The House met at 10 a.m.
The Reverend Willie T. Lockett, St. Martha Missionary Baptist Church, Oak Hill, Florida, offered the following prayer:

Eternal all wise God, Thou who art from everlasting until everlasting. It is again that we come into Thy presence. We come with grateful hearts and we come thanking You first for the privilege of coming to You and You hearing our prayer. We thank You for this day. We thank You for this session and for this place in our Nation's capital where we are assembled.

We thank You for these legislators and pray that You will touch their hearts and minds so that they will be mindful of the needs of our Nation; and that, while You control their thoughts, You will give them the courage that they might play the game of life with boldness, fairness, and integrity.

Help them to stand firmly on their belief if it is within Thy sight and in Thy will. Help them to keep this Nation one that others will continue to look to for guidance and direction. Help them to propose the kind of legislation that will increase the quality of education for our children. Help them to pass the laws that will set a new standard in housing, employment, and health care.

Then, God, teach us to love one another as You have commanded us to do. This we ask in Your name. Amen.

THE JOURNAL

The SPEAKER. 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.

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. McNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. McNULTY 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The gentleman from Florida (Mr. WELDON) is recognized for 1 minute. All other one minutes will be at the end of the day.

INTRODUCING THE REVEREND WILLIE T. LOCKETT

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute.)

Mr. WELDON of Florida. Mr. Speaker, today I am proud to have one of my constituents, the Reverend Willie Lockett, helping us this morning by offering today's morning prayer.

The Reverend Lockett holds degrees from the University of Illinois, Atlanta University, Morehouse College, and the Interdenominational Theological Center. In addition to being a learned minister, he is truly a man of all seasons. He has been a teacher, a salesman, a civil servant, and most importantly a pastor.

He is a leader in our community in helping organizations like the United Negro College Fund, the NAACP, the American Heart Association, South Brevard Sharing Center, and South Brevard Habitat for Humanity. He also has a long history of working with the Southern Christian Leadership Conference and Dr. King from 1955 through 1975.

His ministry over 36 years is a testament to the power of faith and commitment to one's God and community.

I thank the Reverend for his service to us today and for over three decades of service to our community and to our Nation.

PROVIDING FOR CONSIDERATION OF H.R. 6, MARRIAGE PENALTY AND FAMILY TAX RELIEF ACT OF 2001

Ms. PRYCE of Ohio. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 104 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 104

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 6) to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned income credit and to allow the nonrefundable personal credits against regular and minimum tax liability. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as
amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the further amendment printed in the report of the Committee on Ways and Means accompanying this resolution, if offered by Representative Rangel of New York or his designee, which shall be in order without intervention of any point of order and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to reconsider without instructions.

The SPEAKER pro tempore (Mr. Bonilla). The gentleman from Ohio (Ms. Pryce) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. Frost); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

MODIFICATION TO AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. PRYCE OF OHIO

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that the amendment recommended by the Committee on Ways and Means, now printed in the bill and proposed to be considered as adopted in the pending resolution, be modified by the amendment that I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the modification.

The Clerk reads as follows:

Modification to amendment in the nature of a substitute offered by Ms. Pryce of Ohio:

Page 11, after line 8, insert the following:

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

(B) the sum of the credits allowable under this subparagraph (other than this section) and section 27 for the taxable year.".

The SPEAKER pro tempore. Is there objection to the modification offered by the gentleman from Ohio?

There was no objection.

Ms. PRYCE of Ohio. Mr. Speaker, as the distinguished chairman of the Committee on Ways and Means requested, House Resolution 104 is an appropriate and fair rule providing for the consideration of H.R. 6, the Marriage Tax Penalty and Family Tax Relief Act of 2001.

This rule provides for 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Ways and Means.

After general debate, it will be in order to consider a substitute amendment offered by the minority which is printed in the Committee on Rules report. It shall be considered as read. Finally, the rule permits the minority to offer a motion to reconsider with or without instructions.

The rule waives all points of order against consideration of the bill as well as the amendment in the nature of a substitute.

Mr. Speaker, as taxpayers all across America are completing the dreaded annual ritual of filling out tax forms and writing checks to the government, thousands of newlywed couples across the Nation have had a rude awakening. By simply saying those magic words “I do,” newlyweds across our great Nation may have been led to believe and probably entrapped to find that their tax bill has increased by hundreds and maybe thousands of dollars.

Hopefully, these couples have not cashed and spent the wedding checks they received from Grandpa Joe and Aunt Lucy, because they still have to pay Uncle Sam.

We should not really be surprised. After all, there is no such thing as the government does not tax. But it is hard to find a good reason to tax marriage and penalize the most fundamental institution in our society.

Still, each year, 42 million working Americans pay higher taxes, not because their incomes have gone up, but simply because they are married. This is fundamentally unfair and discriminatory.

Mr. Speaker, most families find that, to make ends meet, both spouses have to work. Under our current Tax Code, working couples are pushed into a higher tax bracket because the income of the second wage earner, often the wife, is taxed at a much higher rate.

Because of the marriage penalty, 21 million families pay an average of $1,400 more in taxes than they would if they were single and living alone or single and living together.

Mr. Speaker, if one is paying taxes today, one is paying too much; and if one is married, one is unfairly singled out to pay even more. It is simply wrong and irresponsible to increase taxes on married couples, especially when marriage is often a precursor to added financial responsibility such as owning a home or having children.

The Marriage Tax Penalty and Family Tax Relief Act will bring fairness to the majority, Republicans have kept our promise and reached our goals of balancing the budget, paying down the debt, and protecting Social Security and Medicare; and there is no turning back.

The fact is the government is currently taking in more money than it needs to operate. That is the very definition of a budget surplus. The surplus is big enough that we can give some of it back to the people who earned it because, if one is paying taxes today, one is just paying too much.

What better place to start than by correcting the iniquity in the Tax Code that affects 25 million married couples.

Mr. Speaker, it is both unfair and inappropriate to defend the marriage penalty or to eliminate it altogether. There should be no more excuses.

I urge all my colleagues to support this fair and appropriate rule so that we can once again pass the Marriage Tax Penalty Relief Act and send it to the President who this time is waiting to sign it. It is long overdue.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Democrats support tax relief for American families. Let me say that again so that everyone understands. Democrats want fair and meaningful tax relief for working American families.

But, Mr. Speaker, Democrats want tax relief in the context of a real budget with real numbers. The budget passed by the House yesterday is, quite frankly, a sham. It is a bogus because it uses phony numbers and faulty assumptions. It is bogus because it has been written to be rewritten.

The Republican majority has used winks and wishes, instead of real numbers, that would give the American public the real picture of what is really going on with the Federal budget.

Here is the bottom line: Democrats do not want to go down the same path we found ourselves on 20 years ago after the last big tax cut endorsed by a Republican President.

Mr. Speaker, my Republican colleagues have, for the past few months, waxed ever so eloquently that the surpluses now flowing into the Federal Treasury are merely signs that Americans are overtaxed. They say the money which is forecast to come rolling into the Treasury over the next 10 years belongs to taxpayers and should be returned to them.

Mr. Speaker, Democrats do not disagree that American families need tax relief, but we need to put that tax relief into context. The country ran up a $5 trillion debt because of the tax cut we passed in 1981.

The real story is that the national debt belongs to every man, woman, and child in this country. The real story is that those projected surpluses are just that, projections. We have no idea if they will ever materialize. Frankly, it seems more than a little foolish to base our economic security and prosperity on wishes and winks.

We passed a bankruptcy reform bill a few weeks ago that says American consumers have to own up to their debts and cannot just erase them so they can go out and spend more now that they do not have. Well, it seems to me that we need a little of that reform in this Chamber.
Congress has spent the past 15 years struggling to get deficits under control; and now, finally, we are on the road to paying back those huge debts. Those are the same debts that have forced the Congress to ignore pressing national needs like an infrastructure development and replacing or modernizing sewer systems, roads and highways, and our Nation’s airports.

We have been forced to put off modernizing our military, ensuring that every child has access to a good education, providing a real prescription drug benefit for our seniors, and shoring up Social Security and Medicare to prepare for the retirement of the baby boom generation. But now the Republicans want to ignore our debt and ignore our national needs just so they can give us another tax cut like the one they gave us 20 years ago.

Yesterday, any number of times, Members on the other side of the aisle said their constituents want their money back. But, Mr. Speaker, we as a country have an obligation to pay off the debts we incurred because of a tax cut we enacted 20 years ago.

The Reagan tax cuts were supposed to give Americans their money back. But look what those tax cuts got us. They got us high unemployment, high interest rates, and an economy that only began to recover when the Congress drastically cut spending on national priorities and raised taxes.

Mr. Speaker, the tax cuts of 20 years ago were nothing more than a game of three-card monte, and the tax cuts the Republican majority is rolling through the Congress in 2001 are just another version of the same scam.

As I have said before, if it looks too good to be true, it probably is. And these promises are just that: too good to be true.

The Republican majority is incapable of seeing the truth in the budget numbers. Instead, they come out onto the floor day after day to say that Democrats only want to perpetuate big government, to make it grow, and fritter away the hard-earned money of American taxpayers. Where do they get this? This is not about big government, this is about responsible government. This is not about keeping anyone’s money, this is about paying off the debt and investing for the future.

Mr. Speaker, Democrats want tax relief, and we want tax relief in the context of fairness and in the context of real numbers. We want to provide real relief from the unfair marriage penalty for those couples who pay more taxes just because they are married, but we do not want to provide relief for those who already get a marriage bonus under the code, as the Republicans would do. We want to increase the child care tax credit and make sure that increase is meaningful for those families who need it most.

If the Republican majority is so dedicated to returning money to the taxpayers, why is it most of the marriage penalty relief in their bill does not become available until the year 2004? Why is it their bill will not be fully effective until the year 2009? And why, Mr. Speaker, is it that the Republican majority bill would enact something that would really help families, fully effective until 2006? One might think taxpayers, after hearing all this big talk in Washington about giving them back their money, might say, “Show me the money.” But for most American families there will not be any money to show.

Mr. Speaker, it is time to take off the blinders and deal straight with the taxpayers. Families who put off facing real realities often find themselves in serious financial consequences. The same holds true for the Congress. We need to face up to the fact that we cannot afford a $2.4 trillion tax cut that benefits primarily the wealthiest of Americans and does not try to save Social Security and Medicare, making sure every child gets a good education, modernizing our military forces, facing the crises in foreign countries, and giving seniors a real prescription drug benefit. We should not pretend, Mr. Speaker, that is not what we were elected to do.

Mr. Speaker, I support providing relief to married couples who are penalized in the Tax Code simply because they are married. I support increasing a child tax credit and ensuring that it is available for lower-income working families. Undoubtedly many will vote for this bill today because they, too, support these changes. We cannot afford.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 1 minute to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means. (Mr. THOMAS asked and was given permission to revise and extend his remarks.)

Mr. THOMAS. Mr. Speaker, as chairman of the authorizing committee, I just want to take this time to thank my colleagues in the minority, the minority leader, the Committee on Rules, and the members on the committee, for acceding to the unanimous consent request to have this change in the legislation, because what it does do is draw to everyone’s attention the fact that we have a number of professionals around here who labor long and hard, and they are almost always perfect.

There are millions of things like this: on page 4, first paragraph B of section 1(f) of such code is amended by striking “other than with, and all that follows,” through “shall be applied,” and inserting “other than with respect to section 63(c)(4) and 151(d)(4)(a) shall be applied.”

And, Mr. Speaker, it all has to fit, and it all has to fit for hundreds of pages. They do it every time we bring a bill to the floor, with this exception. And I know they are chagrined, but I do want to thank everyone, because there are a number of professionals that allow us to appear on the floor very arguable important, but this, but that the hard labor of making it fit is done by a number of professionals that we owe an ongoing debt of gratitude. And the fact they made a mistake, which really chagrins them, allows me to thank them for all those thousands of pages of mistakes, of pages that are going to hurt this country.
that are going to drive deficits and inflation; but at the same time, consumers will not have any more money in their pocket.

Finally, I have to oppose this package of tax bills because of the millions of people it will hurt. The President and the government of the United States stood up there and gave us an example of a waitress without a spouse, with two kids, and said that that was the reason to adopt his tax plan, to help that waitress support her family making $25,000. It appears as if the President’s staff went through all of the restaurants and found one waitress that would benefit, because if that waitress was making $25,000 with two kids, she gets nothing under the President’s plan. If that waitress had three kids, she gets nothing under the President’s plan. And if that waitress is currently exactly as the President describes her, but she has some costs for child care, she gets nothing under this one-cent bill that is left on the table by the Republican Congress. If that bill does not go into law, every waitress is paying FICA taxes and not getting any tax relief. Taxpayers deserve tax relief, and under this plan they get nothing.

Mr. BLUNT, Mr. Speaker, I am glad to yield the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I rise in strong support of this rule and the work the Committee on Rules has done to structure the debate. In many ways the Federal Tax Code is illogical, immoral and unfair. This is the case with the marriage penalty, most certainly. Current tax law is structured so a married couple pays higher taxes than an unmarried couple earning the same income and filing separate returns.

Mr. Speaker, under this Tax Code many couples are punished for being married, including many in my congressional district in Indiana. Cameron Gardner and his wife Lindsey are an example of over 38,000 Hoosier families in my district who suffer under the marriage penalty. Cameron works for a local company in Anderson, and Lindsey is a student at Ball State University. They have a 1-year-old daughter. Eliminating the marriage penalty would allow Cameron and Lindsey to take an extra $1,400 a year to help pay bills and take care of their daughter. It does not include the benefits that would accrue from the President’s increased child tax credit.

Mr. Speaker, families should be encouraged today. I stand in strong support of this rule. I stand in strong support of this bill. It is time to end the illogical, immoral and unfair marriage penalty; and I believe in my heart Congress will do so today.

Mr. FROST. Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me this time.

Mr. Speaker, as someone who campaigned on the platform of providing tax relief to working families in central Florida, I am especially proud to be an original cosponsor of this important legislation to fully eliminate the marriage tax penalty.

Why do I support this legislation? Because it will make a meaningful difference in the lives of approximately 60,000 working families in central Florida, who will receive an average tax break of $1,400 per year. $1,400 per year will have a positive impact on the lives of working families back home.

For example, a married couple with two children, a $1,400 tax savings translates into $117 worth of groceries in the refrigerator every month that otherwise would not be there.

I urge my colleagues to support this legislation today and vote yes on H.R. 6 when it comes to the floor in a little while. This is the type of legislation that we came to Congress for.

