony. How thrilling it must have been for him and the other members of his unit to renew old friendships and receive the recognition in front of their families and friends that they so richly deserve. I am sure this was an opportunity to reminisce as well as express sorrow for the many members of their battalion who did not make it home.

It is my privilege to join the United States Army in paying tribute to a man who has given so much to his country. I applaud Glenn Slucter for his bravery and his selfless acts during World War II. We should all be proud and grateful for the efforts of Glenn Slucter and the members of the 551st Parachute Infantry Battalion.●

WE THE PEOPLE

● Mr. CRAPO. Mr. President, I rise today to commend fifteen students from Orofino High School in Orofino, ID: Zach Annen, Hannah Brandt, Joshua Corry, Diana Dangman, Nathan Dobyns, Emily Hall, Harmony Haveman, Jessica Hill, Piper Hope, Stacy Ray, Sarah Spaulding, Heather Veeder, Jessica Weeks, Brian Wilks; and Sam Young.

These students will be in Washington, DC, April 21–23, 2001 to compete in the national finals of the ''We the People . . . The Citizen and the Constitution'' program. These young scholars have worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

I also like to recognize their teacher, Cindy Wilson, for helping prepare these young students.

''We the People . . . The Citizen and the Constitution'' is one of the most extensive educational programs in the country. It has been developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress and consist of oral presentations by high school students before a panel of adult judges. The students' testimony is followed by a period of questioning by the simulated congressional committee. The judges evaluate students on their depth of understanding and ability to apply their constitutional knowledge.

The 250th anniversary of James Madison's birth in 1751 offers an appropriate opportunity to examine his contributions to American constitutionalism and politics. To this end, the Center for Civic Education has collaborated with James Madison's home, Montpelier, to produce a supplement to ''We the People . . . The Citizen and the Constitution.'' The national finals will include questions on Madison and his legacy.

Administered by the Center for Civic Education, the ''We the People . . .'' program has provided curricula materials at upper elementary, middle, and high school levels for more than twenty-six and a half million students nationwide. The program provides students with a working knowledge of our Constitution, Bill of Rights, and the principles of democratic government. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers and by participating in other educational activities.

The class from Orofino High School is currently conducting research and preparing for the upcoming national competition in Washington, DC. I wish these young ''constitutional experts'' the best of luck at the ''We the People'' national finals.●

UNIVERSITY OF NEW MEXICO LADY LOBOS BASKETBALL TEAM

● Mr. DOMENICI. Mr. President, I rise today to salute a team of special women who are champions in the eyes of the residents of my home State of New Mexico. I am paying tribute to the University of New Mexico's Lobo Women's Basketball team, which came up one point short of winning the Women's National Invitation Tournament last night.

The Ohio State Buckeyes women's team battled the Lady Lobos on their home court, at ''the Pit'' in Albuquerque, one of the most phenomenal basketball sites in the country. There, the Lady Lobos and the Buckeyes wowed the fans with an exciting 62–61 game. Despite the heartbreaking end, the Lobo women had a fantastic year worthy of any trophy and our admiration.

This team has helped to move women in this sport forward by leaps and bounds, providing an outstanding example of dedication, talent and hard work for young girls in my State.

Their hard work in the NIT tournament builds on a distinguished history of collegiate women's basketball. Back in 1972 President Richard Nixon signed into law title IX, which stated that no person in the United States shall, on the basis of sex, be excluded from participation in any educational program or activity that receives federal assistance. That same year, the Association for Intercollegiate Athletics for Women held its first women's collegiate basketball championship.

Fast forward to the year 2001, where today unprecedented numbers of young girls and women are playing basketball as part of their overall education. I believe it is outstanding that the UNM Lady Lobos are able to repeatedly played before a sold out audience of more than 18,000 screaming fans.

Wednesday night's title game should not be viewed as a disappointment, because I believe the excitement the Lady Lobos generated across New Mexico can only serve as motivation for next year. The Lobo women, who finished the season 22–13, are also an inspiration for the elementary, middle and high school girls who watched their successful season. They can believe, like the UNM Ladies basketball team's future, that the sky is the limit.

I believe the Lady Lobos have embarked on a tradition of greatness, which is no small feat considering their newness on the scene. Despite the discontinuation of the program from 1987 to 1991, the players have since shown us their determination and delivered games of pure excitement. In the last four years, the average game attendance for the UNM women has skyrocketed and kept pace with the best teams across the nation. This is testimony to the interest that this women's team has brought to the game.

On behalf of thousands of admiring fans, I extend my congratulations and thanks to the University of New Mexico Lobo Women's Basketball team for their successful year. I salute Coach Don Flanagan and his team: Jordan Adams, Susan Babcock, Jasmine Ewing, Melissa Forest, Cristal Garcia, Chelsea Grear, Nikki Heckroth, Molly McKinnon, Lauren McLeod, Miranda Sánchez, Jennifer Williams, and Brittany Wolfgang. We are proud of the team and its accomplishments.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1255. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant law, a report entitled ''Congressional Justification Budget Request for Fiscal Year 2002''; to the Committee on Rules and Administration.

EC–1256. A communication from the Program Manager of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Country of Origin Statements on Distilled Spirits Labels'' received on March 26, 2001; to the Committee on Finance.

EC–1257. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Notice 2001–28) received on March 27, 2001; to the Committee on Finance.

EC–1258. A communication from the Secretary of State, transmitting, pursuant to law, the annual report concerning voting practices at the United Nations for 2000; to the Committee on Foreign Relations.

EC–1259. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''VISAS: Nonimmigrant Visa Fees—Fee Reduction for Border Crossing Cards for Mexicans Under Age 15'' (RIN1400–AA97) received on March 27, 2001; to the Committee on Foreign Relations.

EC–1260. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Foreign Assistance Act of 1961, as amended, a report on nuclear nonproliferation in South Asia for the period October 1, 2000 through March 31, 2001; to the Committee on Foreign Relations.

EC–1261. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Onions Grown in South Texas; Decreased Assessment Rate'' (Doc. No. FV01–959–1 IFR) received on March 28, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1262. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced from Grapes Grown in California; Reduction in Production Cap for 2001 Diversion Program'' (Doc. No. FV01–989–1 FIRA) received on March 28, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1263. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Vidalia Onions Grown in Georgia; Increased Assessment Rate'' (Doc. No. FV01–955–1 FR) received on March 28, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1264. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Ethametsulfuron Methyl; Pesticide Tolerance'' (FRL6773–7) received on March 29, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1265. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on Telemedicine for 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–1266. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on March 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–1267. A communication from the Acting Assistant Secretary for the Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Diesel Particulate Matter Exposure of Underground Coal Miners'' (RIN1219–AA74) received on March 29, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–1268. A communication from the Acting Assistant Secretary for the Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Diesel Particulate Exposure of Underground Metal and Nonmetal Miners'' (RIN1219–AB11) received on March 29, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–1269. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report regarding the Department of Defense's failure to provide records that relate to the decision to support the United Nations peacekeeping operations in East Timor, Sierra Leone and the Democratic Republic of the Congo; to the Committee on Armed Services.

EC–1270. A communication from the Acting Assistant Secretary of Defense, transmitting, pursuant to law, the delay of a report regarding the evaluation of benefits of the Uniformed Services Family Health Plan Open Enrollment Demonstration Program; to the Committee on Armed Services.

EC–1271. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–1272. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report concerning the single-function cost comparison of the Air Combat Command Communications Group; to the Committee on Armed Services.

EC–1273. A communication from Deputy Associate Administration of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Full Approval of Operating Permits Program in Washington'' (FRL6952–3) received on March 28, 2001; to the Committee on Environment and Public Works.

EC–1274. A communication from Deputy Associate Administration of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Conversion of the Conditional Approval of the 15 Percent Plan and 1990 VOC Emission Inventory for the Pittsburgh-Beaver Valley Ozone Nonattainment Area to Full Approval'' (FRL6961–4) received on March 28, 2001; to the Committee on Environment and Public Works.

EC–1275. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL6961–9) received on March 29, 2001; to the Committee on Environment and Public Works.

EC–1276. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Polychlorinated Biphenyls (PCB's); Return of PCB Waste from U.S. Territories Outside the Customs Territory of the United States'' (FRL6764–9) received on March 29, 2001 ; to the Committee on Environment and Public Works.

EC–1277. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''NARA Freedom of Information Act

Regulations'' (RIN3095–AA72) received on March 26, 2001 ; to the Committee on Governmental Affairs.

EC–1278. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law , the report of the annual performance plan for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1279. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the Annual Program Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1280. A communication from the Secretary of Labor, transmitting , pursuant to law, the report of the Annual Performance Plan for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1281. A communication from the Director, and the Inspector General of the National Science Foundation, transmitting jointly, the National Science Foundation's Accountability Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1282. A communication from the Chairman of the Federal Prison Industries, Inc., Department of Justice, transmitting, pursuant to law , a report entitled ''UNICOR: Of Service to Others'' for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1283. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report of the Annual Performance Plan for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1284. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Hawaii-based Pelagic Longline Area Closure; Emergency Interim Rule'' (RIN0648–AO66) received on March 27, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1285. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/''Other Flatfish'' Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands'' received on March 27, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1286. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Fisheries; 2001 Specifications'' (RIN0648–AN71) received on March 27, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1287. A communication from the Assistant Bureau Chief of Management, International Bureau/Telecommunications Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Report and Order in the Matter of 2000 Biennial Regulatory Review, Policy and Rules Concerning the International, Interexchange Marketplace'' (Doc. No. 00–202, FCC01–93) received on March 28, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1288. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Reno, NV)'' (Doc. No. 00–234, RM–9999) received on March 28, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1289. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Key West, FL)'' (Doc. No. 00–70, RM–9843) received on March 28, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1290. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Lowry City, Missouri)'' (Doc. No. 00–145, RM–9845) received on March 28, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1291. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bowling Green, Bardstown, Lebanon Junction, and Auburn, Kentucky; and Byrdstown, Tennessee)'' (Doc. No. 99–326) received on March 28, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1292. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulation M: Electronic Delivery of Federally Mandated Disclosures'' (R–1042) received on March 29, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1293. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulation Z: Electronic Delivery of Federally Mandated Disclosures'' (R–1043) received on March 29, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1294. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulation B: Electronic Delivery of Federally Mandated Disclosures'' (R–1040) received on March 29, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1295. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulation DD: Electronic Delivery of Federally Mandated Disclosures'' (R–1044) received on March 29, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1296. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulation E: Electronic Delivery of Federally Mandated Disclosures'' (R–1041) received on March 29, 2001; to the Committee on Banking, Housing, and Urban Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KOHL (for himself, Mr. DEWINE, Mr. LEAHY, Mr. THURMOND, Mr. FEINGOLD, Mr. GRASSLEY, Mr. SCHUMER, and Mr. SPECTER):

S. 665. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mr. LOTT, Mr. WARNER, Ms. COLLINS, Mr. COCHRAN, Ms. LANDRIEU, Mr. BREAUX , and Mr. TORRICELLI):

S. 666. A bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts; to the Committee on Finance.

By Mr. INHOFE:

S. 667. A bill to impose a condition for the conveyance, previously required, of certain real property of the United States on the Island of Vieques to Puerto Rico; to the Committee on Armed Services.

By Mr. AKAKA (for himself and Mr. SMITH of New Hampshire):

S. 668. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CARPER (for himself, Mr. GREGG, Mr. FRIST, Mr. LIEBERMAN, Mr. BAYH, Mr. BREAUX, Mr. BINGAMAN, Mr. SANTORUM, Mr. BIDEN, Ms. LANDRIEU, Mr. SMITH of Oregon, Mr. ENSIGN, Mr. DEWINE, Mr. KERRY, and Mr. SPECTER):

S. 669. A bill to amend the Elementary and Secondary Education Act of 1965 to promote parental involvement and parental empowerment in public education through greater competition and choice, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself and Mr. LUGAR):

S. 670. A bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply and to increase production and use of ethanol, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. AKAKA (for himself, Mr. KERRY, and Mr. WELLSTONE):

S. Con. Res. 30. A concurrent resolution condemning the destruction of pre-Islamic statues in Afghanistan by the Taliban regime; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 27

At the request of Mr. DODD, his name was added as a cosponsor of S. 27, a bill to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

S. 38

At the request of Mr. INOUYE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 38, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and

to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 104

At the request of Ms. SNOWE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 104, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 170

At the request of Mr. REID, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 255

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 255, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 256

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 256, a bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers.

S. 258

At the request of Ms. SNOWE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

S. 288

At the request of Mr. WYDEN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 288, a bill to extend the moratorium enacted by the Internet Tax Freedom Act through 2006, and encourage States to simplify their sales and use taxes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 466

At the request of Mr. HAGEL, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 466, a bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act.

S. 570

At the request of Mr. BIDEN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 570, a bill to establish a permanent Violence Against Women Office at the Department of Justice.

S. 635

At the request of Mr. DODD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 635, a bill to reinstate a standard for arsenic in drinking water.

S. 648

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 648, a bill to provide signing and mastery bonuses and mentoring programs for math and science teachers.

S. RES. 41

At the request of Mr. SHELBY, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. Res. 41, a resolution designating April 4, 2001, as ''National Murder Awareness Day''.

S. RES. 55

At the request of Mr. WELLSTONE, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. Res. 55, a resolution designating the third week of April as ''National Shaken Baby Syndrome Awareness Week'' for the year 2001 and all future years.

AMENDMENT NO. 161

At the request of Mr. LEVIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 161 proposed to S. 27, a bill to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

At the request of Mr. DODD, his name was added as a cosponsor of amendment No. 161 proposed to S. 27, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL (for himself, Mr. DEWINE, Mr. LEAHY, Mr. THURMOND, Mr. FEINGOLD, Mr. GRASSLEY, Mr. SCHUMER, and Mr. SPECTER):

S. 665. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, in the last year, consumers all across the nation have watched gas prices rise, seemingly without any end in sight. And, if consumers weren't paying enough already, just a few days ago the OPEC nations agreed to cut production by a million barrels a day, an action sure to drive up prices even higher. Such blatantly anti-competitive action by the oil cartel violates the most basic principles of fair competition and free markets and should not be tolerated. It is for this reason that I rise today, with my colleagues Senators DEWINE, SPECTER, LEAHY, FEINGOLD, THURMOND, and GRASSLEY, to reintroduce the ''No Oil Producing and Exporting Cartels Act'', ''NOPEC''. This legislation is identical to our NOPEC bill introduced last year, which passed the Judiciary Committee unanimously.

Real people suffer real consequences every day in our nation because of OPEC's actions. Rising gas prices—prices that averaged above $2 per gallon in many places last summer, are a silent tax that takes hard-earned money away from Americans every time they visit the gas pump. Higher oil prices drive up the cost of transportation, harming thousands of companies throughout the economy from trucking to aviation. And those costs are passed on to consumers in the form of higher prices for manufactured goods. Higher oil prices mean higher heating oil and electricity costs. Anyone who has gone through a Midwest winter or a deep South summer can tell you about the tremendous personal costs associated with higher home heating or cooling bills.

We have all heard many explanations offered for rising energy prices. Some say that the oil companies are gouging consumers. Some blame disruptions in supply. Others point to EPA requirement mandating use of a new and more expensive type of ''reformulated'' gas in the Midwest. After last spring's gas price spike, which dove prices above $2 per gallon for a time in the Midwest, some even claimed that refiners and distributors were illegally fixing prices. At the request of the Wisconsin delegation and Senator DEWINE, the Federal Trade Commission launched an investigation last year to figure out if those allegations were true. After an exhaustive, nearly year-long investigation, they found no evidence of illegal price fixing as a cause of higher gas prices.

But one cause of these escalating prices is indisputable: the price fixing conspiracy of the OPEC nations. For years, this conspiracy has unfairly driven up the cost of imported crude oil to satisfy the greed of the oil exporters. We have long decried OPEC, but, sadly, until now no one has tried to take any action. NOPEC will, for the first time, establish clearly and plainly that when a group of competing oil producers like the OPEC nations act together to restrict supply or set prices, they are violating U.S. law. It will authorize the Attorney General or FTC to file suit under the antitrust laws for redress. Our bill will also make plain that the nations of OPEC cannot hide behind the doctrines of ''Sovereign Immunity'' or ''Act of State'' to escape the reach of American justice.

In recent years a consensus has developed in international law that certain basic standards are universal, and that the international community can, and should, take action when a nation violates these fundamental standards. The response of the international community to ethnic cleansing in the former Yugoslavia and action by the courts of Britain to hold General Augusto Pinochet accountable for human rights abuses and torture that occurred when he was President of Chile are two prominent examples. The rouge actions of the international oil cartel should be treated no differently. The most fundamental principle of a free market is that competitors cannot be permitted to conspire to limit supply or fix price. There can be no free market without this foundation. In this era of globalization, we truly need to open international markets to ensure the prosperity of all. And we should not permit any nation to flout this fundamental principle.

Some critics of this legislation have argued that suing OPEC will not work or that threatening suit will hurt more than help. I disagree. Our NOPEC legislation will, for the first time, enable our authorities to take legal action to combat the illegitimate price-fixing conspiracy of the oil cartel. It will, at a minimum, have a real deterrent effect on nations that seek to join forces to fix oil prices to the detriment of consumers. This legislation will be the first real weapon the U.S. government has ever had to deter OPEC from its seemingly endless cycle of price increases.

There is nothing remarkable about applying U.S. antitrust law overseas. Our government has not hesitated to do so when faced with clear evidence of anti-competitive conduct that harms American consumers. Just last year, in fact, the Justice Department secured a record $500 million dollar criminal fine against German and Swiss companies engaged in a price fixing conspiracy to raise and fix the price of vitamins sold in the United States and elsewhere. The mere fact that the conspirators are foreign nations is no basis to shield them from violating these most basic standards of fair economic behavior.