Mr. FROST. Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, it has been said that the power to tax is the power to destroy. When one considers this fact, it is a travesty that married couples are taxed at a higher rate than the rest of society. We can all agree that marriage is a sacred institution. What message are we sending to young couples as they get married? Because of an unfair Tax Code, when a bride and groom walk down the aisle they lose money with each step they take.

Nearly 62,000 families in my district are adversely affected by the marriage tax penalty. I have spoken to many of them on this subject and they agree that it is wrong. They are right; it is wrong. Today I want to be able to tell them we are doing something about this. It is time to put common sense back into our Tax Code.

I urge my colleagues on both sides of the aisle to end the marriage tax penalty because saying “I do” should not mean that one is saying I do to an addition of $1,400.

Mr. FROST. Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Speaker, I thank the gentleman from Ohio (Ms. PRYCE) for yielding me this time.

Mr. Speaker, it is time to allow married couples to keep more of their money. The breakdown of the family is a devastating economic and societal problem. Instead of having families stay together, our current Tax Code is forcing families apart.

H.R. 6 is legislation that will lighten the tax burden once and for all on all married couples. It is time to shore up family life by allowing husbands and wives to keep more of what they earn. H.R. 6 will do just that.

The marriage penalty not only punishes our most sacred institution, marriage, but it also indirectly hurts working families. The marriage penalty first appeared in the Tax Code in 1969. Most families had one breadwinner and the tax provision was actually designed to structure the debate. In many ways the Federal Tax Code is illogical, immoral and unfair. This is the case with the marriage penalty, most certainly. Current tax law is structured so a married couple pays higher taxes than an unmarried couple earning the same income and filing separate returns.

Mr. Speaker, under this Tax Code many couples are punished for being married, including many in my congressional district in Indiana. Cameron Gardner and his wife Lindsey are an example of over 38,000 Hoosier families in my district who suffer under the marriage penalty. Cameron works for a local company in Anderson, and Lindsey is a student at Ball State University. They have a 1-year-old daughter. Eliminating the marriage penalty would allow Cameron and Lindsey to take an extra $1,400 a year to help pay bills and take care of their daughter. It does not include the benefits that would accrue from the President’s increased child tax credit.

Mr. Speaker, families should be encouraged today. I stand in strong support of this rule. I stand in strong support of this bill. It is time to end the illogical, immoral and unfair marriage penalty; and I believe in my heart Congress will do so today.

Mr. FROST. Mr. Speaker, I reserve the balance of my time.

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Mr. KELLER. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me this time.

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Why do I support this legislation? Because it will make a meaningful difference in the lives of approximately 60,000 working families in central Florida, who will receive an average tax break of $1,400 per year. $1,400 per year will have a positive impact on the lives of working families back home.
to give a tax cut, a so-called marriage bonus, to all of our one-income families. The tax policy failed to envision the growing number of women that would eventually go into the workforce. Today, in nearly 75 percent of all families, both the husband and the wife work outside the home. Where two working spouses combine their income, the wages of the secondary earner are usually taxed at a higher marginal rate.

Since it is often the wife who is the secondary earner in the family, the marriage penalty, in my view, creates an extremely unfair bias against them. The beauty of this legislation, Mr. Speaker, is that we do not penalize those families who choose to have one spouse stay at home with their families. H.R. 6 eliminates the homemaker penalty for families in which one spouse decides to work part time or not at all. In other words, Mr. Speaker, this legislation benefits all married couples.

In my district, there will be 60,392 married couples who will benefit from this legislation. In the State of Indiana, 42,956 married couples will benefit from this legislation.

Mr. Speaker, I support this rule. It is a good rule. It is high time we have done this. We have done it before. It is time to go ahead and get it signed into law.

Mr. FROST. Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say in closing that the time has come once and for all to eliminate this tax on marriage. If one is paying taxes today, they are paying too much. And just because they are married, they should not have to pay more. I urge my colleagues to support this rule, pass the marriage penalty and Family Relief Tax Act so we can send it to the President, who is waiting to sign it. This legislation is long overdue.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BONILLA). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which an electronic vote, if ordered, will be taken on the question of the Speaker’s approval of the Journal.

The vote was taken by electronic device, and there were—yeas 249, nays 171, not voting 12, as follows:

[Roll No. 71]

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<td>Gilmore</td>
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<td>Giman</td>
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<td>Granger</td>
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<td>Graves</td>
<td>Walden</td>
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<td>Green (WI)</td>
<td>Walsh</td>
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<td>Greenwood</td>
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<td>Greene</td>
<td>Watkins</td>
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<td>Greenlaw</td>
<td>Watts (OK)</td>
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<td>Grace</td>
<td>Weigel</td>
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<td>Grassi</td>
<td>Wolcott</td>
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<tr>
<td>Groves</td>
<td>Young (FL)</td>
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</tbody>
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Baker | Putnam |
Bakewell | Houghton |
Baker | Hull |
Baker | Horn |
Baker | Hostettler |
Baker | Hsuho |
Mr. BLUMENAUER and Mr. LARSEN of Washington changed their vote from "yea" to "nay."

Mr. SANDLIN changed his vote from "yea" to "nay."

The Speaker pro tempore ordered A recorded vote was ordered.

The SPEAKER pro tempore. A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ages 354, nos. 62, not voting 16, as follows:

[Table with voting results]

The Speaker pro tempore. Pursuant to House Resolution 104, the bill is considered ready for amendment.

The text of H.R. 6 is as follows:

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 “Marriage Tax Elimination Act of 2001.”

SECTION 15 NOT TO APPLY.—No amendment made by this Act shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.
Congressional Record — House

H1303

March 29, 2001

(4) by striking subparagraph (D).

(b) Technical Amendments.—

(1) Subparagraph (B) of section 1(f)(6) of such Code is amended by striking "(other than with respect to sections 63(c)(4) and 151(d)(4)(A)) shall be applied".

(2) In subparagraph (C) of section 63(c) of such Code is amended by adding at the end the following flush sentence:

"The preceding sentence shall not apply to the amounts referred to in paragraph (2)(A)."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 2. PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.

(a) In General.—Subsection (f) of section 1 of the Internal Revenue Code of 1986 (relating to adjustments in tax tables so that inflation will not result in tax increases) is amended by adding at the end the following new paragraph:

"(3) In the case of amounts determined in subsection (b)(2)(A) and (b)(1)(I), by substituting 'calendar year 1995' for 'calendar year 1992' in subparagraph (B) of section 1(f)(3), and

"(ii) in the case of the $2,000 amount in subsection (b)(2)(B), by substituting 'calendar year 1995' for 'calendar year 1992' in subparagraph (B) of section 1(f)(3)."

(c) Rounding.—Section 32(j)(2)(A) of such Code (relating to rounding) is amended by striking paragraph (B) and inserting the following new paragraph:

"(A) IN GENERAL.—Subject to subparagraph (B), the applicable percentage of the maximum taxable income in the lowest rate bracket in the table contained in subsection (c) (after any other adjustment under this subsection), and

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined in accordance with the following table:

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>33</td>
</tr>
<tr>
<td>2002</td>
<td>32</td>
</tr>
<tr>
<td>2003</td>
<td>31</td>
</tr>
<tr>
<td>2004</td>
<td>30</td>
</tr>
<tr>
<td>2005 and there after</td>
<td>29</td>
</tr>
</tbody>
</table>

"(C) Rounding.—If any amount determined under subparagraph (A)(i) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50."

(b) Technical Amendments.—

(1) In subsection (f) of section 1, after the words "in subparagraph (A)(i)", strike the semicolon and all that follows through "shall be applied"

(2) In paragraph (3), strike subparagraph (D).
(ii) $46,500 for taxable years beginning in 2006 or 2007.

(2) CONFORMING AMENDMENTS.—

(A) Section 24(b) of the Internal Revenue Code of 1986 (relating to percentages and amounts) is amended by adding at the end the following new paragraph:

“(2) The heading for section 24(b) of such Code is amended to read as follows: ‘LIMITATIONS—

(B) The heading for section 24(b)(1) of such Code is amended to read as follows: ‘LIMITATION BASED ON Adjusted Gross Income—’.

(C) The amendments made by this section—

(1) by striking ‘subsection (a)’ and inserting ‘subsection (a) (other than section 24)’ after ‘this subpart’; and

(2) by inserting ‘subsection (a) (other than section 24)’ after ‘this subpart’.

(D) The heading for section 24(b)(2) of such Code is amended to read as follows: ‘PAYING Social Security Taxes’.

(E) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable years beginning after December 31, 2004.

SEC. 4. MARRIAGE PENALTY RELIEF FOR EARNED INCOME TO INCLUDE ONLY AMOUNTS INCLUDIBLE IN GROSS INCOME.

(a) IN GENERAL.—(Paragraph (2) of section 32(b) of the Internal Revenue Code of 1986 (relating to percentages and amounts) is amended—

(1) by striking ‘AMOUNTS.— ‘The earned’ and inserting ‘AMOUNTS.— ‘The earned’; and

(2) in the last paragraph of the subsection the following:

‘‘(A) a multiple of $10, such amount shall be rounded to the nearest multiple of $10.’’

(b) Earned Income To Include Only Amounts Includible In Gross Income.—

(1) In General.—(Paragraph (2) of section 32(c)(2)(A) of such Code (defining earned income) is amended by inserting ‘, but only if such amounts are includible in gross income for the taxable year after other employment compensation’.

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 5. MODIFICATIONS TO CHILD TAX CREDIT.

(a) Increase in Per Child Amount.—(Subsection (a) of section 24 of the Internal Revenue Code of 1986 (relating to child tax credit) is amended to read as follows:

“(a) ALLOWANCE OF CREDIT.—

(1) In General.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year with respect to each qualifying child of the taxpayer an amount equal to the per child amount.

(2) Per Child Amount.—For purposes of paragraph (1), the per child amount shall be determined as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Per Child Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>$600</td>
</tr>
<tr>
<td>2007</td>
<td>$700</td>
</tr>
<tr>
<td>2008</td>
<td>$800</td>
</tr>
<tr>
<td>2009</td>
<td>$900</td>
</tr>
<tr>
<td>2010</td>
<td>$1,000</td>
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</tbody>
</table>

(b) Credit Allowed Against Alternative Minimum Tax.—

(1) In General.—(Subsection (b) of section 24 of such Code is amended by adding at the end the following new paragraph:

“(1) The credit allowed by this subsection (a) for any taxable year shall not exceed the excess of—

(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.”

(2) Conforming Amendments.—

(A) The heading for section 24(b) of such Code is amended to read as follows: ‘LIMITATIONS—

(B) The heading for section 24(b)(1) of such Code is amended to read as follows: ‘LIMITATION BASED ON Adjusted Gross Income—’.

(C) The amendments made by this section—

(1) by inserting ‘subsection (a)’ and inserting ‘subsection (a) (other than section 24)’ after ‘this subpart’; and

(2) by inserting ‘subsection (a) (other than section 24)’ after ‘this subpart’.

(D) The heading for section 24(b)(2) of such Code is amended to read as follows: ‘PAYING Social Security Taxes’.

(E) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

(3) Subsection (c).—The amendments made by subsection (c) shall apply to taxable years beginning after December 31, 2004.

SEC. 6. PROTECTION OF SOCIAL SECURITY AND MEDICARE.

The amounts transferred to any trust fund under the Social Security Act shall be determined as if this Act had not been enacted.

The SPEAKER pro tempore. After 1 hour of debate, as amended, it shall be in order to consider a further amendment printed in House Report 107–31, if offered by the gentleman from New York (Mr. Rangel) or his designee, which shall be considered as read and debatable for 60 minutes, equally divided, equally controlled by a proponent and an opponent.

The gentleman from California (Mr. Thomas) and the gentleman from New York (Mr. Rangel) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. Thomas).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my pleasure to bring to the floor H.R. 6, the Marriage Penalty and Family Tax Relief Act of 2001, where 43 million taxpayers will receive tax relief under this measure in calendar year 2002, and more than 60 million taxpayers when it is fully phased in.

Let me also say that there are a number of people who have said that the Republicans, in moving these pieces of tax legislation to the floor, have been overly hurried, that we have not laid the groundwork in preparation for presenting these bills.

As evidence of our long-term commitment and preparation for presenting H.R. 6 on the floor today, it is a pleasure to recognize the gentleman from Iowa (Mr. Latham) to explain to what extent Republicans have gone to make sure that the timing of the bill on the floor today is most appropriate.

Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. Latham).

Mr. LATHAM. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the gentleman’s timing is absolutely perfect today. At 6:22 this morning, I became a grandfather for the first time. Again, the gentleman’s timing is impeccable for Justin and Lynnae, my son and daughter-in-law, and their new baby girl, Emerson Anne.

This is obviously a great day. But how appropriate today that we are going to pass the Marriage Penalty and Family Tax Relief Act and increase that child tax credit for Justin and Lynnae. They have a lot of challenges ahead, and this is going to mean more money in their pockets so that they can help Emerson Anne in her future, to help her grow and be prosperous and have a good education.

It is a great day. Again, Mr. Speaker, the gentleman’s timing is impeccable.

Mr. THOMAS. Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me congratulate my chairman for the timing of bringing this bill to the floor. It’s the Member’s grandchild that was born. I only wish this bill was at such good timing for the baby boomers who will be eligible for Social Security and Medicare soon.

Unfortunately, at the time that they will become eligible, that is the time they expect to have their surplus. I hope it is there.

One thing they have to think of is that we are going to pass this bill that increases such tax cut, and I tell the Members, this tax cut just does not fit. So we have a long way to go in understanding the needs that we have in providing relief for taxpayers, especially as it relates to the child care bill.
As long as we give it in all of these doses, and at the end of the day we have a $3 trillion tax bill and will not have money to do the other things that we promised and that we want to do, I would suggest that some of the compassion that the President is talking about should be leaking down to the House floor so that we can work together.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP), a member of the Committee on Ways and Means.

(Mr. CAMP asked and was given permission to revise and extend his remarks.)

Mr. CAMP. Mr. Speaker, I thank the gentleman from California (Mr. Matsui), a member of the Committee on Ways and Means, for yielding the time to me.

Mr. Speaker, I rise today in strong support of H.R. 6. American families are working longer and harder than ever, and more and more of their money is going to Washington. In fact, today’s couples spend an average of 40 percent of their income in taxes; and if there is nothing else that we do in this body, we should strengthen families.

I am pleased to stand before you today because this legislation represents an historic and long overdue step for families.

H.R. 6 provides tax relief to families. This legislation provides relief on two fronts, by eliminating the marriage penalty and doubling the child tax credit.

Last year, the House passed with strong bipartisan support the same proposal to eliminate the marriage penalty. This year I am confident we will finally be able to bring tax relief to American families.

H.R. 6 will ensure that these couples are never again penalized just for being married, and it will make a promise to future couples that they will not be punished for making the decision to get married.

H.R. 6 doubles the current child tax credit. The legislation also extends present law refundability of the tax credit. This is a huge win for families. It will allow parents to keep more of the money that they earned to invest in their future and to provide an education for their children and to spend less time working to send their money to Washington.

Mr. Speaker, I urge support of this bill.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. Matsui), a member of the Committee on Ways and Means.

Mr. MATSUI. Mr. Speaker, I thank the gentleman from New York (Mr. Rangel), the ranking member of the Committee on Ways and Means, for yielding the time to me.

The whole basis upon which this tax cut, which is about $400 billion over the next 10 years, the whole basis of this tax cut, is based upon the projection that the Congressional Budget Office says will be available over the next 10 years.

The Congressional Budget Office, however, said one other thing, too. They also said in the same document, when they made this prediction about the $5.6 trillion, that there is only a 50 percent accuracy or probability that the 5-year projections of the $5.6 trillion will become true, and they cannot even make a prediction on the 10-year numbers.

In other words, they are basically saying we are using the number of $5.6 trillion, but really do not rely upon the accuracy of it because we cannot really say it is going to happen. We do not know if it is going to happen. It may not happen.

So the whole basis of this tax cut is based upon conjecture, and I have to say that after this tax cut passes, and then after we pass the estate tax repeal next week, we will be at about $1.7 trillion or $1.8 trillion, and that does not even include the loss of interests on that money. So we are probably talking about $2 trillion, $2.5 trillion of the $5.7 trillion that may not exist.

What is interesting is that we have had a lot of statistical studies on this. The top 1 percent of the taxpayers in America, those people that make $370,000 a year and above, actually the average is about $1.1 million income per person. They are going to get about 40 percent of this total tax cut, this so-called phantom tax cut.

This is a bad bill. The Democrats have a tax cut bill that is modest. It is actually very large. It is about $700 billion, but it fits within a budgetary framework. It takes into consideration in the event these numbers do not come into effect and are not accurate, and it pays down the debt.

Mr. Speaker, I believe very, very strongly that if this bill passes, the estate tax bill passes next week, you are going to see a reduction in Social Security benefits over the next 3 years or 4 years.

We will not be able to do prescription drugs. All this talk the President has about education; that will not come to pass. And certainly Medicare is going to be in deep trouble, too.

This is a bad bill. We should vote for the Democratic substitute, which is less modest. It does deal with the marriage penalty. We do want a tax cut, but we want to make sure it is modest, and that, obviously, it fits within fiscal discipline, which has given us the enormous growth we had over the last 10 years under Bill Clinton.

Mr. THOMAS. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I do want to thank the gentleman from California (Mr. Matsui), my colleague, because if we listened to his speech carefully, he did say after this tax cut passes, I appreciate his understanding of the fact that 77 percent of the Members of this House want to support this legislation.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Ms. Dunn), a member of the Committee on Ways and Means.

Ms. DUNN. Mr. Speaker, the Federal tax burden today on American families is an intolerable 34 percent of personal income, so it is especially appropriate today that we are debating a bill that would be getting rid of a tax that penalizes two pillars of our American family, and those are marriage and children.

By alleviating the impact of the marriage penalty and doubling the per child tax credit, this bill will provide nearly $400 billion in family-friendly tax relief over the next 10 years.

In my district in Washington State alone, 73,000 couples will be helped by this bill and 122,000 children by the bill that we will be passing today. The marriage penalty is a particularly strong attack on working women. Currently, the Tax Code creates a disincentive for women to go to work at all, or, if they do, to earn much above the very low threshold.

Women who make a salary on a par with their husbands are taxed at an extraordinary rate, a marginal rate that is higher when you combine incomes. It pushes that rate up.

This is not a problem for couples with a single breadwinner so much, but in today’s society, where both the husband and wife work in most households, it is a huge problem. Conservative estimates put this problem at about 25 million American couples who are paying an average of 1,400 in additional taxes just because they are married. This is wrong, Mr. Speaker.

This bill represents real relief for couples in our society. As newlyweds start out on their new life, they should not face a punishing tax bill.

Mr. Speaker, I urge my colleagues to help couples and young families by supporting H.R. 6.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. Brown).

Ms. BROWN of Florida. Mr. Speaker, and the winner is and the winner is. On November, the American people voted for investment in education for our children, health care for families, and prescription drugs for our seniors, but the Republicans keep coming with their tax cut for their rich friends.
They have lost touch with the people and have no idea what their priorities are.

As we debate the marriage penalty act today, vital programs that serve millions of Americans are being ignored.

Tonight thousands of American war heroes will go to bed on the streets. Millions of American children will go to bed hungry, and millions of Americans will go to bed wondering how much longer their bodies can fight against AIDS, cancer, diabetes, Lupus, and hundreds of other incurable diseases.

Unfortunately for the American people, today on the House floor we are once again debating a tax bill that helps only a few and ignoring the real problem that we face as a Nation.

Support fair marriage tax relief. Vote yes on the substitute and let us get back to the work that the people sent us here to do.

Mr. THOMAS. Mr. Speaker, I yield myself 30 seconds to identify some of the rich friends that are going to be helped in this particular bill.

Mr. Speaker, more than 1 million taxpayers at the lower end of the income spectrum will find their tax liability reduced to zero in 2002. Tax relief in this bill is not just for young families. At least 6 million families, the taxpayers who are 65 or older will benefit from this bill. It is a bill that benefits all married couples with children.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the Committee on Ways and Means.

Mr. ENGLISH. Mr. Speaker, I thank the distinguished gentleman from California (Mr. THOMAS), Chairman of the Committee on Ways and Means, for yielding me the time.

Today’s vote, Mr. Speaker, is one of the last tax equity that this Congress will make. Whether or not an individual Member may support our efforts to provide a proportional tax cut for every taxpayer, they have to concede that this bill makes our Tax Code fairer for dual-income couples and families with children. That is why I rise to urge my colleagues on the other side of the aisle to join us in support of this legislation.

On a fundamental level, increasing the child tax credit makes our tax system more fair. It especially helps middle-income and low-income families who can use the money to meet the priorities of their family budget.

Since the 1980s, the ugly fact is we have shifted more and more of the tax burden of the Federal Government onto the backs of Americans working families.

This legislation takes an important step forward in improving tax fairness and progressivity in our Tax Code.

Here are the facts: This legislation takes 2 million working families completely off the tax rolls. This legislation provides benefits to 25 million families through doubling the child tax credit. This legislation provides relief to 5 million families within the earned income tax credit.

The tax relief debate that we have should not be a partisan debate, but rather a debate about how fairly to return a portion of our national surplus back to working families.

American taxpayers have been overcharged by their government, and it is only fair that Congress ensure that they receive a refund.

This legislation provides tax fairness, and everyone who professes to support tax fairness on the other side of the aisle should have an obligation to support it.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. KILPATRICK).

(Ms. KILPATRICK asked and was given permission to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, I want to thank the gentleman from New York (Mr. RANGEL), the ranking member on the Committee on Ways and Means, for yielding the time to me.

You do the math, America. We think we will have a $5.6 trillion surplus over the next 10 years. We also think we can tell what the weather will be next week or tomorrow. That is about what it is when we talk about projections. We do not have the money.

We, Democrats, do support a tax cut. Yes, we have a surplus, but Americans deserve to know that every vote will count, education reform, prescription drugs, health care access, and, yes, to save our Social Security and Medicare plan.

With this tax cut today that is before us and the trillion dollars we have already passed, we will not be able to address those needs that American people want.

We want to do something about the marriage penalty, and the Democrats have a bill that will fix it.

Mr. Speaker, I yield the time to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, life has its lessons. One of the lessons I learned early on was I went to a used car salesman, and he showed me a car. That body of the car showed me a car. That body of that car was the radio, and the music of the radio, the stereo just re-verberated around me; and I fell in love with the car.

Americans have worked hard for the last 8 years to achieve the surpluses we are now enjoying. Instead of heeding the economic warning signs, we are charging forward with a huge tax cut that, even Alan Greenspan has argued, will do very little to spur the economy. Like a gambler who bets the farm on one hand, this Congress is risking it all—with no guarantee that they’ll cash in.

Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS. Mr. Speaker, I thank the ranking member on the Committee on Ways and Means for yielding me this time.

I urge all my colleagues to support this much-needed legislation.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank the ranking member on the Committee on Ways and Means for yielding me this time.

Mr. Speaker, I rise in opposition to H.R. 6 today. But I support marriage penalty relief because it makes sense for married people to pay more taxes just because they are married.

That being said, we in Congress have a lot of tough choices we have to make. I urge all my colleagues on the other side of the aisle to support programs that benefit the many.

In fact, opposing this today, my wife will tell me, wait a minute. You are taking away our tax cut for Members of Congress, because my wife teaches school. I said, yes, but it is still wrong.

We should not have it for people who have higher income.

I support repealing the marriage penalty, but our Democratic proposal actually goes further than H.R. 6 to address marriage penalty corrections.

We also support a prescription drug benefit for seniors, investing in our schools, shoring up Social Security, and making sure the United States is strong as can be.

Mr. Speaker, we need to heed the warning signs that America is warning us. We should not charge forward with huge tax cuts, because we need to look at the current numbers and what the projections were for last year.

They say a fool and his money are soon parted. We owe the people of America more than to be foolish with their money.

Americans have worked hard for the last 8 years to achieve the surpluses we are now enjoying. Instead of heeding the economic warning signs, we are charging forward with a huge tax cut that, even Alan Greenspan has argued, will do very little to spur the economy. Like a gambler who bets the farm on one hand, this Congress is risking it all—with no guarantee that they’ll cash in.

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Mr. MEEKS of New York. Mr. Speaker, life has its lessons. One of the lessons I learned early on was I went to a used car salesman, and he showed me a car. That body of that car showed me a car. That body of that car was the radio, and the music of the radio, the stereo just re-verberated around me; and I fell in love with the car.
But there was one thing that I forgot to do was open up the hood to the car to see the engine and drive the car to make sure that it functioned and did what it said it was to do.

I say to the American people, you have got to go out and drive these things under the hood, inside of the engine of what is being proposed here in these tax cuts.

We are being told that everything can happen. We can save Social Security, Medicare; that we can make those surpluses based upon 10 years out. No, I say to my colleagues, we have to make choices. Those choices have to be based upon a discipline and well-thought-out process.

We cannot do this without a budget because we do have other priorities. Those priorities include Medicare, Medicaid. They include education. They include a prescription drug plan. We must have all of those things if we are going to have a true car.

We have got to look at the surpluses based upon 10 years out. That we can make these things happen. We can save Social Security.

Mr. RANGEL. Mr. Speaker, I yield to the gentleman from California (Mr. DOGGETT), a member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, there is broad bipartisan support in this House for correcting the marriage tax penalty. Indeed, this is a measure that could have been approved the week after President Bush’s inauguration. In fact, there is such broad bipartisan support, it could have been approved last year. Or it could have been approved back in 1995 when the gentleman from Washington (Mr. McDERMOTT) offered it in the Committee on Ways and Means to implement the Republican contract on America by correcting the marriage tax penalty.

But our Republican colleagues at that time had higher priorities: they preferred tax relief for corporations rather than couples; and they rejected his proposal. A year later, that year they had a higher priority than relief for married couples, which was to try and win the election by preserving this as a campaign issue instead of coming together to agree on genuine marriage tax penalty relief.

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have two incomes. They file jointly. It pushes them into a higher tax bracket, creating the marriage tax penalty.

Our legislation will eliminate the marriage tax penalty for Shad and Michelle Hallihan. Only the bipartisan bill, H.R. 1730, eliminates the marriage tax penalty for Shad and Michelle Hallihan, because they are homeowners. They itemize their taxes. The alternative will not.

So clearly, if we want to help couples, middle-class couples like Shad and Michelle Hallihan, we should eliminate the marriage tax penalties.

Since we have been working on this legislation to eliminate the marriage tax penalty, Shad and Michelle have had a baby. They got married at the time we introduced the bill 3 years ago. They now have a child, little Ben. So they qualify for the child tax credit. It is $500 today.

Under our legislation, not only do we eliminate the marriage tax penalty for Shad and Michelle Hallihan, but they get the benefit from the child tax credit increase. This year it is $500. With the passage of this legislation into law, this year it will be a $600 increase in the child tax credit, which means Shad and Michelle are getting $500 more in tax relief by eliminating the marriage tax penalty by providing for a bigger child tax credit.

Let us vote from a bipartisan way. I invite Democrats to join with us. Let us eliminate the marriage tax penalty. Let us help families with children.

Mr. THOMAS. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. WELLER), and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from California?

The SPEAKER pro tempore. The objection is overruled.

Mr. RANGEL. Mr. Speaker, I just pause because I was so moved by the last presentation.

Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. MORAND) while I regain my composure.

Mr. MORAN of Virginia. Mr. Speaker, I am happy to give the distinguished ranking member an opportunity to gain his composure.

Mr. Speaker, I certainly respect the motivation of the gentleman from Illinois (Mr. WELLER) for introducing this legislation, but I strongly disagree with the solution that he proposes.

Today’s problem was yesterday’s solution. The reason we are doing this was because, back in 1969, so many single people complained that they were getting unfairly treated by the Tax Code, and so we tried to fix it. In fact, we did fix it pretty much.

I have a Congressional Budget Office study that shows that only 37 percent of married couples actually get penalized, and their penalty is $24 billion. Sixty percent of married couples actually get a bonus for having gotten married, and that bonus totals $72 billion. So there is actually about a $50 billion net bonus going to people for having gotten married.

What we are doing is to try to fix a problem is to make it worse. The cost of fixing it falls on the children of these very nice people who are getting married.

I cannot imagine someone not getting married because of some tax penalty. What happened to love and romance, for crying out loud.

The fact is this is wrong. I do not even agree with the Democratic substitute. We ought to do the right thing and simplify the Tax Code and not do this kind of stuff.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank the gentleman from New York (Mr. RANGEL), the ranking member of the Ways and Means Committee, for the work he has done in this particular area.

I want to continue to respond. The prior speaker prior to my colleague said he wanted to help the American family. I am talking about working families.

Shad and Michelle Hallihan know that they are getting no help for affordable housing? Do they know they are getting no help for health care? Do they know their parents will not be able to get a prescription drug benefit? Do they know how many schools we can fix with $24 billion? Do they know how many lives we can save with the life-saving medicines?