There is also nothing remarkable about suing a foreign government about its commercial activity. There are many recent cases in which foreign governments have been held answerable for their commercial activities in U.S. courts, including a case against Iran for failure to pay for aircraft parts, a case against Argentina for breach of its obligations arising out of issuance of bonds, and a case against Costa Rica for violating the terms of a lease. Our NOPEC legislation falls squarely within this tradition.

Even under current law, there is no doubt that the actions of the international oil cartel would be in gross violation of antitrust law if engaged in by private companies. If OPEC were a group of international private companies rather than foreign governments, their actions would be nothing more than an illegal price fixing scheme. But OPEC members have used the shield of ''sovereign immunity'' to escape accountability for their price-fixing. The Federal Sovereign Immunities Act, though, already recognizes that the ''commercial'' activity of nations is not protected by sovereign immunity. And it is hard to imagine an activity that is more obviously commercial than selling oil for profit, as the OPEC nations do. Our legislation will correct one erroneous twenty-year-old lower federal court decision and establish that sovereign immunity doctrine will not divest a U.S. court from jurisdiction to hear a lawsuit alleging that members of the oil cartel are violating antitrust law.

In the last few weeks, I have grown more certain than ever that this legislation is necessary. Between OPEC's decision last week to cut oil production and the FTC's conclusion that American companies do not bear primary responsibility for last summer's gas price spike, I am convinced that we need to take action, and take action now, before the damage spreads too far.

For these reasons, I urge that my colleagues support this bill so that our nation will finally have an effective means to combat this selfish conspiracy of oil-rich nations.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''No Oil Producing and Exporting Cartels Act of 2001'' or ''NOPEC''.

SEC. 2. SHERMAN ACT.

The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

''SEC. 7A. OIL PRODUCING CARTELS.

''(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

''(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

''(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

''(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

''(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

''(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

''(d) ENFORCEMENT.—The Attorney General of the United States and the Federal Trade Commission may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.''.

SEC. 3. SOVEREIGN IMMUNITY.

Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''or'' after the semicolon;

(2) in paragraph (7), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(8) in which the action is brought under section 7A of the Sherman Act.''.

By Ms. SNOWE (for herself, Mr. LOTT, Mr. WARNER, Ms. COLLINS, Mr. COCHRAN, Ms. LANDRIEU, Mr. BREAUX, and Mr. TORRICELLI):

S. 666. A bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise to introduce legislation to simplify and restore fairness to the naval shipyard accounting statutes under which our six major U.S. naval shipyards pay taxes on the naval ship contracts they are awarded by the Navy.

Quite simply, this legislation would permit naval shipyards to use a method of accounting under which shipbuilders would pay income taxes upon delivery of a ship rather than during construction. Under current law, profits must be estimated during the construction phases of the shipbuilding process and taxes must be paid on those estimated profits. The legislation being proposed would simply allow naval shipbuilders to use a method of accounting, under which the shipbuilder would pay taxes when the ship is actually delivered to the Navy.

Prior to 1982, federal law permitted shipbuilders to use this method, but the law was changed due to abuses by federal contractors in another sector, having absolutely nothing to do with shipbuilding. Moreover, non-government shipbuilding contracts are already allowed to use this method of accounting, and this legislation contains provisions designed to prevent the types of abuses witnessed in the past. Specifically, the bill would restrict shipyards from deferring tax payments for a period beyond the time it takes to build a single ship.

This bill would not reduce the amount of taxes ultimately paid by the shipbuilder. It simply would defer payment until the profit is actually known upon delivery of the ship. I believe that this is the most fair and most sensible accounting method. It is the method

that naval shipbuilders used to employ. It is the method which commercial builders are permitted to use to this day. This legislation has the strong support of the major shipyards that build for the Navy. As such, I strongly urge my colleagues to join me in a strong show of support for this effort.

By Mr. AKAKA (for himself and Mr. SMITH of New Hampshire):

S. 668. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. AKAKA. Mr. President, I rise today to introduce the Pet Safety and Protection Act of 2001. Senator BOB SMITH joins me in sponsoring this bill that will close a serious loophole in the Animal Welfare Act.

Over 30 years ago, Congress passed the Animal Welfare Act to stop the mistreatment of animals and to prevent the unintentional sale of family pets for laboratory experiments. Despite the well-meaning intentions of the Animal Welfare Act and the enforcement efforts of the Department of Agriculture, the Act routinely fails to provide pets and pet owners with reliable protection against the actions of some unethical dealers.

Medical research is an invaluable weapon in the battle against disease. New drugs and surgical techniques offer promise in the fight against AIDS, cancer, and a host of life-threatening diseases. I am not here to argue whether animals should or should not be used in research. Animal research has been, and continues to be, fundamental to advancements in medicine. However, I am concerned with the sale of stolen pets and stray animals to research facilities.

There are less than 40 ''random source'' animal dealers operating throughout the country who acquire tens of thousands of dogs and cats. ''Random source'' dealers are USDA licensed Class B dealers that provide animals for research. Many of these animals are family pets, acquired by so-called ''bunchers'' who sometimes resort to theft and deception as they collect animals to sell them to Class B dealers. ''Bunchers,'' posing as someone interested in adopting a dog or cat, usually respond to advertisements such as ''free pet to a good home,'' and trick animal owners into giving them their pets. Some random source dealers are known to keep hundreds of animals at a time in squalid conditions, providing them with little food or water. The mistreated animals often pass through several hands and across state lines before they are eventually sold by a random source dealer to a research laboratory.

While I am not suggesting that laboratories intentionally seek out stolen or fraudulently obtained dogs and cats as research subjects, the fact remains that many of these animals end up in research laboratories, and little is being done to stop it. It is clear to most observers, including animal welfare organizations around the country, that this problem persists because of random source animal dealers.

The Pet Safety and Protection Act strengthens the Animal Welfare Act by prohibiting the use of random source animal dealers as suppliers of dogs and cats to research laboratories. At the same time, the Pet Safety and Protection Act preserves the integrity of animal research by encouraging research laboratories to obtain animals from legitimate sources that comply with the Animal Welfare Act. Legitimate sources are USDA-licensed Class A dealers or breeders, municipal pounds that choose to release dogs and cats for research purposes, legitimate pet owners who want to donate their animals to research, and private and federal facilities that breed their own animals. These four sources are capable of supplying millions of animals for research, far more cats and dogs than are required by current laboratory demand. Furthermore, at least in the case of using municipal pounds, research laboratories could save money since pound animals cost only a few dollars compared to the high fees charged by random source animal dealers. The National Institutes of Health, in an effort to curb abuse and deception, has already adopted policies against the acquisition of dogs and cats from random source dealers.

The Pet Safety and Protection Act also reduces the Department of Agriculture's regulatory burden by allowing the Department to use its resources more efficiently and effectively. Each year, hundreds of thousands of dollars are spent on regulating 40 random source dealers. To combat any future violation of the Animal Welfare Act, the Pet Safety and Protection Act increases the penalties under the Act to a minimum of $1,000 per violation.

As I stated before, this bill in no way impairs or impedes research, but will end the fraudulent practices of some Class B dealers. The history of disregard for the provisions of the Animal Welfare Act by some animal dealers makes the Pet Safety and Protection Act necessary and I urge my colleagues to support this important legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pet Safety and Protection Act of 2001''.

SEC. 2. PROTECTION OF PETS.

(a) RESEARCH FACILITIES.—Section 7 of the Animal Welfare Act (7 U.S.C. 2137) is amended to read as follows:

''SEC. 7. SOURCES OF DOGS AND CATS FOR RESEARCH FACILITIES.

''(a) DEFINITION OF PERSON.—In this section, the term 'person' means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, pound, shelter, or other legal entity.

''(b) USE OF DOGS AND CATS.—No research facility or Federal research facility may use a dog or cat for research or educational purposes if the dog or cat was obtained from a person other than a person described in subsection (d).

''(c) SELLING, DONATING, OR OFFERING DOGS AND CATS.—No person, other than a person described in subsection (d), may sell, donate, or offer a dog or cat to any research facility or Federal research facility.

''(d) PERMISSIBLE SOURCES.—A person from whom a research facility or a Federal research facility may obtain a dog or cat for research or educational purposes under subsection (b), and a person who may sell, donate, or offer a dog or cat to a research facility or a Federal research facility under subsection (c), shall be—

''(1) a dealer licensed under section 3 that has bred and raised the dog or cat;

''(2) a publicly owned and operated pound or shelter that—

''(A) is registered with the Department of Agriculture;

''(B) is in compliance with section 28(a)(1) and with the requirements for dealers in subsections (b) and (c) of section 28; and

''(C) obtained the dog or cat from its legal owner, other than a pound or shelter;

''(3) a person that is donating the dog or cat and that—

''(A) bred and raised the dog or cat; or

''(B) owned the dog or cat for not less than 1 year immediately preceding the donation;

''(4) a research facility licensed by the Department of Agriculture; and

''(5) a Federal research facility licensed by the Department of Agriculture.

''(e) PENALTIES.—

''(1) IN GENERAL.—A person that violates this section shall pay $1000 for each violation.

''(2) ADDITIONAL PENALTY.—A penalty under this subsection shall be in addition to any other applicable penalty and shall be imposed whether or not the Secretary imposes any other penalty.

''(f) NO REQUIRED SALE OR DONATION.—Nothing in this section requires a pound or shelter to sell, donate, or offer a dog or cat to a research facility or Federal research facility.''.

(b) FEDERAL RESEARCH FACILITIES.—Section 8 of the Animal Welfare Act (7 U.S.C. 2138) is amended—

(1) by striking ''No department'' and inserting ''Except as provided in section 7, no department'';

(2) by striking ''research or experimentation or''; and

(3) by striking ''such purposes'' and inserting ''that purpose''.

(c) CERTIFICATION.—Section 28(b)(1) of the Animal Welfare Act (7 U.S.C. 2158(b)(1)) is amended by striking ''individual or entity'' and inserting ''research facility or Federal research facility''.

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 take effect 90 days after the date of enactment of this Act.

By Mr. CARPER (for himself, Mr. GREGG, Mr. FRIST, Mr. LIEBERMAN, Mr. BAYH, Mr. BREAUX, Mr. BINGAMAN, Mr. SANTORUM, Mr. BIDEN, Ms. LANDRIEU, Mr. SMITH of Oregon, Mr. ENSIGN, Mr. DEWINE, Mr. KERRY, and Mr. SPECTER):

S. 669. A bill to amend the Elementary and Secondary Education Act of

1965 to promote parental involvement and parental empowerment in public education through greater competition and choice, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CARPER. Mr. President, I am very pleased to join today with my distinguished colleague from New Hampshire and a broad, bipartisan group of cosponsors to introduce the Empowering Parents Act of 2001. Senator JUDD GREGG has been a consistent champion of charter schools and a passionate advocate of competition and choice in public education. I cannot imagine a better colleague to partner with on my first legislative initiative in the U.S. Senate.

Like the Senator from New Hampshire, I come from a small State. Also like my friend from New Hampshire, I was once the governor of my small State. I think it is appropriate, that Senator GREGG and I have seen fit to team up so early in my tenure here in the Senate. During the fall campaign, I was fond of saying that we need more people in Washington who think and act like Governors. My years in the National Governors' Association taught me that Governors tend to be results-oriented and tend to have a healthy impatience for partisan bickering.

We in this Chamber will always have our disagreements. Next week, for example, we are scheduled to begin debate on the budget and every expectation is that it will be a very partisan debate. That makes it all the more important, that we push forward in those areas where we're able to reach bipartisan agreement. The issue of vouchers is one on which we are unlikely to come to a consensus. Expanding the number of charter schools and broadening public school choice, however, is something that we can agree on, and we should.

Charter schools and public school choice inject market forces into our schools. They empower parents to make choices to send their children to a variety of different schools. That means that schools which offer what students and parents want, be it foreign languages, more math and science, higher test scores, better discipline, those schools will be full. Schools which fail to listen to their customers, to parents and students, may see their student populations diminish until those schools change. At the same time, charter schools are public schools, held to high standards of public accountability. And unlike vouchers, public school choice preserves indeed, it helps to fulfill the promise of equal access upon which public education and the common school tradition have always been premised.

In my State, we've enthusiastically embraced both the charter movement and public school choice. We introduced charter schools and statewide public school choice almost 5 years ago. A greater percentage of families exercise public school choice in Delaware today than in any other State in the Nation, and in the last year alone the number of Delaware students in charter schools has more than doubled. The evidence is that these reforms, together with high standards and broad-based educator accountability, are working to raise student achievement and to narrow the achievement gap between students of different racial and ethnic backgrounds. Students tested last spring, at every grade level tested and in each of our counties, made significant progress when measured against their peers throughout the country, as well as against Delaware's own academic standards.

Let me tell you briefly, about one of the schools in my State that is helping to accomplish both of these goals, raising student achievement and closing the achievement gap. In Delaware, we have close to 200 public schools. Students in all of these schools take Delaware's State tests measuring what students know and can do in reading, writing, and math. We also measure our schools by the incidence of poverty, from highest to lowest. The school with the highest incidence of poverty in my State is the East Side Charter School in Wilmington, DE. The incidence of poverty there is over 80 percent. Its students are almost all minority. It is right in the center of the projects in Wilmington. In the first year after East Side Charter School opened its doors, almost none of its students met our State standards in math. Last spring, there was only one school in our State where every third grader who took our math test met or exceeded our standards. That school was the East Side Charter School.

It's a remarkable story, and it has been possible because the East Side Charter School is a remarkable school. Kids can come early and stay late. They have a longer school year. They wear school uniforms. Parents have to sign something akin to a contract of mutual responsibility. Educators are given greater authority to innovate and initiate. With highly qualified and highly motivated teachers and with strong leadership from active citizens who want to make a positive difference for their community, the East Side Charter School has become a beacon of hope to parents and students in a neighborhood where you can no longer have a pizza or newspaper delivered to your door. It has provided parents in that community with an option for their children they might not otherwise have had.

The legislation that Senator GREGG and I are introducing today aims to make similar options available in communities all across our country, particularly in low-income communities and communities with low-performing schools, just like Wilmington's East Side. It encourages States and local districts with low-performing schools to expand public school choice. It also eliminates many of the artificial barriers to charter school financing that have prevented the supply of new charter schools from keeping pace with the growing demand among parents and students.

Language was inserted in the FY 2001 Labor-HHS appropriations bill giving students the right to transfer out of failing schools. Some similar provision will likely be included in any legislation we pass this year reauthorizing the Elementary and Secondary Education Act. Unfortunately, the right to transfer out of a failing school will not by itself translate into a meaningful array of alternatives for parents. Nor, as far as I am concerned, will a $1,500 voucher, though I know there is some disagreement on this point even among supporters of this bill. In some high poverty school districts, there are no higher performing schools for students to transfer into. In other districts, administrative barriers or capacity constraints could well limit the choice provided to parents to a single alternative, which may or may not be the school that parents believe best meets their child's needs. Moreover, at least in my State—and I don't pretend to know the circumstances in other States—you can't get your kid in to get an education at the private or parochial schools for $1,500.

Unless we help to establish new charter schools in communities with low-performing schools, and unless we provide encouragement to the States and local school districts that serve these communities to create broad and meaningful choice at the intra-district level and ideally at the inter-district level, the right to ''choice out'' of a failing school will be little more than an empty promise. The Empowering Parents Act aims to keep the promise by helping to ensure that parents are empowered with real choices for their children within the public school system.

The Empowering Parents Act does three things. First, it provides $200 million in competitive grants to States and local districts with low-performing schools for the purpose of expanding public school choice. This will help to make the right to public school choice that we intend to make part of title I a meaningful right for parents with children trapped in failing schools.

Second, the Empowering Parents Act expands the credit enhancement demonstration for charter schools that passed last year and also exempts all interest on charter school loans from federal taxes. This will leverage private financing to help charter schools finance start-up costs, as well as the costs associated with the acquisition and renovation of facilities, the most commonly cited barriers to the establishment of new charter schools.

Third and finally, the Empowering Parents Act creates incentives for States to provide per pupil facilities funding programs for charter schools. According to a recent GAO report, ''Charter Schools; Limited Access to Facility Financing,'' the per pupil allocations that charter schools receive as

public schools to educate public school students are frequently just a fraction of the amount that is provided annually to traditional public schools for operating expenses and thus provide none of the funding that traditional public schools receive for facility costs. Additionally, GAO reports that school districts that are allowed to share local facility financing with charter schools often do not. The result is that charter schools are forced to literally take money out of the classroom, dipping into funds meant to pay teachers and purchase textbooks, just so they can secure a roof over their students' heads. The Empowering Parents Act would provide matching grants to states to encourage them to level the playing field between charters and traditional public schools with respect to facility financing.

Mr. President, the call for competition and choice among accountable public schools can be heard all across America. Just 7 years ago, there was only one charter school in existence in the entire nation. Today, 36 States and the District of Columbia have charter school laws, and there are over 350,000 students attending nearly 1,700 charter schools. As fast as the movement for charters and choice has grown, the reality is that the ideal of involved and empowered parents choosing a child's school from among a range of diverse but accountable public schools remains the exception rather than the rule in America. In fact, 7 out of 10 charter schools around the country have a waiting list of students they can't accommodate. The charters and choice movement is a grassroots movement, and thus, appropriately, most of action is taking place at the state and local level. There is an old saying, however, that you must lead, follow, or get out of the way. Charters and choice are sparking innovation in schools around the country, and there is a role for the Federal Government to play in spreading the synergy.