This benefit may deal with a marriage tax penalty; but it deals with none of the other things like housing, child care, health care, prescription drug benefit, or Social Security. Wake up America. We do not want this.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I note to the gentlewoman from Ohio (Mrs. JONES), the previous speaker, that if she votes against this bipartisan effort to eliminate the marriage tax penalty, that 88,000 taxpayers in the 11th District of Ohio will continue to suffer the marriage tax penalty, and over 71,000 children will not be eligible for the increase in the doubling tax credit.

Let us be fair. Let us eliminate the marriage tax penalty and increase the child tax credit.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), a distinguished member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Illinois (Mr. WELLER) for yielding me this time.

And, Mr. Speaker, in response to my two colleagues on the other side of the aisle who previously spoke, we would be very happy to ask them to join us in marginal rate reductions, because that helps every taxpayer. We have a simple disagreement. Should families control their money, or is the government? And I think that addresses that.

My colleagues, I bring yet another family to the well of this House. For our purposes today, we will call them the “Taxpayer” family. They will be especially helped by this tax relief plan because this is a growing family with five children. Let us say that John and Wendy Taxpayer both work.

Mr. RANGEL. Mr. Speaker, will the gentlewoman yield?

Mr. HAYWORTH. I do not have the time.

Mr. RANGEL. I cannot see the photo. Mr. HAYWORTH. I am very happy to show it to the gentlewoman.

Mr. RANGEL. If you could just tilt it a little bit. Thank you.

Mr. HAYWORTH. Let us say John and Wendy Taxpayer both work.

Mr. RANGEL. Thank you very much.

Mr. HAYWORTH. Mr. Speaker, do I control the time?

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Arizona (Mr. HAYWORTH) controls the time.

Mr. HAYWORTH. Thank you very much.

Mr. Speaker, let us say that John Taxpayer earns $30,000 a year with his teaching job at Madison Elementary School. Wendy makes $32,000 a year working to help older Americans as a home health care assistant. Together they pay a $732 marriage penalty, paying more in taxes just because they are married. That is wrong.

This bill ends that marriage tax penalty so that John and Wendy can keep that $732 of their money each year to help pay for all the clothes, food, and other items that we all know goes into raising a family. And that $732 over time is going to add up to big savings.

But then here comes the real help. This year we will also increase the child credit by $100 to the Taxpayer family. That means that John and Wendy will have an additional $500 to help all those little growing Taxpayers. And once the bill is fully phased in, the Taxpayers would get an additional $2,500 to continue to help with their growing family. The AMT relief we include in this bill will ensure that the Taxpayer family gets the full benefits of the doubling of the child credit.

My colleagues, that is what this debate is about, not budgets and not rich versus poor, not anything else. This is about families. This is real tax relief for American families who need a tax cut now more than ever. Stand up for families; stand up for reduction of the marriage tax penalty.
Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Washington State (Mr. McDERMOTT), a member of the Committee on Ways and Means.

(Mr. McDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, we are here on day three of George the Second’s runaway railroad train. Last week we cut taxes, and yesterday we passed a budget out of here in a big hurry, and now here is day three.

There are some attractive pieces to this bill. As somebody mentioned, I proposed it five years ago, and the Republicans in the Ways and Means turned it down because they had other things that were more important. But what is amazing about what is going on here is that last week we passed out of here $1.35 trillion tax cut packages. Therefore, out of the $1.6 trillion, we only have $300 billion left, and we have the estate tax, the charitable deduction, and we have the AMT fix. This train is running backwards because they are loading up the gift things in the front and not telling people what is coming in the back.

I sit on the Budget as well as the Committee on Ways and Means, and there is no reasonable budget out there. This is a reckless train that we are on.

Now, I have been to several hearings, and the Governor from Wisconsin, who is now the head of HHS, came to testify at both those committees. He did not have one single answer to what he was going to do about Medicare. He says they are $654 billion in the hole over the next 10 years, but did not offer a single answer as to how he was going to deal with that. The last thing we ought to be doing is running a big tax train out of here.

Then we had deja vu. In comes the Secretary of the Treasury. We asked him about Medicare solvency, and he did not have any single answer. But then we had a guy from the Treasury who really made sense. His name was Weinberger. He came in last week and he told us with a straight face that families know they will get $100 in April of 2002. That will have a positive psychological effect in terms of spending and, therefore, a positive impact on the economy.

Now, I think about that, what he is saying is this—it is acceptable to encourage people to spend what they do not have. I mean, we are saying, it is coming, they will be getting their $100, so please run out and spend it right now to gin up this economy and increase their personal debt. That at least is consistent with this administration’s philosophy on this railroad; let us run it out of here and never look at what we are going to have to pay down the road.

This is based on estimates. We have talked about this and talked about this. If anyone would get CBO to reestimate where we are going to be in 10 years on the basis of what has gone on in the last 6 months, we would have a totally different figure that we would be dealing with today. But, boy, the engineer is in the cab, and he is pulling back on the throttle, and here we go, choo-choo-choo right down the road, no matter what we say.

I say vote for the Democratic alternative.

Mr. Speaker, I support marriage penalty relief and child credits targeted to help the working poor. I cosponsored marriage penalty relief legislation in the 105th Congress when the Republican majority unanimously voted it down. I introduced it again in the 106th Congress, and now again in the current session. While there are some attractive components to this bill, I have serious concerns with the size of President Bush’s tax cut. Our Republican colleagues are trying to rush all the components of President Bush’s tax plan through the House, and I will not support each individual component as we watch its price tag soar.

The cost of this bill and the one passed earlier on marginal rate reductions is already up to $1.35 billion, and ballooning. This amount does not include the repeal of the estate tax, charitable deduction, the AMT fix, and the list goes on. At this rate, the Republicans will continue to push up the price tag to $3 trillion. This must end. It is simply irresponsible.

I sit on the Budget Committee, and I promise you, there simply is not a responsible budget. Any tax cut must be designed within the framework of balanced priorities. There is none. The Republican Budget Resolution invades the Medicare surplus to fund the huge tax cut. They do not set aside adequate levels of funding for a meaningful drug benefit. There is no additional money left to shore up Social Security or education.

The list is endless. This is completely reckless.

I have been to several hearings, and it is the same theme over and over again: Where is the money?

I have heard testimony from Secretary Thompson that neither Congress nor the Administration could he answer a single question about how we are going to meet our financial obligations for the Medicare program.

The last thing we should be doing is a $1.6 trillion tax cut when alarms are sounding on Medicare’s long-term situation. The program needs an infusion of money, but the Administration does not seem to know how to achieve that. Of course not—the administration is trying to ram another tax cut down our throats before considering the budget.

It was disastrous, in testimony from Secretary O’Neill regarding the Medicare’s solvency. All we heard about is the “crisis” the program faces and the need to address it. When asked how, there are no answers.

Today, we are being asked to vote on a second, backloaded tax bill. Last week, Mr. Weinerberger from Treasury told us with a straight face that families know that they will get $100 next April, in 2002, will have a positive psychological effect in terms of spending, and therefore a positive impact on the economy.

I suppose Mr. Weinerberger is saying that it is acceptable to encourage people to spend what they don’t have, and increase their personal debt. At least that is consistent with the Administration’s apparent philosophy that paying down our national debt is not a priority—not if they are trying to pass a huge tax cut without the context of a responsible framework.

Let us not forget, these tax cuts are based on projections, not guarantees. Current projections are exactly that—projections. If the Congressional Budget Office (CBO) were to recalculate their estimates in today’s economy, they would slash their projections of budget surpluses.

Based on their own track record, CBO concludes that estimated surpluses could be off in one direction or the other, on average by $412 billion in 2006. Any responsible fiscal plan must anticipate inevitable errors in these projections. But the Bush proposal simply ignores these concerns.

The budget must maintain a reserve for inevitable errors in these projections. It must pay down the debt, shore up resources for Medicare and Social Security, and allow for other initiatives, such as education, prescriptions, Medicare, and Social Security.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume to note for my colleague from Washington State that the two provisions of the President’s tax plan that this House has already passed will provide this year for the average family of four $600 in tax relief, almost $400 from the rate reduction and, for two children, $200 in additional family tax credits.

I would also note that while my good friend takes credit for some ideas, the marriage tax penalty, his proposal, was phased in over 10 years when he offered it. I would also note that we incorporated his idea, though we did it immediately, into this bill. So I hope he will join with us and make it a bipartisan effort.

Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Michigan (Mr. BARCIA), and would note in doing so that this simply reinforces the fact that this is a bipartisan proposal. I congratulate him on his good work. He has been a leader on the Democratic side of the aisle with regard to this bill.

Mr. BARCIA. Mr. Speaker, I thank the gentleman from Illinois (Mr. WELLER), my good friend and colleague, who has been a champion of this tax relief for several years. It is truly an honor and a privilege for me to join with him in cosponsoring this legislation.

I want to also recognize his leadership and thank him for giving me the opportunity to do my part to ensure that one day the marriage penalty is taken out of our Federal Tax Code. It has truly been an honor to work with him.

Mr. Speaker, let me begin by saying fundamentally the marriage penalty is an issue of tax fairness. Married couples on average pay $1,400 more in taxes simply because they are married. This is an unfair burden on our Nation’s married couples. Marriage is a sacred institution, and our Tax Code should not discourage it by making
married couples pay more. We need to change the Tax Code so it no longer discriminates against those who are wed.

As most of my colleagues know, the marriage penalty occurs when a couple filing joint returns experiences a greater tax liability than would occur if each of the two people filed as single individuals. The Congressional Budget Office estimates that more than 25 million couples suffer under this unfair burden. Yet it is a burden that we will fix. The marriage penalty is going to be ended. The measure will not stop working. The legislation that is before Congress will be a great step toward the day in which every marriage is going to be treated fairly.

Mr. Speaker, this bipartisan bill achieves that goal, and I know that all of us present here today who support it will fix the grave injustice of our current Tax Code that results in married couples paying higher taxes than they would if they remained single. It also doubles the child tax credit to $1,000 over 6 years.

This bill strikes to the heart of middle-income tax relief. These are the people who are the backbone of our communities. These are the people who need tax relief the most. With a record budget surplus, the time is long overdue for Congress to remove the marriage penalty from the Tax Code.

Mr. Speaker, this bipartisan bill achieves that goal, and I know that all of us today who support the measure will not stop working until this legislation is signed into law. My constituents have spoken to me very overwheimingly on this issue, and the time has arrived to act decisively to eliminate the marriage penalty.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS), a distinguished member of the Committee on Ways and Means.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, like my colleagues, I strongly support marriage penalty relief and tax benefit for families. That is why I support the Democratic substitute. It provides married couples and families significant tax relief, but it does it in a way that is good for all Americans and allows us to prepare for our future. H.R. 6 may seem small today, but we cannot ignore the fact that it is only part of a $3 trillion Republican tax plan. That is a lot of money, especially when it is based on an unreliable surplus projection. There are no assurances, no guarantees. What if we are wrong?

Mr. Speaker, the Republican $3 trillion plan puts at risk our ability to prepare for our future. What we should be doing today is paying down the national debt, saving Social Security and Medicare, and taking care of all of the basic needs of all of our citizens. The Republican tax plan is not right for America. It tends to move us in the wrong direction. And I say, Mr. Speaker, this plan is not fair, and it is not just.

Mr. Speaker, I urge all of my colleagues to vote against it and vote for the Democratic substitute.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I note to the gentleman from Georgia (Mr. LEWIS), who spoke on behalf of the Democratic substitute, that the proposal he speaks in favor of would deny help for almost 60,000 children in his district in Georgia.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON). Mr. Speaker, I know that there are a lot of married people in Georgia. As my colleagues know, I am from Texas, and I want to divorce the 1.7 million married Texans from the government-imposed, IRS-enforced marriage penalty tax. It is just plain wrong for the Federal Government to penalize people who choose to get married. When two people stand before God and exchange their vows, it should be a celebration for them, not the IRS.

Mr. Speaker, it has been said that America is the land of the free and the home of the brave, and this is true fact. Young couples have to be brave to get married because the Federal Government is going to take money from their hard-earned money when they say “I do.”

I do not think any Member would disagree that we should encourage, not discourage, the greatest institution on earth, marriage. Let us vote today to give married couples a well-deserved honeymoon, the elimination of the marriage penalty tax.

Mr. RANGEL. Mr. Speaker, may I inquire how much time remains?

The SPEAKER. Mr. HASTINGS of Washington. The gentleman from New York (Mr. RANGEL) has 12½ minutes remaining. The gentleman from Illinois (Mr. WELLER) has 11 minutes remaining.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL), a member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is a very good example of where we could have found common ground with the Republicans to get marriage penalty relief for the American people. But once again, the proposal that they offer is excessive.

I would highlight to my colleagues that their proposal is more generous than the one that President Bush proposed. It is excessive in that it goes way beyond his proposal, which presumed that the AMT was a tax that only people above $500,000 a year would be paying.

Mr. Speaker, this is too generous, and the Republican Party is like parents with twins. They know college is coming in just a few years, and they should be saving for it.

Mr. Speaker, by providing excessive tax relief, the Republican Party is denying the looming problems that result from the retirement of the baby boomers in just a few years. This bill represents missed opportunities once again. It could have contained more tax simplification than it does, which we should be doing, and it could have offered far more relief on the alternative minimum tax. But AMT relief and simplification are not part of the current political agenda in this institution.

Mr. Speaker, there are some good points to this legislation: The child credit, the earned income tax credit, and they do touch upon some relief with AMT.

The problem with this legislation is, once again, it is excessive. What we do here is we cut taxes and then we do a budget, rather than the other way around.

Let me speak specifically, if I can, for just a moment about alternative minimum tax, and I hope people are paying attention to what is about to happen.

This bill makes the alternative minimum tax worse by, listen to this, $292 billion. That is not much of a fix. There are currently 1.5 million taxpayers who are categorized according to AMT. Under the current law, that number increases to 20.7 million in 2012. This week alone, some taxpayers of only $50,000 a year, get ready, they are about to pay alternative minimum tax. Because of this entire tax proposal, 15 million more Americans are going to be forced into alternative minimum tax. If this bill goes through and is signed by the President, there is going to be no revenue left to fix alternative minimum tax.

The Democratic alternative is a sound piece of legislation. It is certainly much more fiscally responsible than the bill that we are going to vote on in a few moments. Our legislation is superior in that it addresses the looming problem of AMT. Get past sloganeering. Get down to policy. Fix alternative minimum tax.

Mr. WELLER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would like to respond to my good friend, the gentleman from Massachusetts (Mr. NEAL), who discussed the consequences of alternative minimum tax. Of course, the alternative minimum tax was increased with the 1993 tax increase that President Clinton and the Democratic majority enacted back in 1993. I would note that their proposal provides actually less AMT relief than our proposal that we are offering today. I would note that in the marriage penalty relief that is in H.R. 6 that taxpayers are being held harmless. They do not see the consequences of AMT, the alternative minimum tax. If this bill goes through, that is a good thing and a step forward. Of course, I would note that in my friend’s district that almost 100,000 children would be denied relief and help under the proposal which he supports.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. CRANE), the dean of the Illinois Delegation and a senior member of the Committee on Ways and Means.
Mr. CRANE. Mr. Speaker, I thank my distinguished colleague, the gentleman from Illinois (Mr. WELLER), for yielding me this time.

Mr. Speaker, I am pleased to support the bill brought forth today reducing the marriage penalty and reducing taxes on families with children. This bill is the second installment on a tax relief plan put forward by President Bush to let overtaxed Americans keep their money. We are running enormous surpluses that are more likely to grow than shrink in the coming years if we do not act.

President Bush has a responsible program of tax relief refunding these surpluses to the people who pay the bills. The marriage tax penalty should never have been allowed to creep into the Tax Code in the first place. It violates sound tax policy and runs counter to bedrock American traditions. It has a tremendous negative impact on the people of my district. More than 70,000 couples pay an average marriage tax penalty of $1,400 per year in the eighth district of Illinois. That is nearly $100 million per year that families could spend in our district on education if they chose to do so.

This bill also doubles the per child tax credit as President Bush recommends. According to the Heritage Foundation, families in my district have nearly 125,000 children that would benefit from this increased tax credit. That is equal to $62.5 million per year that families can spend on health care, clothing, and their education. This is obviously important for reducing the tax burden on families, but it also reduces marginal tax rates for affected families. Because of the various phase-outs and other provisions in the Tax Code, a relatively low-income family with children can easily find themselves in much higher tax brackets than those paid by the rich.

Mr. Speaker, and I would also say to my friend, the gentleman from Illinois (Mr. WELLER), who will mention, I hope, the number of people in my district who will benefit from the marriage penalty relief, I would hope that our substitute would be supported because the substitute will provide more relief to those who have a marriage penalty problem until the year 2004. The Republican bill that is on the floor does not provide any help in regards to the rate problems until the year 2006. The problems that I have with the Republican bill, and why I am going to vote against it because it is back-loaded. That means in order to get everything to fit together, most of the relief is provided in the second 5 years, not in the first 5 years.

In the first 5 years, under the Republican bill, only 28 percent of the relief is provided. The rest is in the outyears. Because they phase it in over such a long period of time, they are not providing all of their promises that cannot possibly be lived up to, they back-load the cost of the bill. In fact, when this bill is put in with the rest of the bills that are being offered, and I have a little bit of heartburn as to how impossible it is for everything to fit together.

We have already passed the first bill here and now we are doing the second one, and there is hardly any money left over for the estate tax relief and the health care and the debt service.

Remember yesterday we had a $1.6 trillion budget for tax relief. Well, when all of this is added up, if debt service is counted, it is going to be $3 trillion. That is why those of us, particularly on this side of the aisle, are concerned that all of this cannot be done and still protect Social Security and still protect Medicare and be able to expand Medicare to include prescription medicines and pay down our national debt, which should be our first priority, and to invest in education, which both Democrats and Republicans have been talking about.

The gentleman from Massachusetts (Mr. NEAL) is correct. We missed an opportunity today to have a bipartisan bill that could have enjoyed, I think, very broad support, to fix the marriage penalty problem, because there is a legitimate need to fix the marriage penalty problem. For those who are working hard and want to do something about it to the number of people that the gentleman from Illinois (Mr. WELLER) will mention in my district, I urge support for the substitute that will be offered by the gentleman from New York (Mr. RANGEL) very shortly.

Once again, that will provide more relief, more relief to those people who have a marriage penalty until the year 2004, because the Republican bill, the underlying bill, because they are trying to put, as my chairman likes to say, 15 pounds of sugar into a 10-pound bag, they had to cut back on how they implement the bill.

So let us be fiscally responsible. Let us be able to pay down the national debt. Let us be able to deal with Social Security and Medicare and the other priorities. Support the Democratic substitute. Oppose the Republican bill.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would note to my good friend, the gentleman from Maryland (Mr. CARDIN), that his argument in favor of the Democrat substitute indicates that he will vote over 100,000 children in his district the help that is provided in the bipartisan bill that is before us.

Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. TRAFICANT), who is one of the key bipartisan supporters of H.R. 6 before us today.

Mr. TRAFICANT. Mr. Speaker, I would like to look at this from a different perspective. Our labor is taxed. Our savings are taxed. Our investments are taxed. Our profits are taxed in America. Our sweat, our thrift, our future, all taxed in America and being addressed, quite frankly, pretty well by the Republicans. If we think about it, even business taxes, a tax on business, is passed on to us by payers.

Now, if that is not enough to tax your lower intestinal tract at the very lowest of levels, Mr. Speaker, even our sex is taxed in America. That being marital sex. Think about it. Marital sex in America is taxed. Responsible, legally married couples' sex is taxed while casual promiscuous sex in America goes literally untaxed and is incentivized and rewarded. A family friendly Congress does not penalize married couples right to the point.

I want to commend the gentleman from California (Mr. THOMAS), commend the gentleman from Illinois (Mr. WELLER), and I want to commend the Republican Party that if we are to be family friendly we should start right at the base of it all and get down to the testosterone, Mr. Speaker.

It is time to treat married couples at least as well as we treat casual sex participants in the United States of America. I commend the chairman again, and I urge anaye vote for the bill.

Mr. RANGEL. Mr. Speaker, I reserve the balance of my time.

Mr. WELLER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY), a respected member of the Committee on Ways and Means.

Mr. FOLEY. Mr. Speaker, I thank the gentleman from Illinois (Mr. WELLER) for yielding me the time.

Mr. Speaker, I do not think I can be quite as erudite as our last speaker but I will attempt to at least engage in a fair debate on why this is an important bill.

I am delighted actually that the other side of the aisle is actually talking tax relief. I remember being accused last year of not believing with the budget of the United States when we had proposed somewhere in the nature of $600 billion of tax relief and, lo and behold, this year the Democratic
substitute is well over $900 billion. So at least we are heading in the right direction.

How anybody could stand on this floor and defend the current tax structure that is punitive to families is beyond me.

Now I am single, and I certainly do not want to spread the tax burden on to single people after we pass this bill and I want to make certain we do not do that. I suggest that 510,000 families in my district are suffering a penalty under the marriage tax as it is structured. Twenty-five million couples in America pay an average of $1,400 more in taxes simply because they file as married couples. This bill provides relief and it provides important relief.

Now, a lot of people are babbling around this place about the fact that the bills that we have passed are not front a substitute because they do not provide immediate relief. Well, I beg to differ. This bill provides immediate relief. This bill provides substantial relief and this bill finally clarifies what is an erroneous provision in the Tax Code.

It was mentioned earlier today that 51 Democrats voted for our approach last year, and I believe it will even grow this year. It is pretty hard to go home to communities, to districts around America, to the 435 districts around this country, and suggest on a Sunday at church or a temple or synagogue that one believes in keeping this kind of onerous burden.

I encourage those who feel so compelled that they can go to their communities this weekend and inform them of the fact that they chose not to relieve the burden on families.

I am delighted that the Democrats offer a substitute because at least they recognize there is a problem. I do not support the approach. I support ours, but I am delighted that they are advancing a number of proposals.

I happen to be on this floor that we are to be criticized because we did tax bills before budgets.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from South Dakota (Ms. THUNE), who has been a real leader in the effort to eliminate the marriage tax penalty and help families by expanding tax credits.

Mr. THUNE. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time, for his hard work on the subject, and for the hard work of my colleagues (Ms. McINTOSH, Mr. THOMAS) in leading the effort to allow the American families to keep more of what they earn.

The marriage penalty is not about politics. This is not a political issue. It is not about rich versus poor. The marriage penalty is about fairness to American families. There are 75,000 couples in South Dakota who pay higher taxes because they chose to get married. That is wrong.

I am going to give my colleagues a specific example in my State of how this works. I have people come into my office all the time and they bring in their tax forms. There was a young couple that came in in 1999, a two-earner couple, they have two children, they made $67,000 between them and they paid $1,953 more in Federal income taxes because they were married. The Tax Code punishes married couples in this country, and that is wrong.

Mr. Speaker, it is very important that we realize the impact this has, not just in the general term, and we hear the numbers thrown out, but in very specific terms, how it affects families across America. I talked to another lady in South Dakota who was talking about a young couple, they were not married, they had four kids between them. She said, well, why do your guys not get it? I said, well, because today, when we get our taxes back, we get $4,000 back in our tax return. If we got married, we would only get $1,500 back.

Mr. Speaker, it is wrong for the Tax Code to affect people's decisions; it is wrong to penalize married couples for choosing to get married. We need to do what is right for the American family; we need to do what is right for America. We need to make the Tax Code fair again to American married couples. We need to eliminate the marriage penalty.

Mr. Speaker, I urge my colleagues to support this legislation today.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from Missouri (Ms. McCARTHY).

(Ms. McCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to express my strong support for marriage penalty tax reform. Americans should not have to pay additional taxes simply because they have made the decision to get married. Unfortunately, the marriage penalty tax relief as proposed by the President provides little relief to families with incomes under $30,000, and a lot of the benefit that is designed for middle-income families does not even start to take effect until after 2004.

The Democratic alternative offers relief to all married couples with an income tax liability starting next year. The Democratic plan also protects transfers that are proposed to be made to the Social Security and Medicare trust funds.

Mr. Speaker, at the beginning of the week I was with the President in my district in Kansas City as he outlined the details of his tax proposal; and as I listened, I found myself thinking that most of the workers in the small business facility where we gathered would benefit more from the provisions of the Democratic alternative tax plan, lowering payroll taxes and providing relief within the next year, rather than waiting for the complicated credit system in the President's plan.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I consume.

Mr. Speaker, a very important issue has been brought to the House floor this morning, and one that certainly has to be addressed by both Republicans and Democrats.

We know there is a compromise, and we soon will be able to debate that, that not only provides a better way to take care of this very serious problem, but fits into an actual budget that no matter what the surplus actually turns out to be, we can have some assurances that this relief will be there.

What the majority is doing is not bringing to us the full tax bill that...
they are talking about, because they know that the various parts of this tax bill just does not fit into the $1.6 trillion tax cut that the President wants. It is almost like trying to get a big size 12 foot into a size 6 shoe. It just does not fit.

If we take a look at the illustration that has been shown before on the House floor and think that this pie represents $1.6 trillion, $958 billion in rate reduction, then that just leaves $243 billion to be taken from the rest of the tax cut. So we are not saying that we are closing out today, that this is it, that they have done what the compassionate, conservative President wants, because we know that we soon will be discussing how we can give estate tax relief.

Now, this is going to be really a giant-sized foot getting into a size 6 shoe when this comes to the floor next week. Because even though they may estimate that will be $2 billion or $3 billion to take care of this problem, those that are looking for estate tax relief should really take a hard look and find out when is that relief expected. I suspect it will not be for a long, long time.

The Joint Committee on Taxation was asked to give an estimate as to in the long run what it would cost. They say $685 billion over 10 years. Now, the Republican leader has made it clear that is what we can do with the rest of the tax cut. Those joint committees agree with them, they waive it around; but when joint committees disagree with them, they attempt to ignore it. In any event, it is going to be really educational to see how they attempt to swallow the cost of estate tax repeal as opposed to what we have attempted to do in our bill, H.R. 1264, and that is to make certain that we give relief, except for the .06 percent who are extremely wealthy that should be paying some taxes on those estates.

But even if we assume that they can wedge in some kind of way relief for estate tax, we have so many other things that cannot fit into this. They talk about fixing the alternative minimum tax. Some of us that come from high-income States have been able to deduct from our Federal taxes, and this will no longer be able to be done, and that costs us $252 billion if we tried to bring back the equity to those people from high-income States.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume to say, in recognition that we have a bipartisan approach supported by Democrats and Republicans, that it is a great opportunity to work to eliminate the marriage tax penalty for 25 million couples and help millions of children throughout America by increasing and doubling the child tax credit.

Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin (Mr. RYAN), the most junior member of the Committee on Ways and Means, who, by the way, is a newlywed himself, to close on our side.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me this time. I would like to congratulate the gentleman from Illinois (Mr. WELLER), my friend and colleague, for taking the lead on this issue, not only through this Congress, but through the past Congresses. The American people and all married people have a debt of gratitude once this becomes law. So our thanks to the gentleman for his effort on this.

Mr. Speaker, we are hearing all of these excuses on the floor of Congress today as to why we should not do this. What is the excuse? Well, I am hearing this excuse that it would be fiscally irresponsible for us to pass this legislation. We cannot afford to spend this money on tax cuts. That is essentially the opposite of what we are hearing from the other side.

Well, it really comes down to a philosophy, a difference of opinion. It is not the Federal Government’s money in the first place to afford to spend this way, we have a surplus of $418 billion which came to Washington because taxpayers overpaid their taxes. That is what a tax surplus is.

On top of it, it has fit very well within our budget, which pays down the debt, which stops the raid on Medicare and Social Security; and on top of that, as taxpayers continue to overpay their taxes, we are taking a look at the problems in the Tax Code, and we are looking at this great problem. Is it right for the American economy, for the Federal Government, to tax people because they get married? No, it is not right. We should not be doing this. It is a horrible disincentive built into our Tax Code that penalizes the greatest institution of our culture: marriage.

That is why it is important that we vote for this bill. That is why it is important that we try to pass this before and it was vetoed by the past President, we have an amazing opportunity, on a bipartisan basis, with Democrats and Republicans joining together, as have the authors of this bill, to pass this and tell the American people, you are no longer going to be penalized for getting married.

I urge a yes vote.

Mr. UDALL of Colorado. Mr. Speaker, I support changing the tax laws so that people will not pay higher income taxes just because they are married. And I also support increasing the child credit, to assist families who are struggling to make ends meet for their children.

So, reluctantly I am voting to pass this bill. I do so without illusions. I recognize that the bill is very far from perfect. I wish it were better. And it would have been better if a majority of our colleagues had joined me in voting for the Rangel substitute or for the motion to recommit. But that did not happen. I am voting for the bill because the Republican leadership has made it clear that they will not allow the House to pass a better one.