A key role of the Federal Government in the area of education is to level the playing field for children that come from tough, disadvantaged backgrounds. We are committed in America to the principle that every child deserves a real chance to reach high standards of achievement. I have said often that we need to start our efforts to level the playing field by ensuring that every child enters kindergarten ready to learn, which means promoting early childhood education, beginning with full funding for Head Start. However, charter schools and public school choice should also play an integral part in our efforts to close the achievement gap, because whenever a child is left trapped in a failing school, it means that we have failed as a nation to fulfill the promise of equal opportunity for all and special privileges for none.

Passing the Empowering Parents Act would represent a landmark federal commitment to parental involvement and parental empowerment in public education. It would send a clear message from coast to coast that we will no longer settle in America for a public education system that traps students in schools that fail to meet high standards. That's not a Democrat message. That's not a Republican message. That's a message of hope and opportunity, a message I believe Republicans and Democrats can embrace together.

When Lynne Cheney visited Delaware in the heat of last fall's Presidential campaign to shine a national spotlight on the East Side Charter School, it was a great tribute to the tremendous accomplishments of the parents, teachers, and administrators who have poured their energy and creativity into that remarkable school. It was also a tribute, I believe, to our bipartisan spirit of cooperation in Delaware and to the progress that we can achieve when we work together—Republicans and Democrats, legislators and business leaders, parents and teachers. Our charters and choice legislation passed on consecutive days back in 1995. One bill was sponsored by a Republican, one by a Democrat. It was truly a bipartisan effort.

That's the way we do things in Delaware. We work together. We get things done. It is this uncommon tradition of putting aside partisan differences and doing what is right for Delaware that has enabled our State to shine. And it is this same spirit of common-sense bipartisan that is needed in Washington if America is to embrace a new century strong and confident in our future.

We will have plenty to fight about in this Chamber, this year and in the years to come. I suggest to my colleagues, let's take the opportunities we have to find common ground and to show the American people that we can work together to make a difference for communities and families across this country. As the broad bipartisan support for this legislation attests, the Empowering Parents Act provides us with an opportunity to govern in a positive, progressive, and bipartisan fashion. I ask my colleagues to join with Senator GREGG and myself to help pass the Empowering Parents Act, and thereby to register a win for bipartisanship and more importantly, a win for children trapped in schools that are failing to meet their potential or allow their students to reach their own potential.

Mr. President, I yield the floor.

By Mr. DASCHLE (for himself and Mr. LUGAR):

S. 670. A bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply and to increase production and use of ethanol, and for other purposes; to the Committee on Environment and Public Works.

Mr. DASCHLE. Mr. President, today I am joining with my good friend, the distinguished chairman of the Senate Agriculture, Nutrition, and Forestry Committee, Senator RICHARD LUGAR, to introduce the ''Renewable Fuels Act of 2001.'' Over the years, Senator LUGAR has been one of the nation's leading champions of American agriculture and energy independence, and I am pleased to work with him on this effort to encourage the use of ethanol in our nation's fuel supply in a way that improves air quality and strengthens the nation's energy security.

The bill Senator LUGAR and I are introducing today is a refinement of a proposal we introduced in the last Congress. Many of the provisions of that bill were included in legislation reported by the Senate Environment and Public Works Committee in September 2000. Unfortunately, time ran out on the 106th Congress before final action could be taken on that committee bill.

The Renewable Fuels Act of 2001 allows states to address a serious groundwater contamination problem by phasing out MTBE and establishes a nationwide renewable fuels standard that encourages the environmentally sound use of ethanol. The effect of this measure will be to get MTBE out of groundwater, reduce emissions of greenhouse gases, diversify our domestic liquid fuels production base, and promote investment and job creation in rural communities. The bill will also result in substantial reductions in taxpayer outlays by enabling farmers to value-add their products into renewable liquid fuels and reduce oil imports that are exacerbating our trade deficit.

The genesis of this legislation is found in the compelling need to resolve the problem of MTBE contamination of groundwater in states such as California. As we discovered in the 106th Congress, the solution to this problem, whose roots go back over a decade to the congressional debate on the merits of RFG with oxygenates, is extremely complex.

A review of the CONGRESSIONAL RECORD debate shows that the Congress had several major objectives in enacting the RFG with oxygenates program, including: to improve the environment by reducing mobile source vehicle emissions (VOC ozone precursors; toxics; NO_x; and CO_2); to improve energy security by reducing oil imports; to stimulate the economy, especially in rural areas; and to provide regulatory relief to the automobile industry, small businesses/stationary sources, and state and local authorities.

While the detection of MTBE in drinking water supplies in some areas of the country has encouraged criticism of the RFG program, the record shows that most of the Congress' original goals for the RFG program have been met and, in many cases, even surpassed. The RFG program has, in fact, provided refiners with environmentally clean, high performance additives that have substantially extended gasoline supplies. Due to the increased demand for oxygenated fuels like ethanol, capital has been invested in farmer-owned cooperative ethanol plants throughout

the Midwest, and rural communities have benefited from quality jobs and expanded tax bases. Harmful emissions in our major cities, from California to the Northeast, have fallen dramatically. Our trade deficit has been substantially reduced, and taxpayers have saved hundreds of millions of dollars in farm program costs.

In short, the RFG program has been one of the most successful private/public sector programs in recent memory.

Some of our colleagues from areas that have experienced MTBE water contamination problems believe the entire RFG program should be dismantled. They argue that the RFG program has run its course and that states should be allowed to waive its oxygenate requirement.

I do not accept this argument and will strongly resist any effort to grant state petitions to opt out of the 1990 RFG minimum oxygen standard requirements. That option is not supported by the science and would simply encourage multinational oil companies to import more crude oil and to use energy-intensive methods to refine it into toxic aromatics that combust into highly carcinogenic benzene.

I am sympathetic, however, to concern about the existence of MTBE in groundwater, and Senator LUGAR and I offer an alternative response to the states' struggle to deal with this issue. We believe the Renewable Fuels Act addresses this challenge swiftly and effectively without abandoning the documented benefits of the RFG program.

Consider the agricultural, energy and environmental benefits of our approach. A September 6, 2000, United States Department of Agriculture analysis concluded that the Renewable Fuels Standard, RFS, provision in our bill would increase ethanol demand from baseline projections of 2.0 billion gallons, to a minimum of 4.6 billion gallons, over the next 10 years. This is a substantial increase when compared with sales last year, which reached approximately 1.5 billion gallons. USDA found that, under this renewable fuels standard, farm incomes would increase by an average of $1.3 billion per year each year from 2000 to 2010. That totals to more than $13 billion for hard hit rural communities. Taxpayer outlays would drop dramatically due to the improved, market-based terms of trade in basic farm commodities. Some experts calculate that the nation's taxpayers would directly benefit from billions of dollars per year in farm program savings.

At today's price for imported oil, our bill's RFS provision would save the country over $4 billion annually in current dollars. The ''Renewable Fuels Act of 2001'' will triple the use of renewable fuels in the United States over the next 10 years. This tripling represents less than 4 percent of the nation's total motor fuels consumption, which is well less than the oil industry's projected demand growth over the next 10 years. However, while small in relationship to the market share of multinational oil companies, it would account for the lion's share of the stated goal of Senate Energy and Natural Resources Committee Chairman FRANK MURKOWSKI when he recently announced his Committee's goal to reduce the Nation's oil import dependence over that same period.

As for the environment, the Renewable Fuels Act of 2001 provides states like California with a way to get MTBE out of groundwater without sacrificing ethanol's contribution to the reduction of emissions of the greenhouses gases linked to global climate change.

Finally, as impressive as its record has been, I believe the RFG minimum oxygen standard program has more to offer the country. And I am pleased to report that President Bush agrees with that analysis.

In a visit to Sioux Falls, SD, earlier this month, the President has some encouraging words to say about the role of renewable fuels like ethanol. He emphasized his commitment ''to value-added processing, to make sure that ethanol is an integral part of the gasoline mixes in the United States.''

I applaud President Bush's vision for ethanol. We agree that it is time to make ethanol an integral part of this country's fuel mix, in a manner that is predictable, sustainable, cost effective, and environmentally responsible. The ''Renewable Fuels Act of 2001'' meets all of these criteria.

What Senator LUGAR and I are suggesting is a truly national program that addresses geographically diverse needs in a synergistic manner. This comprehensive approach has encountered skepticism from well meaning interests that are, understandably, focused on their own priorities: state officials who are intent on cleaning up their groundwater; elected officials who are philosophically troubled by the perception of federal mandates; and farm groups whose fear of the vagaries of the legislative process make them reluctant to lock arms with traditional foes.

Senator LUGAR and I present the Renewable Fuels Act of 2001 as a new paradigm for reconciling historically competitive interests in a manner that will promote a broad range of national benefits. It is my hope that our colleagues on both sides of the aisle, as well as representatives of state and local governments, the environmental community, the oil industry and farm groups, will take an open minded look at this approach.

Mr. LUGAR. Mr. President, I am pleased to join Senator DASCHLE in reintroducing the Renewable Fuels Act of 2001. This bill is intended to form the basis for a solution to the MTBE problem that will be acceptable to all regions of the nation.

In July 1999, an independent Blue Ribbon Panel on Oxygenates in Gasoline called for major reductions in the use of MTBE as an additive in gasoline. They did so because of growing evidence and public concerns regarding pollution of drinking water supplies by MTBE. These trends are particularly acute in areas of the country using Reformulated Gasoline.

Because of concerns regarding water pollution, it is clear that the existing situation regarding MTBE is not tenable. MTBE is on its way out. The question is what kind of legislation is needed to facilitate its departure and whether that legislation will be based on consideration of all of the environmental and energy security issues involved.

The Renewable Fuels Act of 2001 will be good for our economy and our environment. Most important of all, it will facilitate the development of renewable fuels, a development critical to ensuring U.S. national and economic security and stabilizing gas prices.

The security of our whole economy revolves around our over-dependence on energy sources from the unstable nations of the Middle East. We must be able to address this challenge. Finding an environmentally sensitive way to promote the use of renewable fuels is an important part of this challenge. That is what I believe our bill will accomplish.

The Renewable Fuels Act of 2001 will lead to at least four billion seven hundred million gallons of ethanol being produced in 2011 compared to one billion, six hundred million gallons today. Under the Act, one gallon of cellulosic ethanol will count for one and one-half gallons of regular ethanol in determining whether a refiner has met the Renewable Fuels Standard in a particular year. This will greatly accelerate the development of renewable fuels made from cellulosic biomass. These fuels produce no net greenhouse gas emissions.

The Renewable Fuels Act of 2001 will establish a nationwide Renewable Fuels Standard, RFS, that would increase the current use of renewable fuels from 0.6 percent of all motor fuel sold in the United States in 2000 to 1.5 percent by 2011. Refiners who produced renewable fuels beyond the standard could sell credits to other refiners who chose to under comply with the RFS.

This bill would require the EPA Administrator to end the use of MTBE within four years in order to protect the public health and the environment. And it would establish strict ''anti backsliding provisions'' to capture all of the air quality benefits of MTBE and ethanol as MTBE is phased down and then phased out.

Unlike last year's bill, this bill retains the Minimum Oxygen Standard in the Clean Air Act Amendments. However, the Clean Air Act is amended to ensure that, after MTBE is removed from gasoline, there will be no backsliding in clean air provisions related to ground level ozone and toxic air pollution and also that there will be strict limitations on the aromatic content of reformulated gasoline and of all gasoline in order to further safeguard clean air.

I hope that my colleagues will examine this bill as well as other legislative approaches that would spur the development of renewable fuels such as ethanol, whether derived from corn or other agricultural or plant materials, while maintaining strict clean air requirements.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 30—CONDEMNING THE DESTRUCTION OF PRE-ISLAMIC STATUES IN AFGHANISTAN BY THE TALIBAN REGIME

Mr. AKAKA (for himself, Mr. KERRY, and Mr. WELLSTONE) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 30

Whereas many of the oldest and most significant Buddhist statues in the world have been located in Afghanistan, which, at the time that many of the statues were carved, was one of the most cosmopolitan regions in the world and hosted merchants, travelers, and artists from China, India, Central Asia, and the Roman Empire;

Whereas such statues have been part of the common heritage of mankind, and such cultural treasures must be preserved for future generations;

Whereas on February 26, 2001, the leader of the Taliban regime, Mullah Mohammad Omar, reversed his regime's previous policy and ordered the destruction of all pre-Islamic statues in Afghanistan, among them a pair of 1,600-year-old 175-foot-tall and 120-foot-tall statues carved out of a mountainside at Bamiyan, one of which is believed to have been the world's largest statue of a standing Buddha;

Whereas the religion of Islam and Buddhist statues have co-existed in Afghanistan as part of the unique historical and cultural heritage of that nation for more than 1,100 years;

Whereas the destruction of the pre-Islamic statues contradicts the basic tenet of the Islamic faith that other religions should be treated with respect, a tenet encapsulated in the Qur'anic verses, ''There is no compulsion in religion'' and ''Unto you your religion, and unto me my religion'';

Whereas people of many faiths and nationalities have condemned the destruction of the statues in Afghanistan, including many Muslim theologians, communities, and governments around the world;

Whereas the Taliban regime has previously demonstrated its lack of respect for international norms by its brutal repression of women, its widespread violation of human rights, its hindrance of humanitarian relief efforts, and its support for terrorist groups throughout the world; and

Whereas the destruction of the statues violates the United Nations Convention Concerning the Protection of the World Cultural and Natural Heritage, which was ratified by Afghanistan on March 20, 1979: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) joins with people and governments around the world in condemning the destruction of pre-Islamic statues in Afghanistan by the Taliban regime;

(2) urges the Taliban regime to stop destroying such statues; and

(3) calls upon the Taliban regime to grant the United Nations Educational, Scientific and Cultural Organization and other international organizations immediate access to Afghanistan to survey the damage and facilitate international efforts to preserve and safeguard the remaining statues.

Mr. AKAKA. Mr. President, I rise today to introduce a concurrent resolution condemning the destruction of pre-Islamic statues in Afghanistan by the Taliban regime. A similar resolution has been introduced in the House of Representatives. This resolution expresses the grave concern of the Congress over the recent destruction of religious treasures in Afghanistan by the Taliban and over the treatment of the Afghani people by their Taliban rulers.

Afghanistan is home to a rich cultural heritage, steeped in Buddhist history and ancient artifacts. More than 1,500 years ago, a pair of Buddha statues, each standing over 100 feet tall, was carved out of a mountainside in Bamiyan. Since their creation, these statues have been visited by many people. they were both religious and cultural treasures—they become one of the most important models for the depiction elsewhere of Buddha. Significant relics such as these should have been preserved for the edification and enlightenment of future generations.

Islam and Buddhism have peacefully coexisted in Afghanistan for more than 1,000 years. Two years ago, Mullah Mohammed Omar, the leader of the Taliban regime, called for the preservation of Buddhist cultural heritage in Afghanistan. The Islamic faith supports religious tolerance and coexistence, evidenced in the Qur'anic verse ''Unto you your religion, and unto me my religion.''

In spite of this edict, several times within the last year the leaders of the Taliban regime have ordered the military to disfigure these and other Buddhist statues. On February 26, 2001, Taliban leader Mullah Mohammed Omar ordered the utter destruction of these irreplaceable cultural treasures, along with all other pre-Islamic statues in the nation, calling them ''shrines of infidels.'' Mohammed Omar claimed that statues of the human form are in contradiction with Shari'ah and the tenets of Islam. Shari'ah refers to the laws and way of life prescribed by Allah in the Qur'an, and dictates ideology of faith, behavior, manners, and practical daily life. Destruction of the statues clearly contradicts a basic tenet of the Islamic faith which is tolerance.

The the recent destruction of Buddhist statuary is the latest action by the Taliban demonstrating an open disregard for international opinion and basic norms of human behavior which include respect for individuals and their beliefs. Tales of horrific human rights violations continue to be told. Confirmed reports tell of men, imprisoned for political reasons, being held in windowless cells without food and hung by their legs while being beaten with cables. In January of this year, Taliban troops massacred several hundred Hazaras, members of a Muslim ethnic group in the Bamiyan province. This was just the latest in a series of such slaughters. Such executions are not uncommon.

The regime has a history of showing support for terrorist groups and violating human rights. Women are a frequent target of abuse. Facing the threat of public beatings, women cannot leave their homes unless accompanied by a male relative and are forbidden from participating in activities in which they may interact with men. For this reason, women were banned from work and school under the Taliban, although some were allowed to work on projects sponsored by foreign charities until that right was revoked last summer. This further restriction of women under the Taliban is exacerbated by the increasing occurrence of the rape and abduction of Afghani women. The State Department recently reported that the Taliban sold women from the Shomali plains areas to Pakistan and the Arab Gulf states. The State Department in its human rights reports also describes the risk of rape and abduction and tells of young women forced to marry local commanders who kidnap them. This is a sad situation with no apparent end. Afghanistan appears to be a bottomless pit of human misery, a misery afflicted by the few on the many.

Afghanistan has suffered its share of human and natural disasters. While prolonged civil war continues to wreak havoc among the population, agricultural productivity has been reduced by the worst drought in 30 years. This setback reduced crop yields by 50 percent and resulted in a 80 percent loss of livestock, affecting half the population. But the Taliban government has demonstrated greater interest in opium production than in growing food for their starving people. They seem to want history to remember them as the destroyers of both the Afghani people and Afghanistan's heritage.

I urge my colleagues' support for this resolution, denouncing the actions of the Taliban regime in destroying a vital part of the history of humankind and of their treatment of the Afghnani people.

AMENDMENTS SUBMITTED AND PROPOSED

SA 165. Mr. MCCAIN proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reforms.