As was made clear in the debate, the bill does far more than is needed to deal with the problem of the so-called “marriage penalty”—in fact, many of the married couples covered by the bill already pay lower income taxes then they would if they were single. But it does reverse the problem faced by those people who do pay a “marriage penalty.” And, the bill does not do all that should be done regarding the child credit. For starters, it is slow, so that the full increase does not take effect until 2006. And, while it does allow the credit to offset the alternative minimum tax, it does not make the credit fully refundable. That is something that we should be doing—and something that I will work to achieve in the future. But, I have concluded that the bill is enough of an improvement on the current law that I can support it.

Mr. HOLT, Mr. Speaker, I urge my colleagues in joining me today in voting to eliminate the so-called marriage penalty that makes many couples pay more in taxes than they would if they were not married. I have been pushing for marriage tax relief since I was elected 2 years ago. In the last Congress, I was proud to be one of the Democrats to cross party lines and vote for this measure when it passed the House of Representatives. Unfortunately, the bill was vetoed by President Clinton and did not become law.

Now, I have an opportunity to support this bill, one that does respond to the problem faced by those couples. And, it does far more than is needed to deal with the problem. It cuts everybody by the Treasury Department, about 48 percent of couples pay a marriage penalty. That is why it is important that we vote for this bill. That is why it is important that we try to pass this before and it was vetoed by the past President, we have an amazing opportunity, on a bipartisan basis, with Democrats and Republicans joining together, as have the authors of this bill, to pass this and tell the American people, you are no longer going to be penalized for getting married.

I urge the House to support the marriage tax relief bill in the same way we did the Alternative Minimum Tax relief bill.
give with the other hand. The Rangel substitute makes more of these tax cuts take effect this year, to help people hurt by the slowing economy and to rebuild consumer and investor confidence. All in all, the Rangel substitute cuts taxes by $585 billion over 10 years, including $599 billion in the first five years.

Our tax code should not penalize marriage. We must come together in a bipartisan way to address this problem. I will continue to work in a bipartisan way to see that marriage tax relief becomes law.

Mrs. CAPITO. Mr. Speaker, most of the talk on tax relief this year has focused on how cutting taxes would stimulate the economy . . . and that it would. But let’s not lose focus of the other important issue here, the issue of tax fairness. The marriage tax, is most simply stated, unfair. A couple’s wedding day should never be an excuse for the government to siphon off more money from taxpayers. Our tax laws should never discourage couples from marrying by making it financially undesirable.

H.R. 6 is a step in the right direction on the road to tax fairness. The bill corrects the glaring inequity that discriminates against married couples. In my home State of West Virginia, over 137,000 married couples will no longer be burdened by the marriage tax. Now, 137,000 couples may not sound like a lot of people to my colleague from California or Texas, but in a state where the total population is 1.8 million, that’s a lot of people who will now see meaningful tax relief.

Married life and raising children are never easy tasks. They require constant work, stewardship, compromise loyalty and responsibility. Today, Congress has an opportunity to do a little bit easier on married couples and parents. Today, we have the opportunity to remove needless financial burdens, allowing Americans to focus more on where our country’s future lies: in our homes, with our children. Let’s do the fair thing. Let’s do the right thing and end this inequity and repeal the marriage tax penalty.

Ms. BALDWIN. Mr. Speaker, unfortunately I must oppose H.R. 6, the Marriage Tax Elimination Act. This tax code is unfair burden on many working families and I strongly support legislation to eliminate it. However, the Republican bill that is on the House floor today costs far too much and does far too little for Wisconsin families.

Hall of the relief from the legislation would benefit tax filers that currently pay no marriage penalty. Also concerning is that families that need relief the most . . . families making less than $27,000 . . . would not benefit from the changes to the refundable child tax credit. The relief, if approved, will not take effect until after several years, providing no stimulus to the economy. Fully 70 percent of the bill would not take effect until after 2006. Finally, this bill will cost $400 billion over the next 10 years. Combined with the tax cut passed in the House earlier this month, the total cost for these tax cuts is $4 trillion at $1 trillion in the first five years. The overall size of these tax cuts jeopardizes the fiscal health of this nation.

I was absent from the House today due to a death in my family. However, I did vote for legislation that is on the floor today and that I believe is important for Wisconsin families. The legislation, the Democratic substitute, creates a 12 percent tax bracket for the first $20,000 of taxable income for married couples and $10,000 for single people. This bracket is phased in beginning in 2001 and is fully effective in 2003, offering immediate relief to those who need it most. Also, the substitute would increase the standard deduction for married couples to twice the standard deduction for single filers. This provision would take effect beginning with the 2001 tax year. I urge my colleagues to vote against H.R. 6 and support responsible tax relief for working families provided in the Democratic substitute.

Mr. STARK. Mr. Speaker, I rise today on behalf of the hard-working families in my Congressional district to support H.R. 6, the Marriage Penalty and Tax Relief Act. I am here today to ask for fairness and common sense to protect families and secure our children’s future.

The Marriage Penalty and Family Tax Relief Act of 2001 (H.R. 6) will provide roughly $400 billion over 10 years in tax relief to families by increasing the child-care tax credit and fixing the marriage penalty tax. In addition, this legislation also increases the standard deduction, expands the 15 percent tax bracket, doubles the earned income tax credit for low-income families and adjusts the alternative minimum tax.

Twenty-five million couples pay the marriage tax penalty each year to the tune of $1,400, including over 60,000 couples in my congressional district alone. It is unfair that married couples should shoulder this burden, simply because they chose to say “I do.” This legislation is critical to simplifying the tax code more simply, fairly and fairly.

I urge my colleagues to join me in supporting H.R. 6 and finally ending the marriage penalty tax. I am also pleased that the House will continue its work on reviewing President Bush’s tax plans when we consider the repeal of the estate tax in the coming week.

Mr. CRENSHAW. Mr. Speaker, I rise in strong support of this important legislation to repeal the marriage penalty and provide greater relief through the child tax credit.

And, I want to thank my friend from Illinois, Jerry Weller, for his work to get the tax code that discriminates against married couples on the shelf. And Speaker HASTERT for standing firmly on the side of the American family by bringing this bill to the floor today.

As I travel around Florida’s fourth district, I speak to a lot of couples who are concerned about how much they pay in taxes, in particular for the unfair marriage penalty. In fact, nearly 57,000 couples in my district pay an average of $1,400 more per year than if they were filing their taxes as single people.

A lot of attention is paid to the young couples, but the average American family is a family of a lifetime—and the hardship they suffer as a result of the marriage penalty. But, I met a wonderful couple in my district last year, a widow and widower, both in their sixties, that had made a conscious decision not to marry because they were very aware of the effect it would have on their limited marital income. It’s just commonsense to let these people marry without concern about how their wallets would be impacted.

These couples were so pleased when Congress passed relief for married couples. And when they were told what President Clinton vetoed this fair legislation. That’s why I am proud to be an original cosponsor of H.R. 6, which will finally give these married couples the relief they deserve. This bill not only puts married couples back on equal footing with single taxpayers by expanding the 15 percent tax bracket and doubling the standard deduction, but also doubles the child tax credit. The bill helps all families keep a little bit more of the money they earn money.

With passage of this legislation, the House is letting the average family of four keep $1,600 to pay their own bills and debts, save for a rainy day, or send their kids to the little league, ballet lessons, and tutors that they want to be able to afford. It seems the least we can do to let these people keep the dollars they earn. They’ve done with a little less when dollars were short in their households, due in part to the fact that they overpaid in taxes to the government. It’s time we put America’s families first and pay back some of the money these families have overpaid to the government.

With that, Mr. Speaker, I urge my colleagues to support this important legislation. Mr. STARK. Mr. Speaker, I would like to dispel any notion that the tax bill before us here today is right. The recent Tax package is so large—$2.5 trillion and counting—that it cuts into vital spending programs that benefit families across the Nation.

Today’s bill is one more tax bill to make the American public believe that the Congress is going to cut the wrong way. The Tax bill will spur the economy out of a recession, while simultaneously maintaining fiscal discipline and addressing the vital spending needs of our Nation. This tax bill is nothing more than an excuse for why Congress will be forced to privatize Social Security and Medicare when the baby boomers begin to retire; why we can’t give a worthwhile Medicare prescription drug benefit to our seniors today; and why we need to cut vital child care programs.

The tax cut before us today clearly demonstrates a lack of commitment to our children when it forces cuts in other programs that directly help children. Republicans reduce funds for the Child Care Development Block Grant (CCDBG) by $200 million in 2002 and freeze funds after 2002 in order to pay for their tax cuts. The child care provided through the CCDBG is a critical component to assist poor families’ move from welfare to work. At the moment, the block grant only has enough money to serve 12 percent of the eligible children. We need more funding in this program, not less. As Secretary of HHS Tommy Thompson said, “welfare reform does not come cheap.”

The Republicans let Temporary Assistance for Needy Families Supplemental Grants expire in 2001. Even worse, the Republican Senate leadership for Needy Families Supplemental Grants. Since the remaining Federal funds to pay for State income tax credits for charitable contributions. These funds would otherwise provide critical welfare-to-work services. The Democrats’ tax package is moderate in cost, allowing an increase to at least $2 billion in 2002 in title XX Social Services Block Grant Funding.

States which earn less than $27,000 will not see any of the benefit from the promised increase in the child tax credit. Furthermore, many families who earn more than $27,000 may receive a benefit in the current tax code. In fact, 31.2 million taxpayers (24 percent of taxpayers) will get no income tax cut from the GOP tax plan. The bill promises a $1,000 family credit but nobody is honest enough to tell
the American people that many families won’t see the child credit doubled because the child will be over 16 years old when the credit takes effect in 2006. Families with children over the age of 11 are being promised an additional $500 but won’t actually see it unless they have children to claim. Let’s be honest about the bill before us—it will not affect the economy anytime soon. Most of the provisions in this bill don’t take effect until 2006 and some don’t take full effect until 2009. The U.S. economy is facing a recession and the case where we offering tax breaks 5, and even 8 years from now? It’s quite obvious. The GOP tax plan is too expensive to fit it in today’s budget. My Republican colleagues have been tasked with fitting a size 12 foot into a size 6 shoe. This legislation is one of several that will be combined to create excessive tax cuts that will provide a disproportionate amount of benefits to the wealthiest in our society. Later today, the Ways and Means Committee will mark up a bill to repeal the estate tax that is clearly designed to help the most affluent in the United States.

The Rangel substitute bill on the floor today is the responsible choice for family tax relief. The bill is honest, fair, fiscally responsible, and encourages family formation and a responsible marriage. The Rangel substitute spends a fraction of the comprehensive Bush tax proposal, leaving room to pay down the debt and for other critical spending needs such as education and a Medicare prescription drug benefit. A lower national debt means lower interest costs leaving us in better fiscal shape to meet the demands of a retiring baby boom generation. The Rangel substitute benefits all families by giving all families a rate reduction; doubling the standard deduction for married couples to twice that of single individuals; adjusting and simplifying the earned income credit so lower-income families will see tax relief. Finally, the substitute fixes the alternative minimum tax (AMT) so when it appears that a family will receive tax relief, they won’t be denied the relief due to the AMT. I urge everyone to vote for the equitable and responsible Rangel substitute and oppose the “voodoo” economics tax plan before us. It didn’t work in the 80’s and it won’t work in the new millennium.

Mr. GILMAN. Mr. Speaker, I’d like to start by thanking Chairman THOMAS for moving the next installment of President Bush’s tax relief plan so quickly. Today, we are helping to fulfill a promise made to the American people and delivering $400 billion in relief to families suffering the marriage penalty and families struggling to raise children.

We need to provide urgent relief to families suffering from the unfair marriage tax penalty. About 9 million married couples currently pay an average of $1,400 more in taxes than they would as single taxpayers. In my own congressional district alone, 80,000 married couples pay higher taxes simply because they are married. That is wrong.

Consider what $1,400 a year would mean to a family struggling to make car or mortgage payments, to buy groceries and clothes for their kids, or to save for their child’s college education. If opponents of this measure don’t believe marriage penalty tax relief will make a real difference in the lives of real families, then frankly—they are severely out of touch.

Mr. Speaker, I urge my colleagues to support real relief for real families, right now. Support this important measure today and put money back in the pockets of American families.

Mr. OTTER. Mr. Speaker, I rise today in strong support of H.R. 6, the “Marriage Penalty and Family Tax Relief Act of 2001.” With about two weeks to go in the Congress, I urge my colleagues to fulfill our pledge to finally begin easing the tax burden on every American family. H.R. 6 will eliminate the marriage penalty and raise the child tax credit. This bill is an essential part of restoring fairness to our tax system and helping Idaho families.

Many married couples today have to pay a tax penalty of more than $1,400 per year. For young people on limited incomes this is often an insurmountable barrier to marriage. The Marriage Penalty and Family Tax Relief Act will increase the deduction for a jointly filed return to twice the level of a single deduction. Millions of people who are considering marriage will no longer have to worry about paying the taxman on their wedding day. And expand the lowest 15 percent income bracket to families with children. We will double the child tax credit from $500 to $1,000. America’s children deserve to have their parent’s income spent on their welfare, not stolen by the government and grudgingly returned. This bill will give an additional $400 billion in relief to Idaho’s first district the money they need to meet the rising costs of raising a family in this country.

The Marriage Penalty and Family Tax Relief Act is an important and needed first step. It will lift children out of poverty, encourage family formation, and stimulate our economy. I urge this house to send the surplus home to America’s families, and pass H.R. 6.

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise in support of the Marriage Penalty and Family Tax Relief Act of 2001. H.R. 6 will provide $399 billion in tax relief over the next 10 years for almost 50 million American taxpayers and their families. First, H.R. 6 will increase the standard deduction for married couples to double that of singles and applies that credit to the alternative minimum tax. Moreover, it also increases both the standard deduction and the 15 percent tax bracket for married couples to double that of single files. Finally, it increases the income amount eligible for the earned income credit (EITC), making additional families eligible for this credit.

The 106th Congress visited this issue last year, and passed repeal legislation by wide margins. Regrettably, the then-President vetoed our legislation because he opposed expanding the 15 percent bracket. We now have an opportunity to correct this mistake, and help those couples with combined incomes of $40,000–$60,000, who by no means are wealthy.

The current Tax Code punishes married couples where both partners work by driving them into a higher tax bracket. The marriage penalty taxes the income of the second wage earner at a much higher rate than if they were taxed as an individual. Since this second earner is usually the wife, the marriage penalty is unfairly biased against female taxpayers. Moreover, by prohibiting married couples from filing combined returns whereby each spouse is taxed using the same rate applicable to an unmarried individual, the Tax Code penalizes marriage and encourages couples to live together without any formal legal commitment to each other.

The Congressional Budget Office has estimated that 42 percent of married couples incurred a marriage penalty in 1996, and that more than 21 million couples paid an average of $1,400 in additional taxes. The CBO further found that those most severely affected by the penalty were those couples with near equal salaries and those receiving the earned income tax credit.

This aspect of the Tax Code simply does not make sense. It discourages marriage, is unfair to female taxpayers, and disproportionately affects the working- and middle-class populations who are struggling to make ends
meet. For all of these reasons, it needs to be repealed.

Mr. KIND. Mr. Speaker, I rise today in support of port marriage penalty tax relief. I strongly believe that we should reduce the marriage penalty that couples incur and relieve millions of married couples from an unfair tax burden.

Reducing the marriage penalty is the right thing to do. It must be part of a tax plan, however, that is fair and fiscally responsible.

We must consider it as part of a responsible budget framework that would give priority to using the emerging budget surplus to address our existing obligations, such as investing in education and defense, providing a prescription drug benefit for seniors, shoring up Social Security and Medicare, and paying down the $5.7 trillion national debt.

That is why I support the measure to eliminate the marriage penalty offered today by Representative RANGEL. It would do a better job of fixing the marriage penalty and cost significantly less than H.R. 6.

H.R. 6, if passed, would bring the total cost of the Republican tax cut to $1.4 trillion and even though the President claims to spend only $1.6 trillion on tax cuts. The remaining Republican tax promises and the increased payment on the national debt could easily reach $2.9 trillion.

Moreover, the surplus projections on which these tax cuts are based are already outdated given the recent slowdown in the economy. Furthermore, the tax cuts are so backloaded that families will not benefit, if at all, for at least 3 years. In fact, 74 percent of the tax relief wouldn’t occur until 2007 or beyond under H.R. 6, and its based on projected budget surpluses that may not occur in that time.

The Republican numbers just don’t add up, and the surplus estimates they are using are completely unreliable. There is no way the House Leadership can keep all of its remaining tax cut promises without putting the Social Security and Medicare trust funds at risk.

The bulk of the tax relief provided in the Republican bill is not marriage penalty relief, but instead is a cut in the top income tax brackets that benefit higher income individuals. In fact, half of the relief goes to those who do not pay any marriage penalty today; instead those couples receive a marriage “bonus.”

Another concern of mine is that H.R. 6 discriminates against single taxpayers. It provides tax relief for those who choose to marry, but does nothing for those who are remain single.

I find the Rangel substitute to be more responsible and fair. The substitute, like the bill, would reduce the marriage penalty by increasing the basic standard deduction for a married couple filling a joint income tax return to twice the basic standard for an unmarried individual.

The substitute would also reduce the marriage penalty by modifying the Tax Code in order to make more married couples eligible for the earned income tax credit (EITC). It would increase the income level at which the credit begins to phase out by $2,500. A family with one child will get $272 and a family with two or more children will get $320 beginning in 2002.

H.R. 6 does not provide the same relief for those working families with children as the alternative does. I realize H.R. 6 proposes an increase in the current $500 per child tax credit to $1,000 per child.

This credit, however, is only refundable for a family with three of more children. Therefore, a family who has two children and income less than $27,000 would get no tax relief from the current law.

Mr. Speaker, I urge my colleagues to do what is right for the American people and support marriage tax penalty relief offered by Representative RANGEL. This substitute provides genuine relief for citizens who are truly penalized by the tax code. I know that this kind of tax relief is supported by many of my colleagues on both sides of the aisle, and I was sincerely looking forward to have the opportunity to vote today on a bipartisan tax relief bill. But given the backtracking of tax relief in H.R. 6 or the speculative notion of budget surpluses occurring 8, 9, or 10 years from now, I cannot in good conscience gamble with my two young boys’ future and risk embarking on an economic course that could return us to the days of budget deficits.

Mr. WELDON of Florida. Mr. Speaker, I rise in strong support of the bill before us.

It is immoral to tax marriage, but that is what our current tax law does. Americans should not be forced to pay higher taxes just because they get married. For years the Republican-led Congress has struggled to reform this regressive penalty. President Clinton would not allow us to repeal this tax. I am pleased that President Bush has proposed and pledged to sign into law, legislation to repeal this tax.

Some in Washington believe that the federal government is entitled to this money. I disagree. Every dollar that comes into Washington comes out of someone’s pocket. This bill recognizes this and focuses on getting rid of this tax that unfairly penalizes one segment of the American people—those who get married.

This bill will provide marriage tax relief to 53,000 couples in my Congressional District.

The bill before us also doubles the child tax credit to let parents keep more of what they earn. It is expensive raising children today. Unfortunately, the child deduction in the tax code has been eroded by inflation. Today this deduction amounts to less than half of what it would be if it had kept pace with inflation since the 1950s. We begin to further address this erosion, by doubling the per child tax credit from $500 to $1,000. This will provide tax relief to the parents of 84,000 children in my Congressional District.

This bill not only benefits married couples; it benefits families with children as well. H.R. 6 doubles the child tax credit from $500 to $1,000 and expands the Earned Income Tax Credit (EITC), allowing families in Connecticut’s Second District to keep more of their earned income. That’s what we choose to do. It will help more couples keep one spouse at home to raise their children. Mr. Speaker, how do we have any hope of stemming the flow of divorce, broken homes, and childhood violence if we do not support marriage and strong families at every turn?

This bill will fix the marriage penalty. It will help more couples keep one spouse at home to raise their children. Mr. Speaker, if we cannot afford to fix this problem when we are enjoying surpluses, when can we do it? When do we have any hope of stemming the flow of divorce, broken homes, and childhood violence if we do not support marriage and strong families at every turn?

This bill will send a message to couples, young, and old, that we support them. Mr. Speaker, it is time to divorce ourselves from this unfair tax. I urge my colleagues to support this bill.

Mr. MONS. Mr. Speaker, I rise in support of H.R. 6 and against a unfair tax.

The issue before us is the marriage penalty tax. But clearly the deeper issue here is fairness—and from whatever angle you view the marriage penalty tax it is unfair. It is unfair to impose different tax burdens on couples of equal income simply because one of those couples chose to get married and begin a life together.

Isn’t it enough that we tax their wages, their automobile, their gasoline and nearly every-thing else they will purchase or acquire? Must we also ask couples to write a check simply because they say, “I do” to each other?

This tax is bad public policy and I am proud to be an original cosponsor of the bill that will once and for all eliminate the marriage penalty tax.

This bill not only benefits married couples; it benefits families with children as well. H.R. 6 doubles the child tax credit from $500 to $1,000 and expands the Earned Income Tax Credit (EITC), allowing families in Connecticut’s Second District to keep more of their earned income. That’s what we choose to do. It will help the parents of over 120,000 children buy clothes for school, buy the gasoline to get to work there, pay the heating bill to keep them warm, and buy the food to make them strong.

This bill will send a message to couples, young, and old, that we support them. Mr. Speaker, it is time to divorce ourselves from this unfair tax.

When I came to Congress, I pledged to work toward the elimination of the marriage penalty tax. I made a promise. And I am proud to join my colleagues in keeping this promise and providing a long overdue element of fairness to the way that our nation taxes married families.

The institution of marriage represents important values to our culture. We need to support our families. Mr. Speaker, if we cannot afford to fix this tax and support America’s families.

Mr. COYNE. Mr. Speaker, I rise in reluctant opposition to this legislation.
I have consistently supported efforts to fix the marriage penalty, and I support increasing the size of the child tax credit as well. In the past, I have cosponsored legislation to fix the marriage penalty, and I voted in favor of the 1997 legislation which created the child tax credit. But I cannot support this legislation today.

The concerns that I have about this legislation are threefold.

First, I am disturbed that a bill that will cost $400 billion over ten years does little or nothing—effectively, it is a short-term benefit for many low- and moderate-income couples. While the bill would provide partial refundability for the child tax credit—promising aid to lower-income families—the provision’s interaction with the earned income tax credit would provide no benefit to families with, for example, two children until their income exceeds $27,000. And while the bill would provide marriage penalty relief to families that don’t itemize their deductions—predominantly low- and moderate-income families—that provision doesn’t take effect until 2004 and is not fully phased in until 2008.

Second, I am concerned that this bill is only one part of a series of tax cuts that, when taken as a whole, will seriously reduce the federal government’s ability to carry out its existing obligations and address the pressing problems we confront our country—obligations like keeping Social Security and Medicare solvent and problems like improving education, providing affordable health insurance for the uninsured, and ensuring that prescription drug prices are affordable for all Americans. I consider the piecemeal consideration of this series of tax cuts to be a disingenuous attempt to conceal the true size of the total package—and to hide the important trade-off implicit in enacting the President’s package of tax cuts and addressing other federal priorities like improving education, ensuring all Americans’ access to affordable health care, and caring for our senior citizens. Moreover, the fact that so many of these tax cuts are phased in over the next 10 years tends to conceal their true cost—which will only be evident ten years from now—the short-term revenue which is projected—under even the most optimistic estimates—to begin running deficits again. And lest anyone paint those deficits as the result of an irresponsible, freespending Congress, I should note that those deficits will be produced almost exclusively by a doubling in Social Security and Medicare caseloads. I believe we should use most of any anticipated surpluses to prepare for that imminent challenge.

Finally, I am puzzled by the President’s characterization of his $1.6 trillion package of tax cuts as a jump-start for a struggling economy. The slowing national economy. Most of the $1.35 trillion in tax relief considered so far would not be phased in until after 2006. The tax relief provided by this bill in 2001 is minuscule. I don’t consider that timely intervention in terms of getting the economy back on track this year.

Consequently, I must oppose this legislation, and I will support a smaller, more responsible package of tax cuts that provide more of their tax relief to low- and moderate-income families. I urge my colleagues to do the same.

Ms. HOOLEY of Oregon. Mr. Speaker, ever since coming here to Congress, enacting common-sense tax relief for the people I represent back in Oregon has been one of my biggest priorities. So, it should hardly be surprising that I am going to vote for H.R. 6 today—just as I voted for it last year—and just as I’ll continue to vote for any bill that effectively ends the marriage penalty.

The sole purpose of this bill is to ease the federal income tax burden on married couples and low-income families with children. By easing this burden, we’re making sure that families will have more money to save up for a mortgage down payment or additional income to set aside for college expenses. I do want to raise a troubling aspect of our tax code that is going to have to be addressed sooner rather than later, and that’s reforming the alternative minimum tax, or AMT.

Originally adopted in 1969 to ensure the wealthy pay their fair share of taxes, the AMT has not been indexed for inflation since the early 1990s. And as incomes and deductions have risen in recent years, middle class families are more often than not receiving a love letter from the IRS after they’ve filed their returns notifying them that they owe the AMT. Now H.R. 6, the Tax Relief Act—specifically, it wouldn’t cancel out the gains of the bill for married couples. But the problem is that the minimum tax requires a different set of calculations and disallows many deductions—including deductions for state and local taxes—while keeping the same size family in Texas, which has no income tax, will only be liable if their income exceeds $146,307.

So while I am in favor of reforming the marriage penalty here today, I strongly urge my colleagues to keep the AMT in mind when they consider a proposal to give them right now.

Mr. BERREUTER. Mr. Speaker, this Member rises today to express his support for H.R. 6, the Marriage Tax Penalty and Family Tax Relief Act, of which this Member is once again an original cosponsor. This bill will have a positive effect on particular, lower- and lower-income married couples as H.R. 6 not only provides tax relief to married couples, but also expands the per-child tax credit.

This Member would like to thank both the main sponsor of the marriage tax penalty relief provisions of H.R. 6, the distinguished gentleman from Illinois [Mr. WELLER] and the chairman of the House Ways and Means Committee, the distinguished gentleman from California [Mr. THOMAS] for their instrumental role in bringing H.R. 6 to the House Floor. This Member appreciates the efforts of these distinguished colleagues as this Member has no income tax, will only be liable if their income exceeds $146,307.

Mr. ROGERS of Michigan. Mr. Speaker, every year more than $8,000 couples in Michigan’s eighth district pay the federal government’s penalty for saying “I do.” Until we remove this tax on marriage, families across Michigan and the country will continue to pay more in taxes than they should. The elimination of the marriage penalty will allow working families to keep more of their own money to provide for their needs.

The average penalty paid by Michigan families is $100 every year. This is real money that can make a real difference in the lives of working, two-income families. Let me share with you a few examples of what $1,400 means to families in Michigan.

A seventeen hour per month credit at Lansing Community College; nearly 10 months of electrical utility bills; 100 packages of size 2 Huggies Diapers; 3 months of child care; a well-deserved family summer vacation.

While there are many reasons to support the marriage tax penalty relief provisions of H.R. 6, this Member will specifically address the following two reasons.

First, H.R. 6 takes a significant step toward eliminating the current marriage penalty in the Internal Revenue Code tax so that a married couple who gets the tax cut would not be hit subsequently with a tax increase.

Second, H.R. 6 takes a step toward reaching the overall goal that the Federal income tax code should be marriage neutral. Currently, many married couples pay more Federal income tax than they would as two unmarried singles. Generally, the more evenly divided the earned income of the two spouses, the more likely they are to have a structural marriage tax penalty. Hence, married couples where each spouse earns approximately 50% of the total earned income have the largest marriage tax penalties. However, the Internal Revenue Code should not be a consideration when individuals discuss their future marital status. The goal for marriage tax relief is that individual income tax should not influence the choice of individuals with regard to their marital status—that is a guiding principle for this Member in voting for marriage tax penalty relief.

Additionally, and quite importantly, H.R. 6 provides additional family tax relief by expanding the per-child tax credit. Specifically, H.R. 6 would gradually double the child tax credit to $1,000 per child under age 17 by 2006. The tax credit would be raised from $500 to $600 effective this year, which would give families a quick tax break in the current 2001 tax year (i.e., retroactive increase to January 1, 2001). Also, H.R. 6 would retain the current income eligibility limits for the child tax credit. This Member supports the expansion of the child tax credit to give more middle class income couples and to those couples with a stay-at-home spouse. Finally, in current law, the measure would continue to allow the child tax credit to be refundable to families with three or more children that receive the Earned Income Tax Credit (EITC).

Therefore, for these reasons, and many others, this Member urges his colleagues to support the Marriage Tax Penalty and Family Tax Relief Act.