SA 166. Mr. BOND proposed an amendment to the bill S. 27, supra.

SA 167. Mr. MCCONNELL (for Mr. HATCH) proposed an amendment to the bill S. 27, supra.

SA 168. Mr. HARKIN proposed an amendment to the bill S. 27, supra.

SA 169. Mr. DURBIN (for himself, Mr. DOMENICI, Mr. DEWINE, and Mr. LEVIN) proposed an amendment to the bill S. 27, supra.

TEXT OF AMENDMENTS

SA 165. Mr. MCCAIN proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 25, beginning with line 23, strike through line 2 on page 31 and insert the following:

SEC. 214. COORDINATION WITH CANDIDATES OR POLITICAL PARTIES.

(a) IN GENERAL.—

(1) COORDINATED EXPENDITURE OR DISBURSEMENT TREATED AS CONTRIBUTION.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 (8)) is amended—

(A) by striking ''or'' at the end of subparagraph (A)(i)—

(B) by striking ''purpose.'' in subparagraph (A)(ii) and inserting ''purpose;'';

(C) by adding at the end of subparagraph (A) the following:

''(iii) any coordinated expenditure or other disbursement made by any person in connection with a candidate's election, regardless of whether the expenditure or disbursement is for a communication that contains express advocacy;

''(iv) any expenditure or other disbursement made in coordination with a National committee, State committee, or other political committee of a political party by a person (other than a candidate or a candidate's authorized committee) in connection with a Federal election, regardless of whether the expenditure or disbursement is for a communication that contains express advocacy.''.

(2) CONFORMING AMENDMENT.—Section 315(a)(7) of the Federal Election Campaign Act of 1971 (U.S.C. 441a(a)(7)) is amended by striking subparagraph (B) and inserting the following:

''(B) a coordinated expenditure or disbursement described in—

''(i) section 301(8)(C) shall be considered to be a contribution to the candidate or an expenditure by the candidate, respectively; and

''(ii) section 301(8)(D) shall be considered to be a contribution to, or an expenditure by, the political party committee, respectively; and''.

(b) DEFINITION OF COORDINATION.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)), as amended by subsection (a), is amended by adding at the end the following:

''(C) For purposes of subparagraph (A)(iii), the term 'coordinated expenditure or other disbursement' means a payment made in concert or cooperation with, at the request or suggestion of, or pursuant to any general or particular understanding with, such candidate, the candidate's authorized political committee, or their agents, or a political party committee or its agents.''

(c) REGULATIONS BY THE FEDERAL ELECTION COMMISSION.—

(1) Within 90 days of the effective date of the legislation, the Federal Election Commission shall promulgate new regulations to enforce the statutory standard set by this provision. The regulation shall not require collaboration or agreement to establish coordination. In addition to any subject determined by the Commission, the regulations shall address:

(a) payments for the republication of campaign materials;

(b) payments for the use of a common vendor;

(c) payments for communications directed or made by persons who previously served as an employee of a candidate or a political party;

(d) payments for communications made by a person after substantial discussion about the communication with a candidate or a political party;

(e) the impact of coordinating internal communications by any person to its restricted class has on any subsequent ''Federal Election Activity'' as defined in Section 301 of the Federal Election Campaign Act of 1971;

(2) The regulations on coordination adopted by the Federal Election Commission and published in the Federal Register at 65 Fed. Reg. 76138 on December 6, 2000, are repealed as of 90 days after the effective date of this regulation

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SA 166. Mr. BOND proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert the following:

SEC. 305. INCREASE IN PENALTIES IMPOSED FOR VIOLATIONS OF CONDUIT CONTRIBUTION BAN.

(a) INCREASE IN CIVIL MONEY PENALTY FOR KNOWING AND WILLFUL VIOLATIONS.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) in paragraph (5)(B), by inserting before the period at the end the following: ''(or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1000 percent of the amount involved in the violation)''; and

(2) in paragraph (6)(C), by inserting before the period at the end the following: ''(or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1000 percent of the amount involved in the violation)''.

(b) INCREASE IN CRIMINAL PENALTY.—

(1) IN GENERAL.—Section 309(d)(1) of such Act (2 U.S.C. 437g(d)(1)) is amended by adding at the end the following new subparagraph:

''(D) Any person who knowingly and willfully commits a violation of section 320 involving an amount aggregating $10,000 or more during a calendar year shall be fined, or imprisoned for not more than 2 years, or both. The amount of the fine shall not be less than 300 percent of the amount involved in the violation and shall not be more than the greater of $50,000 or 1000 percent of the amount involved in the violation.''.

(2) CONFORMING AMENDMENT.—Section 309(d)(1)(A) of such Act (2 U.S.C. 437g(d)(1)(A)) is amended by inserting ''(other than section 320)'' after ''this Act''.

(c) MANDATORY REFERRAL TO ATTORNEY GENERAL.—Section 309(a)(5)(C) of such Act (2 U.S.C. 437(a)(5)(C)) is amended by inserting ''(or, in the case of a violation of section 320, shall refer such apparent violation to the Attorney General of the United States)'' after ''United States''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring on or after the date of enactment of this Act.

SA 167. Mr. MCCONNELL (for Mr. HATCH) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 38, after line 3, add the following:

SEC. 403. EXPEDITED REVIEW.

(a) EXPEDITED REVIEW.—Any individual or organization that would otherwise have standing to challenge a provision of, or amendment made by, this Act may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that such provision or amendment violates the Constitution. For purposes of the expedited review, provided by this section the exclusive venue for such an action shall be the United States District Court for the District of Columbia.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order or judgment of the United States District Court for the District of Columbia finally disposing of an action brought under subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 calendar days after such order or judgment is entered; and the jurisdictional statement shall be filed within 30 calendar days after such order or judgment is entered.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

SA 168. Mr. HARKIN proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, strike lines 15 through 24 and insert the following:

TITLE IV—NONSEVERABILITY OF CERTAIN PROVISIONS; EFFECTIVE DATE

SEC. 401. NONSEVERABILITY OF CERTAIN PROVISIONS

(a) IN GENERAL.—Except as provided in subsection (b), if any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

(b) NONSEVERABILITY OF PROHIBITION ON SOFT MONEY OF POLITICAL PARTIES AND INCREASED CONTRIBUTION LIMITS.—If any amendment made by section 101, or the application of the amendment to any person or circumstance, is held to be unconstitutional, each amendment made by sections 101 or 308 (relating to modification of contribution limits), and the application of each such amendment to any person or circumstance, shall be invalid.

SA 169. Mr. DURBIN (for himself, Mr. DOMENICI, Mr. DEWINE, and Mr. LEVIN) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert the following:

SEC. . RESTRICTION ON INCREASED CONTRIBUTION LIMITS BY TAKING INTO ACCOUNT CANDIDATE'S AVAILABLE FUNDS.

Section 315(k)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(i)(1)), as added by this Act, is amended by adding at the end the following:

(E) SPECIAL RULE FOR CANDIDATE'S CAMPAIGN FUNDS.—

(i) IN GENERAL.—For purposes of determining the aggregate amount of expenditures from personal funds under subparagraph (D)(ii), such amount shall include the net cash-on-hand advantage of the candidate.

(ii) NET CASH-ON-HAND ADVANTAGE.—For purposes of clause (i), the term ''net cash-on-hand advantage'' means the excess, if any, of

(I) the aggregate amount of 50% of the contributions received by a candidate during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and Dec. 30 of the year preceding the year in which a general election is held, over

(II) the aggregate amount of 50% of the contributions received by an opposing candidate during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and Dec. 30 of the year preceding the year in which a general election is held.

PRIVILEGE OF THE FLOOR

Mr. MCCAIN. Mr. President, I ask unanimous consent that Stephen Bell of Senator DOMENICI's staff be accorded the privilege of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERS FOR MONDAY, APRIL 2, 2001

Mr. KYL. Madam President, again, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 5 p.m. on Monday, April 2, 2001.

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

Mr. KYL. I further ask unanimous consent that at 5 p.m. there be 30 minutes for closing remarks on S. 27, to be equally divided between the chairman and the ranking member of the Rules Committee.

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

PROGRAM

Mr. KYL. Madam President, again, on behalf of the leader, for the information of all Senators, the Senate will reconvene on Monday and resume the campaign reform bill for 30 minutes for closing remarks. Under the previous order, the Senate will conduct a rollcall vote on passage of S. 27, as amended, at 5:30 p.m. Following that vote, Senators should expect additional votes to occur immediately. Therefore, a late session can be expected with votes. Also, Members should expect votes to be limited to 20 minutes only; therefore, Members will have to be prompt for these votes and all votes during the week of the budget resolution.

ORDER FOR RECESS

Mr. KYL. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order, following the remarks of Senators CONRAD, KENNEDY, and NICKLES.

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, thank you very much.

I say to my friend and colleague, we both have been here a long time. It is my intention to speak on campaign finance for probably 10 or 15 minutes. Does my colleague want to make a few remarks? His patience is wearing about as thin as mine.

Madam President, I will be happy to yield to my colleague a few minutes if that would accommodate his schedule.

If the Senator from North Dakota is seeking a few minutes, I am happy to accommodate his schedule.

Mr. CONRAD. I thank the Senator from Oklahoma. I will be very brief.

Mr. NICKLES. I yield the floor.

The PRESIDING OFFICER (Mr. BYRD). The Senator from North Dakota is recognized.

CONSIDERATION OF THE BUDGET RESOLUTION

Mr. CONRAD. I thank the Chair and the Senator from Oklahoma.

Mr. President, I wanted to further engage the Senator from Arizona because the Senator from Arizona asserted that we have received the estimates of the cost of the President's tax package, and that is simply not the case. It is not true. If he has received it, I would like him to give me a copy because we haven't received it.

We haven't received it because the Joint Tax Committee has said they don't have sufficient detail about the President's package to do such a reestimate, and so we are being asked to go to a budget resolution without having the President's budget, without having the estimates from an independent source of the cost of the President's budget proposal, and with no markup in the Senate Budget Committee, which is unprecedented, not even an attempt to mark up in the Senate Budget Committee, and all under a reconciliation which denies Senators their fundamental rights to engage in extended debate and amendment.

There were remarks made on the floor that are just not true. It is one thing to have a disagreement, and we can disagree. We can even disagree on the facts. The facts are clear and direct. The differences between the present and 1993 are sharp. In 1993, we did not have the full President's budget. We did have sufficient detail for an independent, objective review of the cost of the President's tax proposals. We do not have that now. We do not have the reestimate. We do not have an objective independent review of the cost of this President's tax plan.

What has been reestimated is part of the plan. And what has been reestimated is the estate tax plan of the Senator from Arizona, not the President's estate tax plan, because the Joint Tax Committee has made clear they don't have sufficient detail to make such a reestimate. This body is being asked to write a budget resolution without the budget from the President, without sufficient detail from this President to have an objective, independent analysis of the cost of his proposal, without markup in the committee.

That is another difference. In 1993, we had a full and complete markup in the Budget Committee. This time there is none. It has never happened before.

Some on their side will say, well, in 1983, we went to the floor with a budget resolution without having completed a markup in the committee. That is true. But at least we tried to mark up in the Budget Committee each and every year. Virtually every year we have succeeded, except this year. There wasn't even an attempt to mark up the budget resolution in the committee.

As I say, we are now being asked to go to the budget resolution with no budget from the President, without even sufficient detail to have an independent analysis of the cost of his proposal, which is a massive $1.6 trillion tax cut that threatens to put us back into deficit, that threatens to raid the trust funds of Medicare and Social Security, and we have had no markup in the committee.

The majority is proposing to use reconciliation, which was designed for deficit reduction, for a tax cut. That is an abuse of reconciliation. It would be an abuse if it was for spending; it is an abuse if it is for a tax cut. That was not the purpose of special procedures in which Senators give up their rights, their rights to debate and amend legislation. That is wrong. That turns this body into the House of Representatives.

I say to my colleagues on the other side, in 1993, when our leadership came to some of us and asked to use reconciliation for a spending program, we said no. This Senator said no. That is an abuse of reconciliation because reconciliation is for deficit reduction, not for spending increases, not for tax cuts. We are not to short-circuit the process of the Senate—extended debate, the right to amend—because those are the fundamental rights of every Senator. That is the basis the Founding Fathers gave to this institution. The House of Representatives was to act in a way that responded to the instant demands of the moment. The Senate was to be the cooling saucer where extended debate and discussion could occur, where Senators could offer amendments so that mistakes could be avoided.

All of that is being short-circuited. All of that is being thrown aside. All of that is being put in a position in which the fundamental constitutional structure of this body is being altered.

Because the Senator from Oklahoma was so gracious, I am going to stop for the moment so he can make his remarks. Then I will resume at a later point in time. I wanted to do this as a thank-you to the Senator from Oklahoma for his good manners and graciousness. I appreciate it.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

CAMPAIGN FINANCE REFORM

Mr. NICKLES. Mr. President, I thank my friend and colleague from North Dakota. Sometimes when we are here, we get a little impatient since we all have places we want to go. I appreciate his comments, and I very much look forward to debating the budget and tax bills on the floor of the Senate next week and, frankly, over the next couple of months, as we do our appropriations bills.

I enjoy those issues, and I would have preferred doing those instead of campaign finance for the last 2 weeks. I would have preferred doing the education bill. I, for one, was urging our caucus, and Senator MCCAIN and others, to defer on campaign finance so we could take up some of the higher priorities which, in my opinion, are education, tax reduction, and the budget. I didn't win that debate.

We have been on the campaign finance bill for the last couple weeks because of the tenacity, persistence, and stubbornness of our good friends, the Senator from Arizona, Mr. MCCAIN, and the Senator from Wisconsin, Mr. FEINGOLD. I compliment them. They have been persistent and tenacious in pushing this bill. I also compliment them for their efforts in working with many of us who tried to make the bill better. We had some successes and we had some failures. In some ways this bill is a lot better than it was when it was introduced and in some areas it got a lot worse. I will touch on a few of those.

I had hoped we would be able to improve the bill. I could not support the bill when it was originally introduced before the Senate. I had hoped we could make some improvements so that this Senator could support final passage. I was committed to try to do that. We had some success in a couple of areas, but we had some important failures as well.

I also compliment others who worked hard on this bill including Senator THOMPSON and Senator HAGEL. Senator HAGEL came up with a good substitute. Senator THOMPSON had a good amendment dealing with hard money, and I worked with him on that amendment.

I also compliment Senator MCCONNELL and Senator GRAMM, who were fierce, articulate opponents and spoke very well. Senator GRAMM's speech last night was one of the best speeches I have heard in my entire Senate career. He spoke very forcefully about freedom of speech and the fact that even though the editorial boards and public opinion polls say, let's vote for this, that we should abide by the Constitution.

The Presiding Officer, Senator BYRD, reads the Constitution as frequently, maybe more frequently than anybody in this body. When we are sworn into office, we put up our hand and we swear to abide by the Constitution.

The first amendment to the Constitution, one of the most respected and important provisions in the Constitution, states very clearly that ''Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for redress of grievances.''

''Congress shall make no law . . .'' Mr. President, that includes the McCain-Feingold bill. In my opinion, this bill restricts our freedom of speech, not only in the original version, but especially in the version that we have now.

Some of the different sections of this bill go by different names based on their sponsors. I have great respect for my colleagues, and I know Senators SNOWE and JEFFORDS worked on a section restricting speech before elections by unions, corporations, and by other interest groups. This bill restricts their ability to speak, to run ads. This bill prohibits them, in many cases, from being able to run ads less than 60 days prior to an election that mention a candidate's name. There are a lot of groups, some on the left, such as the Sierra Club, and some on the right, such as National Right To Life, for example, that may want to run ads about a bill before Congress. We may be debating partial birth abortion or ANWR, and we might be having this debate in September on an appropriations bill, less than 60 days before the election. This bill will say they cannot run an ad with an individual's name saying vote this way or that way, or don't support this person, because he is wrong on ANWR, or he is correct on the right to life issue. Their free speech would be prohibited. I find that to be unconstitutional.

I have heard a lot of debate on the floor saying they did not think that Snowe-Jeffords is unconstitutional, and other people saying that it was. Then Senator WELLSTONE came up with an amendment that said, let's expand that to all interest groups—the same restrictions we had on unions and businesses on running ads within 60 days. Let's make that apply to them as well. Senators MCCAIN and FEINGOLD said the Wellstone amendment was unconstitutional. If that was unconstitutional, then the underlying bill was unconstitutional because, basically, Senator WELLSTONE copied it.

Why would we pass a bill we know is going to be unconstitutional? And that relates to the nonseverability amendment, described as a killer amendment. Why? Because they know some of the bill is going to be declared unconstitutional. Why would we pass legislation we know is going to be unconstitutional? Yet, some of the proponents are basically admitting it is going to be unconstitutional.

The big fight was on severability. The sponsors had to have that because we more than suspect that parts of this bill will be declared unconstitutional. I think they are right, because the people sitting at the Supreme Court are going to say: does this bill restrict an organization's ability to communicate and mention a Member's name, or mention an issue that is before Congress? It will restrict that right. So it will restrict their ability to have freedom of speech.

I think parts of this bill—not all of it, but certainly parts of it—will be determined unconstitutional. I think we should not be passing unconstitutional bills. I think we should not say, let's just pass it and let the courts do the homework on it. I guess you can do that, but I think we have the responsibility to uphold the Constitution, respect the Constitution, and not to be passing things we know are unconstitutional, that won't uphold a constitutionality test.

In addition, I mentioned that we had some victories and some defeats. One of the victories, in my opinion, was when we increased the hard money limits, which have been frozen at the 1974 levels. I compliment Senators HAGEL and THOMPSON because they pushed that amendment. I helped them negotiate the compromise. We increased what individuals can do. They were frozen, since 1974, at $1,000, and we doubled that amount and indexed that for inflation. So we improved that section. Individuals can now participate more fully and extensively. That was a good amendment. Not everything in this proposal is bad. There are good things and bad things. I came to this debate thinking I might be willing to ban so-called soft money, if it could be done constitutionally, if we could increase hard money, the money that is completely reported and that everybody says is legitimate. I wanted to stop the practice that both parties have used, used quite well on the Democrat side, with the so-called joint committees, where individuals exceed the individual amount, and contribute thousands and thousands of dollars more through a special committee, through either the Republican Senatorial Campaign Committee or the Democratic Senate Campaign Committee.

The Democrats did it to the tune of $21 million last year, and the Republicans did it to the tune of $5 million last year. In one race in New York, there was $13 million of soft money directed toward one candidate. How can you have limits and then have other people contributing millions of dollars outside those limits? Everybody has heard about that Denise Rich contribution. She contributed over $100,000 to one Senate candidate, and I thought the law was only $1,000 for a primary and $1,000 for a general election. But Denise Rich contributed over $100,000 through the use of a joint committee. That was an abuse. It needed to be stopped.

Now, let me turn to the issue of coordination. I mentioned this last night on the floor. The coordination section in the underlying McCain-Feingold bill was grossly inadequate in its respect for free speech. The sponsors of the bill, Senators MCCAIN and FEINGOLD,

admitted as much and said we needed to fix it. The bill had a several-page definition of coordination, saying if a union or interest group coordinated with a campaign, they would have to report everything they did and consider it as a contribution. And if you didn't do so, there could be fines and penalties against that organization and against the candidate. You could make them criminal violations because they would be violating the law. We didn't want to make people criminals and put them in jail because, basically, they were exercising their constitutional rights.

Senators MCCAIN and FEINGOLD said they would fix that. I looked at the fix, and they fixed it for the unions, but not for everybody else. For the unions, they excluded the in-kind contributions. Unions don't have to report those, disclose them, and they are not considered coordination. That affects a lot of money, maybe to the tune of in excess of $100 million or $200 million. That in-kind contribution is excluded from the coordination fix we just adopted earlier today. But we didn't fix the expenditures side of that.

So if you have other groups, such as National Right To Life or the Sierra Club, and so on, that make expenditures and are working on campaigns and handing out leaflets and so on, that may well be considered a coordinated activity that has to be reported and disclosed both by the candidate and by the organization. Right now, they don't have to do that. We are going to say that could be illegal activity. What I am saying is that they took care of the unions, but not of these groups.

I don't like this coordinated section because I think it goes way too far. We are risking telling people who are exercising their constitutional rights engaging in campaigns, they better not do that or the heavy hand of the Federal Government might come in and say they violated the law. The people accused will say, what law? These are people that might be trying to convince people not to drill in ANWR, or maybe that we should. Maybe we want to change the mining laws, or maybe we should not change the mining laws. They should have a right to petition Congress. That is what the First Amendment says. We should not abridge anybody's right to petition the Government for a redress of grievances. But we do under this bill if it is during a campaign or within 60 days of an election. You are certainly going to be handicapping their ability to redress a grievance to the Government—their right to petition the Government.

Again, we have the Constitution, and we have this bill. I find this bill to be in violation of the Constitution. Under my reading of the Constitution—and I am not a constitutional scholar—I believe we are eliminating or reducing an individual's ability to be able to petition the Government, and an individual's ability to have freedom of speech to say, ''I agree with them,'' or ''I disagree with them,'' or ''I disagree with Senator so-and-so,'' or ''I agree with Senator so-and-so,'' right before the election. This bill says, no, you can't do it. If you do it, you might well be in trouble.

But, oh, we have a little fix for the unions. We will just run it through on the last amendment of the day, which is what happened.

Do you know what else concerning the unions is missing in this bill? You would think in the year 2001 we would say that all campaigns contributions would be voluntary. Guess what? They are not in America today. There are millions of Americans who are compelled to contribute to campaigns they don't support. They would rather not. Some people say these people don't have to contribute because they don't have to join the union. In some States, they have to join, or if they don't, they have to join under an agency fee arrangement, and they have to pay dues. They may not want to, but they have to. They have to pay the dues or the agency fee. A lot of that money—maybe in excess of $10, or $15, or $20 a month—is used for political activity. That individual may not want it to be used for that.

He might disagree with the leadership of the union that money is going to candidates to whom he or she is totally opposed. We wanted to have a provision that says no one should be compelled to contribute to a campaign; they would have to give their permission before money can be taken out of their paycheck every month.

Oh, no, that amendment could not be accepted. To be fair, the amendment that was offered was not a good amendment, in my opinion, because it also included shareholders, and there is no way in the world you can include a shareholders provision, in my opinion. But the voices were clear: You are not going to win on that Paycheck Protection amendment.

Senator HATCH offered another amendment that said at least let's have disclosure on businesses and unions on how much money they are putting into campaigns. I thought surely that amendment was going to be adopted. That amendment was not adopted.

I will say right now that I believe organized labor put hundreds of millions of dollars into the campaigns last cycle, and we do not know and we will not know because this bill does not require that they tell us. Everybody else has to disclose contributions; organized labor does not. They do not have to disclose their independent activities. They do not have to disclose their indirect, in-kind contributions to campaigns. They have thousands of people making phone calls day after day that are paid full salaries, benefits, at a station set up for political activity, and most of that is not disclosed. We do not know and this bill does not help us know. Is this a balanced package? It looks to me more and more that it is not.

Originally, this bill had language supposedly to codify Beck, Beck being a decision that if a union person did not want their money used for political purposes, they could file notice and get a refund. I never thought that case was satisfactory because their money would be used in ways with which they still would not agree, but it was better than nothing. They could get a refund.

If somebody does not want money used for political purposes, they should say no and not have to contribute.

The underlying bill purported to codify Beck, but it did not do that. I raised that issue with Senator MCCAIN and Senator FEINGOLD, and they concurred with me. We struck the language that weakened Beck, in my opinion, significantly. That made the bill a little better.

I want to give credit when credit is deserved. Certainly this bill is improved by the hard money increase. I think it was improved by striking the language, what I would call the false Beck. That language was taken out of the bill. That made it a little bit better.

Then there was another provision this Senator fought very strongly against, but only at the last minute because I just found out about it at the last minute, and that was the amendment by our friend and colleague from New Jersey, Senator TORRICELLI, that dealt with lower advertising rates for politicians.

I fought it, but we only had 30 votes against it. Under that amendment, broadcasters have to offer the lowest unit rate to candidates for each type of time over a 365-day period. That is an outlandish, enormously expensive subsidy for politicians. And while people say, this is great, we are limiting money in politics, and so on, what we have given politicians is an enormous multimillion-dollar gift through this amendment, a multimillion-dollar gift. We defeated a couple amendments that dealt with public financing of campaigns, but this amendment is indirect public financing of campaigns because it is going to allow politicians to get the rates cheaper than anybody else in America. It also has a little provision that says the politicians's ads cannot be preempted.

To give an example, prior to the election in October, it gets expensive because a lot of people are trying to buy time. There is a lot of competition. A lot people watch ''Monday Night Football.'' I like to watch it. I am sure commercial ads get expensive on Monday night or any night of high visibility.

We said: Politician, you get the cheapest rate of the year, and you can use that time on Monday night, you can use it on any great night. You get to have the cheapest time of the year. You get your time, and it may be one-tenth as expensive as normal rates for ''Monday Night Football'' or some other program. You get the lowest rate

of anybody throughout the entire year, and they cannot preempt you. You buy the time, you've got it.

Maybe the broadcaster is in rural West Virginia or Oklahoma and has a radio station or a TV station and is scraping to get by. They are going to get paid the lowest rate they charge on a hot summer night. The broadcaster may think: This is good, we have the new ''ER'' or some other new show that is really popular, so we can make some money. But they are going to have politicians swamping them saying: Give that time to me.

We passed an enormous subsidy for politicians. It is an enormous advantage for incumbents because incumbents usually outraise their challengers most of the time. We just increased the advantage incumbents have by millions of dollars. Thank you very much. We should pat ourselves on the back: Hey, this is good, and we were able to slide this through. People don't know—they think we are reforming campaigns, and we are giving politicians enormous subsidies and acting as if it is reform, and being proud of it. We are going to slap everybody on the back about our great reform. We did a little nice thing to which nobody paid attention. Politicians, you get the lowest rate of anybody all year long, and you get to use it the night before an election. That is our little gift to ourselves to which nobody paid attention. It is another good reason, in my opinion, that this bill should be defeated.

I look at groups who are active in campaigns, and they will say: You are infringing on our ability to get our message out, to communicate, to run ads, to mention names, vote for, vote against. We are making it very difficult, in some cases illegal, under this bill. It is wrong and unconstitutional. We also greatly increase subsidies for politicians. I think that is absolutely shameful. We should not have done it, but we did it.

While this bill may be an improvement over present law on the whole, it is unconstitutional and it includes an egregious subsidy for politicians. It should be defeated, and I will vote no on this measure when we vote on Monday.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Massachusetts is recognized.

Mr. KENNEDY. I thank the Chair.

THE BUDGET

Mr. KENNEDY. Mr. President, it is midway through Friday afternoon. We know most Americans are heading home from a busy day working and providing for their families. They may be looking forward over the weekend to some of the basketball championships that are going to be played on Saturday and again on Monday evening. They are looking forward to attending services on Sunday and then spending some time with their families.

Then perhaps on Monday, when they go to work, they may hear on the radio or on television that the Senate is involved in what they broadly term ''a resolution on the budget.'' By and large, many are going to wonder exactly what that means and what is its relationship to their lives. They are going to wonder, what is it going to mean to my children's education, what is it going to mean to my parents' prescription drugs, what is it going to mean as far as investing in housing or in law enforcement, or any of the areas of national priority, or what is it going to mean in terms of the security of Medicare and Social Security? They are going to wonder about this.

I heard over the last several months the President of the United States talk about the fact that he is going to urge the Congress to pass a very sizable tax cut. He talks about $1.6 trillion tax cut. We know the real figures are far in excess of that because they do not include other factors, as others have pointed out in earlier debates. Senator CONRAD has done such a wonderful job not only in educating the Members of the Senate but also in helping the American people understand what is at stake with the President's tax reductions and the real economic impact it will have on the economic stability of our Nation.

People are hearing our President say we can have a very sizable tax cut, and even with that tax cut, still be able to preserve Social Security and Medicare and fulfill the kinds of commitments that were made in the course of the campaign on prescription drugs, on education, on national security and defense.

Citizens will wonder when they hear others speak in the Senate, principally from this side, when the Democrats say we cannot afford it all. They are going to hear those voices and wonder how do we really put all of this into some perspective. They are hard working and this doesn't make a great deal of sense. Maybe there is some sense that the budget resolution will result in an outcome that perhaps, over the course of this week, citizens will think, if I pay careful attention I will better understand.

There are two very obvious conflicting statements we are receiving. One says we can afford the tax cuts. I think the American people are somewhat skeptical of that. They should be.

I remember being here in 1981. I was one of 11 who voted against the Reagan tax cut that had similar kinds of support. As a matter of fact, many of those individuals who have been working on this current tax reduction are the same people who worked on President Reagan's tax reduction. At that time, we heard it all. It is the same record. I almost believe it's the same speech.

I can hear it then: We can afford to have these major tax cuts. We can afford that and still provide billions and tens of billions in defense, and we are going to meet our national security, and we are going to be able to afford all of this and still see an expanding and growing economy.

Of course, that was not the case. We saw the direct result of those tax cuts when this country went into a deficit of $4.6 trillion. People's eyes kind of glaze over when we talk about those figures. For the average family, it means they will pay several hundred dollars a year more on their student loan programs because it will be higher interest rates. They will pay several hundred dollars more on their car payments when buying a new car. They will spend several thousand dollars more, if fortunate enough, in purchasing a new home.

That is what happened with the Reagan tax cut. That is the hidden cost that every working family and middle-income family is paying for every single year when we have those very sizable deficits. Those are the facts.

I think they understand it. They understood over the period of the last 8 years that we had the longest period of economic growth and price stability. In my part of the country, in New England, in 1992, we were close to 8 percent unemployment, and we were looking at the future with a great sense of trepidation. There was reduction in types of defense, the real estate market was flat. Many of the innovative and creative computer companies had not worked out. We were wondering what the future would hold.

Then we put in place an economic program, fiscal policy, monetary policy, investment incentives for the private sector, investments in people, and we saw economic progress.

We shouldn't lose track of the fact that the proposal of 1981 was characterized by our current President's father as being voodoo economics. The American people were warned it was voodoo economics. Those are not my words, they were the characterization of President Bush, father of our current President.

Now we have a very similar program. The American people are torn, with all these surpluses they keep reading and hearing about, 80 percent of which are estimated to be coming 3½ to 4 years from now. What family would be betting their own kind of future on what may happen 3½ years from now in terms of their income? But here we are talking about the future of our nation with all of its implications in terms of the economic policy, with what that means, whether we will have jobs, can you afford a home, or student loans. That is what we talk about in terms of economic policy.

We have to ask, as any family would, what does this really mean? We have on the one hand a President who says we can have all of that tax cut and everything is going to be fine. We will be able to invest in education, we can give you that prescription drug program. Don't worry, we will be able to meet our national security even though it is a changing time in national security. We will be able to meet the other kinds of requirements for our country. We can do all of this and preserve Social Security and Medicare, too.

Take a deep breath, Mr. Citizen. I think most Americans will say: Yes, let's take a deep breath.

What does all that have to do with where we are today? This proposal now that is being advanced by the same party, and in many ways, the same leadership—not the President but in the Republican leadership that we will have this next week—is supposedly the blueprint that gives the assurance to the American people that they are going to be able to afford the tax cut and also that they are going to have sufficient resources to do what this President and what the Republican Party have stated is their commitment to do in enhancing education, providing a prescription drug program, and saving Social Security and Medicare. That blueprint is in what we call the budget. That makes sense. People ought to be able to understand that. If we are going to have those very large surpluses and do everything else, we can draw one conclusion; if we are not, we ought to be somewhat more cautious about where we are going in terms of the sizable tax reduction.

I am for a tax reduction, one that is affordable and fair. But that isn't what we are talking about now. We are talking about an excessive one that is unfair. Nonetheless, we are talking about a major tax reduction.

So it is fair for the American people to ask their representatives, as has been asked by a number of our colleagues today, and particularly effectively by my very good friend, the Senator from West Virginia who is presiding, where is the meat in this package? Where are we going to find out what is in this proposal that should be on everybody's desk on a Friday afternoon, when we will be starting debate on it on Monday; where is the budget that will say, OK, if we do the President's tax program, this is what the budget is going to be in every one of these programs—in education, prescription drugs, and Medicare. Where is that piece of paper? Where is it?

It doesn't exist, Mr. President. Therefore, this kind of debate that we are being asked to conduct by the Republican leaders is basically a sham. Do we understand? It is a sham. Why? Because we have no figures. We have the general comments. We have been able to learn a figure here and a figure there, but we have the broadest kinds of figures. Being able to try and understand what is being talked about, we don't have it. We can't represent in the debate, which is supposed to be about the future of the economic condition of this country, the proposal of the President of the United States—a proposal of billions of dollars, a document that we are unable to have, which is going to give the assurance to the American people what we will be spending to educate their children, or what we will be providing to preserve Social Security or what we will be spending for a prescription drug program. It doesn't exist. It doesn't exist. And, if it did exist, it would have been talked about and referenced by our good Republicans this afternoon when it was challenged by the Senator from West Virginia and a number of our colleagues. It does not exist, Mr. President, in spite of the requests.

There is not a family who would follow these kinds of procedures. I mean if we were looking at an American family and a family budget, could we say any family would say that all we care about is the cost of a new car. We only have to care about that. We have sufficient money to buy a new car. We do not know how we will provide for the other necessities—education for our kids, payments on the house, food on the table. But what we are going to do is, since we know we have the money here to buy the car, that is what we are going to do.

That is what, effectively, is being done with this phony debate on the budget. You are saying you have the downpayment on the tax cut. But you are not saying what you are going to do about your children's education. You are not saying what you are going to do about your children's health. You are not saying what you are going to do about food. Those are the other elements. They do not exist. What family would do that?

If there is not an American family who would do it, why should we? Why should we? Why should we, as representatives of the American family, do it with the Federal budget? That is what we are asking.

Is there an American business that would say: We have the money to buy the furniture. We have it right in our cash account. Let's go out and buy the furniture, even though we are going to have to do something in terms of new machinery, even though we are going to have to do something in terms of research in the future. We don't know what that is going to be, but let's go ahead and spend the money anyways. We don't know, we can't tell you how much of that is going to be for research. We can't even tell you what the rent is going to be for our business. We can't even tell you what advertising is going to be. But we have that money for the furniture. Is there an American business that would do that? No. There is not an American business that would do it. That is what we are being asked to do with this budget. That is why this whole process is so badly flawed.

Members who are interested in preparing amendments are having difficulty drafting the amendments because we don't know how they fit, this is the core issue. The principal responsibilities that we have on budgetary matters reflect the national priorities for this country. That is what Members of Congress and the Senate are all about, when it comes to budgetary matters: allocating resources on national priorities, that is what it is all about.

We have other responsibilities, as we have seen, trying to deal with the proliferation of money in campaign financing, or we have other functions in terms of educating our constituents. We have other important responsibilities with regard to the judiciary. Yes. But when we are talking about the finances, we are talking about the nation's priorities, and we are talking about allocating resources to reflect the nation's priorities.

The fact is not that money in and of itself is going to solve our problems. We know that is not the case too often. But it is a reflection of what our national priorities are if we allocate resources. If we, for example, fully fund the IDEA, the program to help local communities educate disabled children, which is being funded now at 17 percent—many of us believe that ought to be up to the 40 percent which we represented. We didn't guarantee it to the States, but we represented was going to be our best effort to try to provide the resources to do that. We really made a commitment to the States—more important, to the families—that we were going to do that. And we have left them short.

Is there anyone here this afternoon, anyone left of our Republican colleagues, who will be able to tell us what is going to be in that budget for the IDEA over the next 5 years? How about over the length of this tax cut? That would be pretty interesting, wouldn't it? So families could say: Do we really want to have that much of a tax break, or should we save some of those resources to make sure we are going to provide help and assistance to local communities, local school districts, to provide some relief when they have a particular need with a child who has developmental disabilities, through no fault of their own, and because of those needs and a community's attempt to provide for and mainstream these children?

Mr. President, 15 years ago, over 4.5 million of them were tucked away in closets. Now they are out in the schools. We are trying to meet those needs. We don't know what all those needs are going to be. We cannot say. In some areas, they may have very severe kinds of challenges and have scarce resources, and in other communities they may have fewer challenges and lots of resources. We are trying to see if we cannot provide some minimum to help. Isn't that more important than the tax cut?

Where in the document is it, how much we are going to expend to help

and assist those parents? Where is it? Someone show us, someone show not just Members of the Senate but someone explain it to the people of Massachusetts who think they have a Senator who ought to know that, just like every other State expects their Senators to know it.

But, no, no, we are not going to do that. No, we are not going to. One, we either do not have it, or if we have it, we are not going to give it to you—no. No.

What was the request that was made? What was the request that was made on our side of the aisle by those who are part of the Budget Committee and our Democratic leadership and our representatives on Appropriations, the committees that are going to have important responsibilities on this? Why don't we just wait, wait for just another week, wait for just another 2 weeks or another 3 weeks until we get that budget so the American people will understand and have a full picture of what is going out and what we are going to commit ourselves to and what is going to be left there for tax relief, tax reduction.

What is the answer to that? What is the reason they refuse to do so?

None of us want to be making judgments in terms of motivations. But it seems to me, if I was on the other side and believed deeply that this tax reduction of a monumental and growing size—not just as stated by the Senator from Massachusetts, but every publication says it who has been over there, watching the Ways and Means Committee. If they believed in it, they ought to be able to justify it and come out on the floor of the Senate and justify why they believe that is a fair program, and why providing X amount of money is sufficient for the IDEA. They ought to be able to come out here. We ought to be able to debate it.

Will that debate take place? No. No. Why not? If they believed in the program as much as they indicated in their speeches, you would think they would relish that opportunity. Let's educate the American people. Let's take it to the American people and convince them we have the right on our side.

But, no, they are not willing to do that. They are not willing to do it. Instead, we are left completely in the dark, which is not just a disservice to any single Member of the Senate, but is just an absolutely contemptible attitude to the people we represent, a contemptible, arrogant attitude—contemptible, arrogant attitude to the people we represent.

Fairness—supposedly. We are supposed to have a new mood in Washington. We are going to change the rhetoric in Washington. We are going to change the whole parameters of debate and discussion in Washington. It is going to be a new time.

This is the worst of the old times. As a member of the Senate, I cannot think back to a time that there has been a conscious attempt to keep the Members of this body in the dark on a major kind of policy issue that affects the nation's future in such a basic and tangible way, not a single incident. Maybe it comes to others, maybe it will come to others, but it certainly did not to me.

This is something. I can see people saying: Why are people getting all worked up about this on Friday afternoon?

Why didn't we know this earlier? We didn't know this earlier because we didn't know that was going to be the posture and the position of the Republican leadership earlier. We at least thought we might have the opportunity for just a few days to go through and examine it. But no. We are denied that. That has only become more certain and definite in the most recent hours.

The American people ought to be very wary of what will be happening in this Senate with this debate next week because we are basically failing to meet our responsibilities to them in an extraordinary and important way. Let me give a very brief concrete example of what I am talking about.

As we have seen, there have been bits and pieces of the budget which have been put out. The President has indicated that his budget for prescription drugs will be $153 billion. We have that figure. If the Congressional Budget Office, joint task, and OMB had taken what the President guaranteed in the Presidential campaign, that would be $220 billion. This is $153 billion. With the $220 billion, they were only going to get to less than a third of all the seniors. What are we going to expect with this lesser figure?

Let me go on to give some concrete examples with the limited information that we have.

The Congressional Budget Office reports that to maintain current Government services—that is effectively to maintain those services that are in effect today—for discretionary spending primarily in education, NIH—it doesn't include Social Security or Medicare—but let's take basic education programs; there would be the prescription drug program—it reports that to maintain those Government services, in the year 2002 it would cost $665 billion. But the administration proposes only $660.7 billion, which falls short $4.3 billion of the CBO's current services figure.

In addition, the administration's discretionary budget includes $5.6 billion in emergency reserve and $12 billion in new defense spending. As a result, under the Bush budget, spending on all the nondefense discretionary programs would actually decrease by an average of 4 percent next year, or $13 billion.

Cuts to individual programs will substantially exceed the 34 percent next year because President Bush finds the dollars to fund proposed increases for some programs—education, NIH, and community health centers—by cutting other existing programs.

Accounting for these proposed discretionary increases means that the administration proposes a 7 percent average cut to unprotected nondefense discretionary programs next year.

What does that mean? Seven percent means: 12 million fewer meals delivered to ill and disabled seniors; 550,000 fewer babies receiving nutritional supplements; 300,000 fewer families assisted with heating costs under LIHEAP, with all of the problems we have had not only in the Northeast, Midwest, and the far West; LIHEAP also helps in the South as well; 300,000 fewer families will be assisted under LIHEAP; 45,000 fewer job opportunities for youth at a time when we need greater skills for young people in order to be a part of the job market.

When I entered the Senate, you worked down at the Quincy Shipyard. Your father and grandfather worked there. You had a high school diploma, a small house, and 3 or 4 weeks off in the summertime. You had a pretty good life at that time. Now everyone who enters the job market has eight jobs. And young people have to have continuing training and education to make sure they have the skills in order to be able to compete. And with close to 400,000 of them dropping out of high school every year, we are cutting back on training and job opportunities for youth; 45,000 fewer people treated for mental illness and substance abuse at a time when we are facing, for example, the kinds of challenges we have seen in our high schools in recent times.

Sure, it is a complex problem and a complex issue. But all you have to do is read that most recent report put out by the Mental Health Institute, and look at the number of troubled young girls in their teens and the challenges they are facing with the explosion that is taking place with their needs; the increasing numbers of suicides by teenagers in our society; the challenges of mental health.

In my own city of Boston, a third of the children who go to school every day come home where there is physical and substance abuse or violence in terms of guns. And they are dropped in the schools. We are trying to provide some help and assistance to them. We don't do a very good job. We have eight behavioral professionals in our Boston school system. They are new and are very good, but eight is not enough. Talk to our superintendent who is making a real difference trying to reach out to these children who are facing some extraordinary pressures.

Just in this current proposal that we know about, there will be 45,000 fewer people receiving help for mental illness; 30,000 fewer homes prepared for low-income families.

Tell that to most of the urban areas.

We see in my part of the country the need for help and assistance on home ownership; 25,000 fewer children immunized; 10,000 fewer National Science Foundation researchers, educators, and

students; 3,000 fewer Federal law enforcement officials; 1,500 fewer air traffic controllers; 30 fewer toxic waste sites cleaned.

That is just a brief snapshot of a number of programs that are targeted to youth or children, or in terms of some of the services that people are expecting that could be reduced or cut under that budget proposal. That is one of the figures that we have.

Because President Bush's budget fails to specify what he would cut, it is impossible to determine which programs would be cut less deeply and which would be cut more severely than this. For each program held harmless, the cuts in remaining programs will exceed 7 percent by that much more.

Are we entitled to know the whole range? Isn't it only responsible, though, that we are able to say, well, we are willing to accept that, or how many hundreds of billions of dollars in terms of tax? Shouldn't that be the nature of the debate? Why do we have to scrounge around and try to get these kinds of figures that are being kept away from us? They are not in any document here. These are the extrapolations based on the Congressional Budget Office of programs in our particular committee jurisdiction, for the most part. And we see what the impact would be. Should or shouldn't we have that debate, whether it is in these areas here or the whole range of different areas of need we have seen in recent times in the areas of education?

I will just take a few more minutes, Mr. President, to look again at the Federal share of education funding. Referring to this chart, funding for early and secondary education has declined since 1980 from 11.9 percent to 8.3 percent in the year 2000. Higher education has seen these reductions. We are going down in terms of the participation. Again, it isn't just money solving all the problems, but there has been a partnership among the Federal, State, and local communities, and our primary responsibility is for those children who are economically disadvantaged.

We said in the early 1960s that for children who were particularly economically disadvantaged, we ought to, as a nation, help local communities. That is basically the Federal involvement in terms of helping local communities. That was what we accepted as part of a national commitment, that we were going to try to provide some help and assistance. And we have seen that go down.

Yet what is happening on the other side of this? We see that in the year 2000 we have 53 million children going to school, and the total number of children going to school is going to effectively double in future years. The number of children who are going to school will double. Are we going to have this kind of a debate on the budget in relation to that?

This chart shows the flow lines, with the growth to 94 million children going to school as compared to the 53 million children going to school in 2000.

Shouldn't we, if we are going to at least begin to recognize that there is this partnership, say that in those outyears perhaps we ought to—if we are going to have those surpluses; and certainly no one can guarantee it—look at not just what the needs are today, but we ought to be looking down the road in terms of what we are going to do in terms of a national priority?

The chart I was just showing was in relation to elementary and secondary education. What we see with this chart is the corresponding escalation in terms of the total number of children who are going to higher education. That is enormously important in terms of acquiring different kinds of skills so that they are going to be able to be important players in a modern economy. Everyone has understood that for the longest period of time.

We ought to have that debate—whether this budget that we should have next week is going to take into consideration the long-range interests, not just the problem that we have $130 billion of needs currently in terms of bringing our elementary and secondary schools up to par, in terms of safety and security, and in terms of their ventilation and electronics so that they will be able to have the modern computers. That is $130 billion and is not even talking about current needs but about future needs.

Shouldn't we have that out here alongside of what is going to be allocated and expended in terms of this tax cut? But, oh, no, we can't have that. We can't have that. We can't wait 2 weeks. We can't wait 2 weeks, 3 weeks, 4 weeks, to be able to get that information out so we can have that informed debate. No, we are not going to do that.

So I join those who have expressed their concern about this process. I had a good opportunity of listening, with great interest, to my friend and colleague from West Virginia this afternoon back in my office. I hope other Members listened to his excellent presentation in outlining the challenges of this moment because he brings to this debate and discussion not only the sweep of history with his own extraordinary career in public service, but he brings to it, in addition, the most exhaustive understanding and awareness in the history of this institution and its development, and even more than all of that—on top of that, his own experience and his understanding of the history—is his love of the institution and his deep commitment to it.

So, Mr. President, when he warns about the real implications for this institution as a servant of the people, it needs to be a warning that is well heeded. And it is not being well heeded. If we are to move ahead the way it has been outlined that we will by the majority leader and the Republican leadership, at the end of next week this will be a lesser institution in terms of representing the people of this country, and that I hope to be able to avoid.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator from Massachusetts withhold his suggestion?

Mr. KENNEDY. I withhold, Mr. President.

The PRESIDING OFFICER. The Chair thanks the Senator.

RECESS UNTIL MONDAY, APRIL 2, 2001, AT 5 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 5 o'clock p.m. on Monday, April 2, in the year of our Lord, 2001.

Thereupon, the Senate, at 4:16 p.m., recessed until Monday, April 2, 2001, at 5 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 30, 2001:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES D. BANKERS, 0000
BRIG. GEN. MARVIN J. BARRY, 0000
BRIG. GEN. JOHN D. DORRIS, 0000
BRIG. GEN. PATRICK J. GALLAGHER, 0000
BRIG. GEN. RONALD M. SEGA, 0000
COL. THOMAS A. DYCHES, 0000
COL. JOHN H. GRUESER, 0000
COL. BRUCE E. HAWLEY, 0000
COL. CHRISTOPHER M. JONIEC, 0000
COL. WILLIAM P. KANE, 0000
COL. MICHAEL K. LYNCH, 0000
COL. CARLOS E. MARTINEZ, 0000
COL. CHARLES W. NEELEY, 0000
COL. MARK A. PILLAR, 0000
COL. WILLIAM M. RAJCZAK, 0000
COL. THOMAS M. STOGSDILL, 0000
COL. DALE TIMOTHY WHITE, 0000
COL. FLOYD C. WILLIAMS, 0000

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. MARTHA T. RAINVILLE, 0000

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DENNIS A. HIGDON, 0000
BRIG. GEN. JOHN A. LOVE, 0000
BRIG. GEN. CLARK W. MARTIN, 0000
BRIG. GEN. MICHAEL H. TICE, 0000
COL. BOBBY L. BRITTAIN, 0000
COL. CHARLES E. CHINNOCK JR., 0000
COL. JOHN W. CLARK, 0000
COL. ROGER E. COMBS, 0000
COL. JOHN R. CROFT, 0000
COL. JOHN D. DORNAN, 0000
COL. HOWARD M. EDWARDS, 0000
COL. MARY A. EPPS, 0000
COL. HARRY W. FEUCHT JR., 0000
COL. WAYNE A. GREEN, 0000
COL. GERALD E. HARMON, 0000
COL. CLARENCE J. HINDMAN, 0000
COL. HERBERT H. HURST JR., 0000
COL. JEFFREY P. LYON, 0000
COL. JAMES R. MARSHALL, 0000
COL. EDWARD A. MCILHENNY, 0000
COL. EDITH P. MITCHELL, 0000
COL. MARK R. NESS, 0000
COL. RICHARD D. RADTKE, 0000
COL. ALBERT P. RICHARDS JR., 0000
COL. CHARLES E. SAVAGE, 0000
COL. STEVEN C. SPEER, 0000
COL. RICHARD L. TESTA, 0000
COL. FRANK D. TUTOR, 0000
COL. JOSEPH B. VEILLON, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ROBERT M. CARROTHERS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ROBERT M. DIAMOND, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. EUGENE P. KLYNOOT, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. PAUL C. DUTTGE III, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. PERRY V. DALBY, 0000
BRIG. GEN. CARLOS D. PAIR, 0000
COL. JEFFERY L. ARNOLD, 0000
COL. STEVEN P. BEST, 0000
COL. HARRY J. PHILIPS JR., 0000
COL. CORAL W. PIETSCH, 0000
COL. LEWIS S. ROACH, 0000
COL. ROBERT J. WILLIAMSON, 0000
COL. DAVID T. ZABECKI, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ROBERT G.F. LEE, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) KENNETH C. BELISLE, 0000
REAR ADM. (LH) MARK R. FEICHTINGER, 0000
REAR ADM. (LH) JOHN A. JACKSON, 0000
REAR ADM. (LH) JOHN P. MCLAUGHLIN, 0000
REAR ADM. (LH) JAMES B. PLEHAL, 0000
REAR ADM. (LH) JOE S. THOMPSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JAMES C. DAWSON JR., 0000

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING LAUREN N. JOHNSON-NAUMANN, AND ENDING ERVIN LOCKLEAR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

AIR FORCE NOMINATIONS BEGINNING EDWARD J. FALESKI, AND ENDING TYRONE R. STEPHENS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DIRECTOR OF ADMISSIONS, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTION 9333(C).

To be colonel

WILLIAM D. CARPENTER, 0000

AIR FORCE NOMINATIONS BEGINNING ANTOIN M. ALEXANDER, AND ENDING TORY W. WOODARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

AIR FORCE NOMINATIONS BEGINNING PHILIP M. ABSHERE, AND ENDING ROBERT P. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

AIR FORCE NOMINATIONS BEGINNING WILLIAM R. ACKER, AND ENDING CHRISTINA M. K. ZIENO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

AIR FORCE NOMINATIONS BEGINNING ROBERT C. ALLEN, AND ENDING RYAN J. ZUCKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

AIR FORCE NOMINATIONS BEGINNING FREDERICK H ABBOTT III, AND ENDING MICHAEL F ZUPAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

IN THE ARMY

ARMY NOMINATIONS BEGINNING KENT W ABERNATHY, AND ENDING ROBERT E YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be major

BRIAN J.* STERNER, 0000

ARMY NOMINATIONS BEGINNING WILLIAM N.C. CULBERTSON, AND ENDING ROBERT S. MORTENSON JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

ARMY NOMINATIONS BEGINNING MARK DICKENS, AND ENDING EDWARD TIMMONS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

ARMY NOMINATIONS BEGINNING JOSEPH N.* DANIEL, AND ENDING PHILLIP HOLMES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

ARMY NOMINATIONS BEGINNING JOE R. BEHUNIN, AND ENDING RANDALL E. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

ARMY NOMINATIONS BEGINNING ROBERT G. CARMICHAAEL JR., AND ENDING LARRY R. JONES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

ARMY NOMINATIONS BEGINNING JAMES P. CONTRERAS, AND ENDING ROBERT D. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

ARMY NOMINATIONS BEGINNING CHERYL E. CARROLL, AND ENDING SUSAN R.* MEILER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

ARMY NOMINATIONS BEGINNING JEFFREY A * ARNOLD, AND ENDING CHARLES L YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

ARMY NOMINATIONS BEGINNING CARA M * ALEXANDER, AND ENDING KRISTIN K * WOOLLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

ARMY NOMINATIONS BEGINNING HANSON R BONEY, AND ENDING WILLIAM D WILLETT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOE L. PRICE, 0000

ARMY NOMINATIONS BEGINNING JAY M. WEBB, AND ENDING SIMUEL L. JAMISON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 2001.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING JOSEPH D. APODACA, AND ENDING CHARLES A. JOHNSON JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

MARINE CORPS NOMINATIONS BEGINNING JOHN A AHO, AND ENDING JEFFREY R ZELLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

MARINE CORPS NOMINATIONS BEGINNING WILLIAM S AITKEN, AND ENDING DOUGLAS P YUROVICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

EDWARD SCHAEFER, 0000

NAVY NOMINATIONS BEGINNING TERRY W. BENNETT, AND ENDING LAWRENCE R WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JAMES G. LIDDY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ANTHONY W. MAYBRIER, 0000

EXTENSIONS OF REMARKS

MARRIAGE PENALTY AND FAMILY TAX RELIEF ACT OF 2001

SPEECH OF

HON. JIM LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. LANGEVIN. Mr. Speaker, I rise in support of H.R. 6, the Marriage Penalty and Family Tax Relief Act, because I firmly believe that Congress should provide meaningful relief from the tax burden on Rhode Island's married couples.

However, we can and should improve upon this measure as it makes its way through the legislative process. In particular, the benefits of the bill must be targeted more directly to lower- and middle-income families who are currently penalized for being married. Further, the underlying bill does little to adequately adjust the Alternative Minimum Tax (AMT), which increasingly affects the middle class. As a result, too many middle-income families remain unprotected from having most of the promised benefits of the bill taken away.

I have additional concerns that this Congress has yet to finalize its work on a budget framework this year. We also have little perspective on how this legislation will fit into our other collective commitments to extend the solvency of Social Security and Medicare and reduce our national debt. Congress needs to enact a budget that honors our commitments and our continued need to invest in education, law enforcement, the environment, health care and national defense, before enacting a large tax cut.

For these reasons, I will support both the Democratic alternative and the motion to recommit. The substitute not only takes a large step toward eliminating the marriage penalty, but also would provide substantial tax cuts to all working families in a responsible budget framework. Specifically, this measure would create a new bracket for married couples, increase the standard deduction for married couples and adjust the AMT. Finally, the motion to recommit seeks to provide an immediate tax cut to boost our economy and help those families who need assistance now.

Again, while I support final passage of this legislation because I believe hardworking Americans deserve some relief from the marriage penalty, I hope that his flawed bill will be improved in the Senate to ensure lower- and middle-income couples benefit as well. And more than anything, I urge my colleagues to focus on crafting a budget and tax cut framework that rewards hard-working taxpayers, while ensuring that our debt is paid down, Social Security and Medicare remain strong, and our national priorities like education and health care are not shortchanged.

MARRIAGE PENALTY AND FAMILY TAX RELIEF ACT OF 2001

SPEECH OF

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday March 29, 2001

Mr. BOEHLERT. Mr. Speaker, I rise in strong support for H.R. 6, the Marriage Penalty and Family Tax Relief Act of 2001. This bill will not only do away with the unfair tax burden on married couples, but it will also double the per-child tax credit from $500 to $1,000. For the 25 million married couples saddled with the marriage penalty, for low and middle income parents, and for their children, this relief will not come a minute too soon.

No one should be penalized for being married. No family should be penalized for having a stay at home parent. Yet without this critical legislation we would miss an opportunity to do right by the people who sacrifice everyday to not only make a home for their family but also to pay their share of taxes. Following up on our passage of H.R. 3, this bill is another big step in the right direction.

Relief from the marriage penalty, a greater child tax credit and lowered marginal tax rates, will mean real help for real families. When fully phased in, a married couple with 2 children earning $35,000 filing jointly will save over $1,800 dollars a year. That's real money to invest in their children's education, pay the bills, and save for the future.

This bill is pro-marriage, pro-child, and pro-family. Not just young married couples and families, but older ones, too. The numbers don't lie. H.R. 6 would give 6 million seniors marriage tax penalty relief in 2002 and increase to 9 million seniors in 2010.

I urge my colleagues to vote for the Marriage Penalty and Family Tax Relief Act of 2001. Vote to support our nation's families.

IN RECOGNITION OF CAROLYN CRAYTON, THE FOUNDER AND EXECUTIVE DIRECTOR OF BOTH THE KEEP MACON-BIBB BEAUTIFUL COMMISSION AND THE MACON, GEORGIA INTERNATIONAL CHERRY BLOSSOM FESTIVAL

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 2001

Mr. CHAMBLISS. Mr. Speaker, I want to recognize Mrs. Carolyn Crayton, the founder and executive director of both the Keep Macon-Bibb Beautiful Commission and the Macon, Georgia International Cherry Blossom Festival. She has dedicated herself to community service, ensuring that our communities stay clean and beautiful.

She has worked tirelessly since 1964 as the Founder and Executive Director of Keep Macon-Bibb Beautiful Commission. Carolyn has been the recipient of the Keep America Beautiful's Leadership Award and the Mrs. Lyndon B. Johnson Award. She was also awarded the Queen Mother's Award, which was presented by the Keep Britain Tidy Group, this being the only time this honor was awarded outside the United Kingdom. Carolyn was invited to appear on Good Morning America in 1984, as one of several people who have made a difference in their community. In 1988, she received the Georgia Clean and Beautiful Woman of the Year Award, which is now named the Carolyn Crayton Award.

Carolyn is also responsible for founding the Georgia International Cherry Blossom Festival. Carolyn's dedication and hard work are the reason we are able to enjoy the Cherry Blossom Festival and all the beautiful cherry blossom trees. She and her organization are responsible for their presence in the State of Georgia. She has received a Certificate of Merit from the Georgia Garden Clubs of Georgia and the Ladies Home Journal Heroine Award. Carolyn has done such a wonderful job with the production and management of the Georgia International Cherry Blossom Festival, she was named the Festival Director of the Year in Georgia in 1995. One year later she was inducted into the International Festivals and Events Association's Hall of Fame. In 1999, she received the Deen Day Smith Award.

Unfortunately, Carolyn is retiring this year. I would like to recognize and commend her for all the hard work she has done for the State of Georgia, more specifically Macon. She has selflessly given her time and effort as an active community leader and should be an example to all of us.

Carolyn and her husband Lee are dear friends and I am very proud of the great contribution they have both made to the State of Georgia.

CONGRATULATING CLOUD COUNTY COMMUNITY COLLEGE

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 2001

Mr. MORAN of Kansas. Mr. Speaker, March Madness means many things to many people. In the quest for college basketball's holy grail, March represents the time when champions are crowned in all divisions. This week, I am proud to congratulate the Cloud County Community College women's basketball team from Concordia, Kansas. This past Saturday, the lady Thunderbirds won the National Junior College Athletic Association national title.

For this team, this program, and this community, the championship is indeed a great honor. At times, it is easy to get wrapped up in all of the hype surrounding college athletics, but I think Cloud County coach, Brett Erkenbrack, said it best: ''Great team, a tremendous bunch of young ladies, and a great crowd.''

Cloud County is the first Kansas team to win the women's title in the 27 year history of the NJCAA tournament. The team includes three players selected to the All-Tournament Team, including Paulette Valentine, N'Keisa Richardson, and the tournament Most Valuable Player, Miklannet Tennal.

The talented players on Coach Erkenbrack's team fought a difficult road on the way to earning the National title, defeating the number 5 and number 1 seeds, as well as enduring an overtime victory in the semifinals.

The Concordia community also rallied around their home team. Attendance at the championship game was the biggest of the tournament and beat last year's mark by over 25%. This is a story of teamwork, preparation, and hard work, combined with a supportive community and families all pulling together for a championship run. It is a great story to tell and a story worth repeating.

Congratulations again to the Cloud County Women's Basketball team. They truly are champions.

RECOGNIZING EVAN DOBELLE'S CONTRIBUTIONS TO THE HARTFORD COMMUNITY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 2001

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to bring to my colleagues' attention a true leader in the First Congressional District of Connecticut, and a good friend of mine, Dr. Evan Dobelle. For the past six years, Dr. Dobelle has served as the President of Trinity College in Hartford, Connecticut. In those six years, he has expanded that role of president of the private college to that of an effective leader in the surrounding urban community—transforming the outlook and prosperity of both the school and the community. It is now with bittersweet enthusiasm that I must wish Dr. Dobelle well as he embarks on his newest endeavor to become the President of the University of Hawaii.

Never one to shy away from a challenge, Evan Dobelle began his commitment to the community in his twenties, serving two terms as the Mayor of Pittsfield, MA. At age 31, Dr. Dobelle was selected United States Chief of Protocol for the White House and Assistant Secretary of the State with the rank of Ambassador under the Carter Administration. Before assuming his position at Trinity College, he served as Chancellor and President of City College of San Francisco, and president of Middlesex Community College in Lowell, MA. He holds a bachelor's, master's, and doctoral degrees in education and public policy from the University of Massachusetts at Amherst and a master's in public administration at Harvard University.

In 1995, Evan Dobelle came to Hartford to serve as the eighteenth president of Trinity College; a school synonymous with rigorous academics, but also known for its location in economically depressed area of Frog Hollow. It is a picture of pristine academia located within the heart of one of Hartford's forgotten neighborhoods. With Trinity, Evan faced one of his toughest challenges. Not only did he have to enhance the quantity and quality of applicants, and increase Trinity's endowment, Evan was responsible for improving relations with the neighborhood surrounding the gates of Trinity. Recognizing the benefits that both the community and the school had to offer one another, Evan embraced the surrounding neighborhood and called upon both the community and the college to work in partnership for mutual improvement. While successfully achieving the goals outlined for enrollment and endowments, Dobelle also used his innovation and leadership to play a vital role in orchestrating and executing the Learning Corridor, a $250 million neighborhood redevelopment project, consisting of four public elementary schools, a boys and a girls club, a center for family services, a limited housing renovation, and effectively satisfying the third requirement of his presidency and creating a national model. It is for this accomplishment he will be remembered so fondly for by the people of the city of Hartford.

The Learning Corridor redevelopment project has been one of the most celebrated and successful ventures the City of Hartford has seen. It is due largely in part to the dedication and leadership of Dr. Evan Dobelle. In his six years as president of Trinity College and a resident of the City of Hartford, Evan Dobelle has become an inspiration to his adopted community in Hartford.

Dr. Dobelle has gone beyond the call of duty and done a tremendous job not only for Trinity College, but the entire city of Hartford. I commend him for his excellent work, and wish him the best, as I know he will give nothing less than that to the students of the University of Hawaii and its surrounding communities.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2002

SPEECH OF

HON. JIM LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011:

Mr. LANGEVIN. Mr. Chairman, I rise today in strong opposition to this budget resolution. In particular, I object to its cornerstone: an enormous tax cut that is skewed towards the wealthy and based on unreliable ten-year surplus projections. Furthermore, it usurps funds that should go to other critical priorities—including long-term debt reduction, creating a stable defense, improving education, providing affordable health care and strengthening Social Security and Medicare.

What is most important to me and many of my colleagues is that we enact a budget based on principles, not politics. I believe we should start by honoring our promises, and I remain committed to paying down the national debt, while providing responsible tax relief and ensuring our most pressing needs are met.

The Administration's budget calls for a $2 trillion tax cut (including the resulting increased interest costs) that disproportionately benefits the wealthiest one percent of our society. However, the budget fails to explain how our other national needs can be funded. When properly accounted for, the $1.4 trillion ''reserve,'' which the budget resolution delineates as available for ''additional needs,'' would not even cover the costs of maintaining current programs, let alone support the initiatives the President himself proposed during his campaign.

We would all like to reward hard-working Americans by returning some of their tax dollars, but we also have an obligation to pay down as much of our publicly held debt as we possibly can. We ought not pass these bills onto our children, as the Bush Administration and this budget resolution propose.

Further, we should use our current prosperity to enhance those federal programs relied upon by some of the most vulnerable members of society. Our senior citizens, as well as younger generations, deserve to know that the Social Security system will be strong and viable, whether they need it now or in twenty years. We must reform and strengthen Medicare, without slashing benefits or increasing costs for seniors. And we must provide an affordable prescription drug component for all seniors.

This budget resolution would cut appropriated federal programs that are absolutely vital to our nation's small business, worker, health, environmental protection, and housing needs. The Bush budget also shortchanges our vast transportation and infrastructure needs, decreases funding for critical law enforcement programs, and cuts budget authority for the benefits our veterans need and deserve. And at a time when an energy crisis is threatening large portions of our country, why would the Administration propose to cut our energy budget below current levels?

Furthermore, the Small Business Administration (SBA) would receive a cut of over 46 percent in its overall budget. Small businesses are the backbone of Rhode Island's economy and account for more than 95 percent of the jobs in the state. They bring new and innovative services and products to the market place and provide business ownership opportunities to diverse and traditionally underrepresented groups. Many of these small businesses rely on the valuable loan assistance and technical training programs offered by the SBA. These cuts could severely impact Rhode Island's small business community, just when we need their contributions the most.

I support a more balanced approach to our federal budget that allows for a significant tax cut, but also takes into consideration a wide range of short and long-term budgetary needs. It is for these reasons that I will support the Democratic and Blue Dog alternatives.

Under the Democratic alternative, we could extend the solvency of Social Security and Medicare and have a sizable tax cut that would benefit every family. This measure would also allow us to adequately fund our top priorities, including education, prescription drugs, defense and small business, and still retire all redeemable public debt by 2008.

The Blue Dog Budget Alternative would set forth a five-year budget framework to account for the uncertainties in long-term budget forecasts. The plan provides for retiring over half

the publicly held debt by 2006 and eliminating back-loaded tax cuts and unnecessary spending increases. By reserving half of the on-budget surplus for the next five years, we could continue to pay down the debt and strengthen Social Security and preserve Medicare. Finally, like the Democratic alternative, the Blue Dog budget sets aside a pool of money to help states and localities improve their voting systems in time for the next federal elections. The Bush framework completely ignores this urgent need.

The Bush Administration's budget threatens the quality of life of millions of Americans. There are many tough choices ahead, but I firmly believe that with cooperation and an eye towards operating within a responsible framework, this Administration and Congress can and should develop a budget that will ensure that everyone's needs are met. I encourage my colleagues to join me in rejecting this ill-conceived Republican proposal and supporting instead a sensible, well-balanced budget resolution that speaks to the needs of every American family.

MAGGIE LENA WALKER

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 2001

Mr. SCOTT. Mr. Speaker, in celebration of Women's History Month, I rise to honor the contributions of a distinguished woman. I would like to share with the House the remarkable life of Maggie Lena Walker, a Richmond, Virginia native and a business and community leader in the early part of the 20th Century. Maggie Walker is well known for her efforts on behalf of the African American community in Richmond and in the development and success of Richmond's historic Jackson Ward community, among the oldest African American communities in the country.

Maggie Walker was born on July 15, 1867. She spent her childhood at the Van Lew Mansion in Richmond, Virginia, where her mother, a former slave, worked as a cook's helper. As an abolitionist, Miss Van Lew made sure that all of her servants received a good education. It was here that Maggie Walker began to learn the value and importance of education.

Like many educated African American women during that time, Maggie Walker's first contribution was in the field of education where she taught in the public school system after her graduation from Armstrong Normal School in Richmond. She was required to leave the teaching profession after her marriage and soon recognized the limited availability of job opportunities for African American women. Further, it was Walker's belief that African American women had an instrumental part to play in the economic and political success of the African American community. This belief was manifested in Walker's founding of the Woman's Union, an insurance company, and the Saint Luke Penny Savings Bank, where in 1903 she was the first woman bank president in the United States.

The Saint Luke Penny Savings Bank, as its name suggests, was established as an institution whose interest was the small investors, literally the pennies of the African American washerwomen—ultimately proving that even with pennies, the African American community had economic power. Maggie Walker's Saint Luke Penny Savings Bank merged with two other banks to become Consolidated Bank and Trust, the oldest existing African American owned and operated bank in the U.S., with several branches today in Richmond and Hampton, Virginia.

This Saint Luke Emporium, a department store located in the Jackson Ward section of Richmond, was started by Walker and is yet another example of her promotion of African American economic empowerment. It employed scores of African American women and provided the African American community the opportunity to purchase goods from its own businesses. The Jackson Ward community in Richmond benefited greatly from Walker's influence and keen sense of business acumen; today, the Jackson Ward is known historically as the center of Richmond's African American business and social life.

Maggie Walker's leadership was not confined to the business community. She set the groundwork for the local women's suffrage movement and voter registration efforts after the passage of the 19th Amendment. The evidence of her success is in the fact that close to 80 percent of eligible black voters in Richmond in the 1920s were women. Maggie Walker boldly challenged the political establishment in 1921 when she ran for State Superintendent of Public Instruction on the ''Lily Black'' Republican ticket. Although her campaign for public office was unsuccessful, it confirmed African American women's important role in the political arena and it also further invigorated the interest of the African American community in the political process.

On April 26, 2001, the Junior Achievement National Hall of Fame will recognize Maggie Walker's accomplishments as the country's first African American female bank president. The mission of Junior Achievement is to ensure that every child in America has a fundamental understanding of the free enterprise system. Ms. Walker is a prime example in making that goal a reality. During her days at the St. Luke Penny Savings Bank, the bank provided small cardboard boxes to children to encourage them to save their pennies. When the children had one dollar saved, they could open a savings account with the bank. This tradition continues today at the Consolidated Bank & Trust Company. Maggie Walker's work as a political leader and business entrepreneur is a reminder to us all that the success of the African American community depends on both economic and political development.

ACHIEVEMENTS OF CESAR CHAVEZ

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in commemoration of the life of a great leader, Cesar E. Chavez. His memory serves as a constant reminder of the hardships facing working families every day and an inspiration to those who strive to speak up for people whose voices go unheard.

The teachings of Cesar Chavez have inspired millions of people in our country. One might argue that the practices of our country's labor community can be attributed to the lessons that were taught by the late Cesar Chavez. In carrying out his mission, Chavez developed and lived with a unique blend of values, philosophies, and styles. Although he organized predominantly Hispanic workers, Chavez' commitment to non-violence, volunteerism, egalitarianism, and respect for all cultures, religions and lifestyles, has served as the guiding principle of the U.S. labor movement for the past fifty years.

In 1989, Chavez conducted a 36-day fast to protest the pesticide poisoning of migrant workers in California. For years, workers were coming into contact with harmful pesticides that had led to, in many cases, cancer. Farm owners had ignored the problem and Chavez was infuriated. During a speech on the 36th day of his fast, Chavez declared, ''If we ignored pesticide poisoning, if we looked on as farm workers and their children are stricken, then all the other injustices our people face would be compounded by an even more deadly tyranny. But ignore that final injustice is what our opponents would have us do.''

Unfortunately, Mr. Speaker, the injustices that Cesar Chavez fought against for fifty years, and the living conditions he spoke out against, still exist today. We have a responsibility in Congress to continue the fight where Cesar Chavez left off. We have a responsibility to speak for those who cannot speak, and to fight for those who cannot fight. Improving working conditions, increasing the minimum wage, and providing quality benefits for all workers remain at the forefront of our challenges on behalf of working families. We should use today's commemoration of Cesar Chavez' life to renew our commitment not to ''ignore that final injustice,'' and protect the rights of working families. If we do ignore them, then we are forgetting the great lessons taught to us by this great hero. That would be an injustice in itself.

Daily Digest

HIGHLIGHTS

Senate completed consideration of S. 27, Campaign Finance Reform.

Senate

Chamber Action

Routine Proceedings, pages S3183–S3231

Measures Introduced: Six bills and one resolution were introduced, as follows: S. 665–670, and S. Con. Res. 30. **Page S3215**

Campaign Finance Reform: Senate completed consideration of S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform, taking action on the following amendments proposed thereto: **Pages S3183–98**

Adopted:

McConnell (for Hatch) Amendment No. 167, to provide for expedited review by the United States District Court for the District of Columbia. **Pages S3188–90**

Bond Modified Amendment No. 166, to amend the Federal Election Campaign Act of 1971 to increase the penalties imposed for making or accepting contributions in the name of another and to prohibit foreign nations from making any campaign-related disbursements. **Pages S3187–88, S3191**

By 57 yeas to 34 nays (Vote No. 63), McCain Amendment No. 165, relating to coordinated expenditure or other disbursement regulations. **Pages S3184–87, S3193–94**

Durbin Modified Amendment No. 169, to limit the increase in contribution limits in response to expenditures from personal funds by taking into consideration a candidate's available funds. **Pages S3192, S3194–98**

Rejected:

Harkin Amendment No. 168, to add a nonseverability provision with respect to the ban on soft money and the increase in hard money limits. **Pages S3190–91**

By 41 yeas to 50 nays (Vote No. 62), Reed Modified Amendment No. 164, to make amendments regarding the enforcement authority and procedures of the Federal Election Commission. **Pages S3183–84, S3192–93**

By prior unanimous-consent, Senate will vote on final passage of the bill at 5:30 p.m., Monday, April 2, 2001.

Nominations Confirmed: Senate confirmed the following nominations:

48 Air Force nominations in the rank of general.

14 Army nominations in the rank of general.

7 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps, Navy. **Pages S3211–12, S3230–31**

Executive Communications: **Pages S3214–15**

Statements on Introduced Bills: **Pages S3216–22**

Additional Cosponsors: **Pages S3215–16**

Amendments Submitted: **Pages S3222–24**

Additional Statements: **Pages S3212–14**

Privileges of the Floor: **Page S3224**

Record Votes: Two record votes were taken today. (Total—63) **Pages S3193, S3194**

Recess: Senate met at 9 a.m., and recessed at 4:16 p.m., until 5 p.m., on Monday, April 2, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3224.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: 2 public bills, H.R. 1328–1329, were introduced. Page H1351

Reports Filed: No Reports were filed today.

Guest Chaplain: The prayer was offered by the guest Chaplain, the Rev. Dr. Roger D. Willmore, First Baptist Church of Weaver, Alabama. Page H1349

Committee to Attend the Funeral of the Late Honorable Norman Sisisky, a Representative from the Commonwealth of Virginia: Pursuant to the provisions of H. Res. 107, the Chair announced the Speaker's appointment of the following members to the Committee to attend the funeral of the late Honorable Norman Sisisky: Representatives Wolf, Gephardt, Boucher, Moran of Virginia, Goodlatte, Scott, Tom Davis of Virginia, Goode, Cantor, Jo Ann Davis of Virginia, Schrock, and Skelton. Page H1349

Quorum Calls—Votes: No quorum calls or recorded votes developed during the proceedings of the House today.

Adjournment: The House met at 10 a.m. and adjourned at 10:10 a.m.

Committee Meetings

NATIONAL ENERGY POLICY

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held an oversight hearing on National Energy Policy: Crude Oil and Refined Petroleum Products. Testimony was heard from John Cook, Director, Petroleum Division, Energy Information Administration, Department of Energy; and public witnesses.

OVERSIGHT—FEDERAL GOVERNMENT'S CONSOLIDATED FINANCIAL STATEMENTS

Committee on Government Reform: Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Affairs held a hearing on ''Oversight of the Federal Government's Consolidated Financial Statements.'' Testimony was heard from David M. Walker, Comptroller General, GAO: Donald V. Hammond, Acting Under Secretary, Domestic Finance, Department of the Treasury; and Mitchell E. Daniels, Jr., Director, OMB.

CONGRESSIONAL PROGRAM AHEAD

Week of April 2 through April 7, 2001

Senate Chamber

On *Monday,* Senate will vote on final passage of S. 27, Campaign Finance Reform, at 5:30 p.m. Also, Senate is expected to begin consideration of H. Con. Res. 83, Congressional Budget for Fiscal Year 2002.

During the remainder of the week, Senate expects to continue consideration of H. Con. Res. 83, Congressional Budget for Fiscal Year 2002, and any other cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: April 3, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine issues surrounding Alzheimer's Disease, 9:30 a.m., SH–216.

Committee on Armed Services: April 4, Subcommittee on SeaPower, to hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on shipbuilding industrial base issues and initiatives, 9:30 a.m., SR–222.

Committee on Commerce, Science, and Transportation: April 4, Subcommittee on Consumer Affairs, Foreign Commerce, and Tourism, to hold hearings to examine specific measures that have been taken in the United States to prevent bovine spongiform encephalopathy (BSE) ''Mad Cow Disease'' and assess their adequacy, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: April 3, to hold hearings to examine national energy policy with respect to impediments to development of domestic oil and natural gas resources, 9:30 a.m., SD–628.

Committee on Environment and Public Works: April 5, Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety, to resume hearings to examine the interaction between United States environmental regulations and energy policy, 9 a.m., SD–406.

Committee on Finance: April 3, to hold hearings to examine the process of finding successful solutions relative to Medicare and Managed Care, 10 a.m., SD–215.

April 4, Full Committee, to hold hearings to examine certain issues with respect to international trade and the American economy, 10 a.m., SD–215.

April 5, Full Committee, to hold hearings to examine the impact of certain scams on taxpayers, 10 a.m., SD–215.

Committee on Foreign Relations: April 3, business meeting to consider proposed legislation to amend U.S. anti-drug certification procedures; S. Res. 27, to express the sense of the Senate regarding the 1944 deportation of the Chechen people to central Asia; S. Res. 60, urging the

immediate release of Kosovar Albanians wrongfully imprisoned in Serbia; S. Con. Res. 7, expressing the sense of Congress that the United States should establish an international education policy to enhance national security and significantly further United States foreign policy and global competitiveness; S. Con. Res. 23, expressing the sense of Congress with respect to the involvement of the Government in Libya in the terrorist bombing of Pan Am Flight 103; and the nomination of William Howard Taft, IV, of Virginia, to be Legal Adviser of the Department of State, 10:30 a.m., SD–419.

Committee on Governmental Affairs: April 4, to hold hearings on the state of the Presidential appointments process, 2 p.m., SD–342.

April 5, Full Committee, to continue hearings on the state of the Presidential appointments process, 10 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: April 4, to hold hearings to examine the constitutionality of employment laws, focusing on states rights and federal remedies, 9:30 a.m., SD–430.

Committee on Indian Affairs: April 4, business meeting to consider pending calendar business, 9:30 a.m., SR–485.

April 5, Full Committee, to hold oversight hearings to examine the goals and priorities of the United South and Eastern Tribes (USET) for the 107th Congress, 9:30 a.m., SR–485.

Select Committee on Intelligence: April 3, to hold closed hearings on intelligence matters, 2:30 p.m., SH–219.

April 4, Full Committee, to hold closed hearings on intelligence matters, 2 p.m., SH–219.

Committee on the Judiciary: April 3, to hold hearings to examine online entertainment and related copyright law, 10 a.m., SD–106.

April 3, Subcommittee on Technology, Terrorism, and Government Information, to hold hearings to examine the Hart-Rudman Report, with respect to homeland defense, 2 p.m., SD–226.

April 4, Subcommittee on Antitrust, Business Rights, and Competition, to hold hearings to examine competitive choices concerning cable and video, 10 a.m., SD–226.

April 4, Subcommittee on Immigration, to hold hearings to review certain issues with respect to immigration policy, 2 p.m., SD–226.

April 5, Full Committee, to hold hearings on the nominations of Larry D. Thompson, of Georgia, to be Deputy Attorney General and Theodore B. Olson, of the District of Columbia, to be Solicitor General of the United States, both of the Department of Justice, 10 a.m., SD–226.

House Chamber

To be announced.

House Committees

Committee on Agriculture, April 3, Subcommittee on Department Operations, Oversight, Nutrition, and Forestry, hearing to review the USDA domestic food distribution programs, 1 p.m., 1300 Longworth.

April 4 and 5, to continue hearings on Federal Farm Commodity Programs, 10 a.m., on April 4 and 9:30 a.m., on April 5, 1300 Longworth.

Committee on Appropriations, April 3, Subcommittee on District of Columbia, on Corrections and Related Activities, 1:30 p.m., 2362 Rayburn.

April 3, Subcommittee on Labor, Health and Human Services and Education, on Members of Congress, 10 a.m., 2358 Rayburn.

April 4, Subcommittee, Commerce, Justice, State and Judiciary, on the SEC, 10 a.m., H–309 Rayburn.

April 4, Subcommittee on District of Columbia, on D.C. Courts; Police and Fire, 1:30 p.m., 2362 Rayburn.

April 4, Subcommittee on Labor, Health and Humans and Education, to continue on NIH Theme hearings, 10 a.m., 2358 Rayburn.

April 5, Subcommittee on Commerce, Justice, State and Judiciary, on the FCC, 10 a.m., 2362 Rayburn.

April 5, Subcommittee on Interior, on National Endowment for the Humanities and National Endowment for the Arts, 10 a.m., B–308 Rayburn.

Committee on Armed Services, April 4, to continue hearings on posture of U.S. military forces, 10 a.m., 2118 Rayburn.

April 4, Special Oversight Panel on Morale, Welfare and Recreation, hearing on morale, welfare and recreation programs of the Department of Defense, 2 p.m., 2212 Rayburn.

April 5, Special Oversight Panel on Department of Energy, hearing on the reorganization plan of the National Nuclear Security Administration, 9 a.m., 2212 Rayburn.

Committee on Education and the Workforce, April 3, Subcommittee on Select Education, hearing on Department of Education Financial Management, 9:30 a.m., 2175 Rayburn.

April 5, Subcommittee on Employer-Employee Relations, hearing on Enhancing Retirement Security and H.R. 10, Comprehensive Retirement Security and Pension Act of 2001, 10:15 a.m., 2175 Rayburn.

Committee on Energy and Commerce, April 3, Subcommittee on Commerce, Trade and Consumer Protection, hearing on An Examination of Existing Federal Statutes Addressing Information Privacy, 2 p.m., 2123 Rayburn.

April 4, Subcommittee on Health and Environment and the Subcommittee on Oversight and Investigations, joint hearing on Patients First: A 21st Century Promise to Ensure Quality and Affordable Health Coverage, 10 a.m., 2123 Rayburn.

April 4, Subcommittee on Telecommunications and Internet, hearing on E-Rate and Filtering: A Review of the Children's Internet Protection Act, 10 a.m., 2322 Rayburn.

April 5, Subcommittee on Oversight and Investigations, hearing entitled ''Protecting America's Critical Infrastructures: How Secure are Government Computer Systems?'' 9:30 a.m., 2322 Rayburn.

Committee on Financial Services, April 4, Subcommittee on Capitol Markets, Insurance and Government Sponsored Enterprises and the Subcommittee on Financial Institutions and Consumer Credit, joint hearing on promotion

of capital availability to American businesses, 10 a.m., 2128 Rayburn.

Committee on Government Reform, April 2, Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Affairs, hearing on ''IRS Progress in Addressing Management Issues,'' 2 p.m., 2154 Rayburn.

April 3, Subcommittee on National Security, Veterans' Affairs, and International Relations, hearing on ''Protecting American Interests Abroad: U.S. Citizens, Businesses, and Non-governmental Organizations,'' 10 a.m., 2247 Rayburn.

April 3, Subcommittee on Technology and Procurement, hearing on ''Enterprise-Wide Strategies for Managing Information Resources and Technology: Learning From State and Local Governments,'' 10 a.m., 2154 Rayburn.

April 4, full Committee, hearing on the ''The U.S. Postal Service's Uncertain Financial Outlook,'' 10 a.m., 2154 Rayburn.

April 5, Subcommittee on the Census, hearing on ''BEA: Is the GDP Accurately Measuring the U.S. Economy?'' 2 p.m., 2247 Rayburn.

April 5, Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Affairs, hearing on H.R. 577, to require any organization that is established for the purpose of raising funds for the creation of a Presidential archival depository to disclose the sources and amounts of any funds raised, 10 a.m., 2154 Rayburn.

Committee on International Relations, April 4, Subcommittee on Europe, hearing on the U.S.-European Relationship: Opportunities and Challenges, 1:30 p.m., 2172 Rayburn.

Committee on the Judiciary, April 4, to mark up the following measures: H.J. Res. 41, proposing an amendment to the Constitution of the United States with respect to tax limitations; and H.R. 1209, Child Status Protection Act of 2001, 10 a.m., 2141 Rayburn.

April 4, Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on ''Business Method Patents,'' 2 p.m., 2141 Rayburn.

Committee on Resources, April 3, Subcommittee on Forests and Forest Health oversight hearing on Developing Economic Uses for Forest Fuels, 3 p.m., 1334 Longworth.

April 3, Subcommittee on Water and Power, oversight hearing on California Water—A Regional Perspective, 2 p.m., 1324 Longworth.

April 4, Subcommittee on Energy and Mineral Resources, and the Subcommittee on Forests and Forest Health, joint oversight hearing on Energy Impacts of the Roadless Rule, 1:30 p.m., 1324 Longworth.

April 4, Subcommittee on Fisheries, Conservation, Wildlife and Oceans, oversight hearing on the implementation of the Sustainable Fisheries Act and the reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act, 2 p.m., 1334 Longworth.

Committee on Rules, April 3, to consider H.R. 8, Death Tax Elimination Act of 2001, 5 p.m., H–313 Capitol.

Committee on Science, April 3, Subcommittee on Space and Aeronautics, hearing on Vision 2001: Future Space, 4 p.m., 2318 Rayburn.

April 4, full Committee, hearing on Space Station Cost Overrun, 10 a.m., 2318 Rayburn.

Committee on Small Business, April 3, Subcommittee on Regulatory Reform and Oversight, hearing on Internet Entrepreneurship, 2 p.m., 311 Cannon.

April 5, full Committee, hearing on implications of the procurement policies of the Pentagon that favored China, and other foreign countries, as suppliers of berets for the Army rather than this Nation's small businesses, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, April 4, hearing on Congestion in the U.S. Transportation System, 11 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, April 3, Subcommittee on Health, hearing on the state of the VA Health Care System, 2 p.m., 334 Cannon.

April 4, Subcommittee on Oversight and Investigations, hearing on Department of Veterans Affairs Information Technology Program, 10 a.m., 334 Cannon.

Committee on Ways and Means, April 3, Subcommittee on Human Resources, to continue hearings on welfare reform issues, 3 p.m., B–318 Rayburn.

April 3, Subcommittee on Oversight, hearing on the 2001 tax return filing season, 2 p.m., 1100 Longworth.

April 5, Subcommittee on Health, hearing on the Nation's Uninsured, 10 a.m., 1100 Longworth.

Next Meeting of the SENATE

5 p.m., Monday, April 2

Senate Chamber

Program for Monday: Senate will resume consideration of S. 27, Campaign Finance Reform, with a vote on final passage to occur at 5:30 p.m.

Also, Senate is expected to begin consideration of H. Con. Res. 83, Congressional Budget for Fiscal Year 2002.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Tuesday, April 3

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Boehlert, Sherwood L., N.Y., E503
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Hastings, Alcee L., Fla., E505
Langevin, Jim, R.I., E503, E504
Larson, John B., Conn., E504
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