Mr. ROGERS of Michigan. Mr. Speaker, every year more than 58,000 couples in Michigan’s eighth district pay the federal government’s penalty for saying “I do.” Until we remove this tax on marriage, families across Michigan and the country will continue to pay more in taxes than they should. The elimination of the marriage penalty will allow working families to keep more of their own money to provide for their needs.

The average penalty paid by Michigan families is $100 every year. This is real money that can make a real difference in the lives of working, two-income families. Let me share with you a few examples of what $1,400 means to families in Michigan.

A seventeen hour per month credit at Lansing Community College; nearly 10 months of electrical utility bills; 100 packages of size 2 Huggies Diapers; 3 months of child care; a well-deserved family summer vacation.
Today's vote reduces the burden on two-income families and is an important step toward our goal of removing all tax penalties on marriage and the family found in the federal tax code. I strongly support the efforts to remove this penalty and urge adoption of the Marriage Penalty Tax Relief Act.

Mr. BLUMENAUER. Mr. Speaker, today, Congress debated further tax cuts under the guise of fixing the so-called "marriage penalty." Ultimately, like yesterday's discussions about the budget, today's debate is about priorities: more tax benefits for those who need help the least, instead of tax relief for the Americans and fixing serious flaws in our tax system.

Only a small portion of the legislation proposed today would go to taxpayers that actually pay the "marriage penalty." It does not address the growing problem posed by the alternative minimum tax (AMT). The AMT was passed to ensure the wealthy did not avoid paying their fair share of taxes. According to the Wall Street Journal, if the Bush proposal is fully implemented, Americans only making an income of $72,747 will be forced into the AMT. I assure you that such a family is not wealthy. If we are to ensure that all Americans are able to enjoy tax relief, no matter what bill we pass, Congress must address the alternative minimum tax.

The Democratic alternative fixes the "marriage penalty" and provides immediate rate reductions in order to stimulate our economy. It also addresses the AMT. The cost of the Democratic proposal is consistent with our goals of protecting the nation's fiscal health. Additionally, the Democratic alternative provides relief to low income families whose tax problem is the payroll tax. I support this alternative.

I remain convinced that Congress can work together to pass reasonable tax reform without putting our fiscal health at risk. Hopefully the American public will hear during the next phase of the legislative process.

Mr. SANDLIN. Mr. Speaker, I rise today in support of legislation designed to bring fairness to the tax code by removing the penalty many married couples now face when paying Federal income tax. Correcting the marriage penalty is a commonsense answer to a quirk in the tax code that costs American families an average of $1,100 a year in additional Federal income tax. As one part of a larger tax cut proposal, I believe that eliminating the marriage penalty is perhaps the single most effective way that Congress can provide balanced and fair relief.

As an original cosponsor of this bill, I have met with many married couples throughout my district who do not understand why their tax burden is higher simply because they file jointly. By passing this bill, Congress will remove the inequity faced by many of these families and provide real tax relief to thousands of people throughout east Texas.

Our efforts to provide tax relief also reflect the values of our fellow citizens. At the very least, Congress must be neutral in our treatment of the institution of marriage and remove any obstacles that discourage marriage. Congress regularly uses legislation to discourage one kind of behavior and encourage another, all the while being careful to balance the interests of our divergent country. By passing a law that will end the practice of penalizing marriage, Congress is making a sound decision that will produce incalculable benefits.

Today, along with eliminating the marriage penalty, Congress is considering a provision to double the child credit, from $500 to $1,000 for each child under the age of 17. Mr. Speaker, the original law providing for this credit was one of the first votes I made as a Member of this body—it is also one of my proudest. By doubling the child credit, Congress is building on the strength of the previous administration. Along with the earned income tax credit (EITC), the child tax credit is one of the best tools working families have to lower their tax burden. Designed for working and middle class families, the child credit is the counterpoint in our efforts to eliminate the marriage penalty.

I do have only one disagreement with today's effort to double the child tax credit—it is not phased-in fast enough. Although the credit will double, the phase-in is over too long a period—5 years. I believe the phase-in should be faster, which is consistent with the fact that our economy is slowing. Enacting this provision over the next 2 years, rather than the proposed 5-year phase-in, would provide a quicker stimulus and greater infusion of tax dollars back in the pockets of taxpayers.

Therefore, I also support legislation that would instruct Congress to provide more of the proposed tax benefits during this fiscal year. I suggest long-term tax relief, but it is a mistake for Congress to pass only long-term tax measures when the need for economic stimulus is urgent. Congress will have the opportunity to address this concern throughout the tax writing process, and I sincerely hope, that as with today's debate, a bipartisan agreement can be reached to provide substantial tax relief this year.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). All time for general debate has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. Rangel.

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

(a) Short Title.—This Act may be cited as the “Tax Reduction Act of 2001”.

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section, or provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) Section 15 Not To Apply.—No amendment made by this Act shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

TITLES—INDIVIDUAL INCOME TAX RATE REDUCTIONS:

SEC. 101. INDIVIDUAL INCOME TAX RATE REDUCTIONS.

(a) In General.—Section 1 is amended by adding at the end the following new subsection:

(i) 12 Percent Rate Bracket.—(1) IN GENERAL.—For taxable years beginning after December 31, 2000—

(A) the rate of tax under subsections (a), (b), (c), and (d) on taxable income not over the initial bracket amount shall be 12 percent, and

(B) the 15 percent rate of tax shall apply only on taxable income over the initial bracket amount.

(ii) 20 Percent Rate Bracket.—(1) IN GENERAL.—For taxable years beginning after December 31, 2001, and

(A) $20,000 in the case of subsection (a),

(B) 80 percent of the dollar amount in clause (i) in the case of subsection (b), and

(C) 50 percent of the dollar amount in clause (i) in the case of subsections (c) and (d).

(b) Phase-In.—The initial bracket amount is—

(i) ¼ the amount otherwise applicable under subparagraph (A) in the case of taxable years beginning during 2001, and

(ii) ¼ the amount otherwise applicable under subparagraph (A) in the case of taxable years beginning during 2002.

(c) Inflation Adjustment.—(1) In General.—In the case of any taxable year beginning in a calendar year after the $20,000 amount under paragraph (2)(A)(i) shall be increased by an amount equal to—

(i) such dollar amount, multiplied by

(ii) the cost-of-living adjustment determined under subsection (f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2002’ for ‘calendar year 1992’ in subparagraph (b) thereof.

(2) Rounding Rules.—If any amount after adjustment under subparagraph (A) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.

(3) Adjustment of Tables.—The Secretary shall adjust the tables prescribed under subsection (f) to carry out this subsection.

(d) Adjustment in Computation of Alternative Minimum Tax.—(1) In General.—In the case of any taxable year beginning after December 31, 2000, the $20,000 amount under paragraph (2)(A)(i) shall be increased by an amount equal to—

(i) such dollar amount, multiplied by

(ii) the amount otherwise applicable under subparagraph (A) in the case of taxable years beginning during 2001.

(e) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(f) Protection of Social Security and Medicare.—The amounts transferred to any account under subsection (a) shall be treated as if the Act had not been enacted.
SEC. 102. MODIFICATIONS TO EARNED INCOME TAX CREDIT.

(a) INCREASES IN PERCENTAGES AND AMOUNTS (USED TO DETERMINE CREDIT; MARRIAGE PENALTY RELIEF).

(1) IN GENERAL.—Subsection (b) of section 32 is amended to read as follows:

“(b) PERCENTAGES AND AMOUNTS.—

“(1) PERCENTAGES.—The credit percentage, the initial phaseout percentage, and the final phaseout percentage shall be determined as follows:

“In the case of an eligible individual with:

- The credit percentage
- The initial phaseout percentage
- The final phaseout percentage

(1) qualifying child... 34 15.98 18.98
(2) or more qualifying children... 40 21.06 24.06
No qualifying child... 2.65 7.65 7.65

(2) AMOUNTS.—

“(A) IN GENERAL.—The earned income amount and the initial phaseout amount shall be determined as follows:

“In the case of an eligible individual with:

- The earned income amount
- The initial phaseout amount

(1) qualifying child... $8,140 $4,900 $6,130
(2) or more qualifying children... $8,140 $4,900 $6,130
No qualifying child... $2,650 $1,050 $1,050

In the case of a joint return where there is at least 1 qualifying child, the initial phaseout amount shall be $2,500 greater than the amount otherwise applicable under the preceding sentence.

“(B) FINAL PHASEOUT AMOUNT.—The final phaseout amount is $28,000 ($28,500 in the case of a joint return).

(2) MODIFICATION OF COMPUTATION OF PHASEOUT.—Paragraph (2) of section 32(c) is amended to read as follows:

“(2) PHASEOUT OF CREDIT.—The amount of the credit allowable to a taxpayer under paragraph (1) for any taxable year shall be reduced (but not below zero) by the sum of:

- The initial phaseout percentage of so much of the total income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds the initial phaseout amount but does not exceed the final phaseout amount, plus
- The final phaseout percentage of so much of the total income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds the final phaseout amount.

(3) TOTAL INCOME.—Paragraph (5) of section 32(c) is amended to read as follows:

“(5) TOTAL INCOME.—The term ‘total income’ means adjusted gross income determined without regard to—

“(A) the deductions referred to in paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) of section 62(a),
“(B) the deduction allowed by section 62(b), and
“(C) the deduction allowed by section 16(d).”

(4) CONFORMING AMENDMENTS.—

“(A) Subsection (j) of section 32 is amended to read as follows:

“(j) INFLATION ADJUSTMENT.—

“(1) IN GENERAL.—In the case of any taxable year beginning after 2002, each of the dollar amounts in subsection (b)(2) shall be increased by an amount equal to—

- Such dollar amount, multiplied by
- The cost-of-living adjustment determined under section 1(c)(3), for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2001’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) BOUNDING.—If any dollar amount, after being increased under paragraph (1), is not a multiple of $10, such dollar amount shall be rounded to the nearest multiple of $10.

(B) Subsection (c)(1) of section 32(c) is amended by inserting ‘modified adjusted gross income’ and inserting ‘total income’.

(C) Paragraph (2) of section 32(f) is amended to read as follows:

“(2) REQUIREMENTS FOR TABLES.—

“(A) IN GENERAL.—The provisions of subsection (a) shall be applied with respect to the provisions of subsection (a)(2) for any taxable year.

“(B) PHASEOUT AMOUNTS.—The provisions of subsection (a)(2) for any taxable year shall be applied by subtracting the sum of the phaseout amounts applicable to the taxpayer for the taxable year.

“(C) SUBSECTION (a)(2) TABLE.—The tables prescribed under paragraph (1) to reflect the provisions of subsection (a)(2) shall be applied by subtracting the sum of the phaseout amounts applicable to the taxpayer for the taxable year.

(2) REPEAL OF DENIAL OF CREDIT WHERE INVESTMENT INCOME.—Section 32 is amended by striking subsection (f).

“(c) EARNED INCOME TO INCLUDE ONLY AMOUNTS INCLUDIBLE IN GROSS INCOME.—

“(1) IN GENERAL.—Section 32(c)(2)(A) is amended to provide that the credit allowable to a taxpayer under subsection (a) shall be allowed only to the extent that the following new sentence: The preceding sentence shall not apply to so much of the standard deduction under subparagraph (A) of section 32(c)(2) as exceeds the amount which would be such deduction but for the amendment made by section 201(a)(1) of the Tax Reduction Act of 2001.

(2) REQUIREMENTS FOR TABLES.

“(A) IN GENERAL.—Subsection (d) of section 32 is amended to read as follows:

“(d) MODIFICATION OF JOINT RETURN REQUIREMENT.—Subsection (d) of section 32 is amended to read as follows:

“(d) INDIVIDUALS MARRIED INDIVIDUALS LIVING APART.—For purposes of paragraph (2), if—

“(A) an individual

“(i) is married and files a separate return, and
“(ii) has a qualifying child who is a son, daughter, stepson, or stepdaughter of such individual, and
“(B) during the last 6 months of such taxable year, such individual and such individual’s spouse do not have the same principal place of abode, such individual shall not be considered as married.

(2) EXPANSION OF MATHEMATICAL ERROR AUTHORITY.—Section 63(c)(1) is amended by striking ‘‘and’’ at the end of the following new sentence:

“(M) the entry on the return claiming the credit under section 32 with respect to a child of the taxpayer is false.”

(b) PERCENTAGES AND AMOUNTS.

“(A) SUBSECTION (a) TABLE.—The tables prescribed under paragraph (1) to reflect the provisions of subsection (a)(2) shall be applied by subtracting the sum of the phaseout amounts applicable to the taxpayer for the taxable year.

(2) CONFORMING AMENDMENT.—Section 32(c)(2)(B) is amended by striking ‘‘and’’ at the end of clause (iv) and inserting ‘‘and’’, and by adding at the end the following new clause:

“(v) the requirement under subparagraph (A) that an amount that may be includible in gross income shall not apply if such amount is exempt from tax under section 7875 or is derived directly from restricted and allotted land under the Act of February 8, 1867 (commonly known as the Indian General Allotment Act) (25 U.S.C. 331 et seq.) or land held under Acts or treaties containing an exception provision similar to the Indian General Allotment Act.”

(d) MARRIED INDIVIDUALS.

“(A) IN GENERAL.—If the taxpayer is married at the close of the taxable year, the credit shall be allowed under subsection (a) only if the taxpayer and his spouse file a joint return for the taxable year.

(2) MARRITAL STATUS.—For purposes of paragraph (1), an individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered married.

(3) CERTAIN MARRIED INDIVIDUALS LIVING APART.—For purposes of paragraph (1), if—

“(A) an individual

“(i) is married and files a separate return, and
“(ii) has a qualifying child who is a son, daughter, stepson, or stepdaughter of such individual, and
“(B) during the last 6 months of such taxable year, such individual and such individual’s spouse do not have the same principal place of abode, such individual shall not be considered as married.”

(e) EXPANSION OF MATHEMATICAL ERROR AUTHORITY.—Section 63(c)(3) is amended by striking ‘‘and’’ at the end of the following new sentence:

“(B) the entry on the return claiming the credit under section 32 with respect to a child of the taxpayer is false.”

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001. THE SPEAKER pro tempore. Pursuant to House Resolution 104, the gentleman from New York (Mr. Rangel) and a Member opposed each will control 30 minutes. The Chair recognizes the gentleman from New York (Mr. Rangel). Mr. Rangel. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, this is a very serious time in our Nation’s economic history, because for the first time in many, many years, we expect to have a surplus; but we do not know the exact amount that surplus is going to be. Unfortunately, the Republicans have decided that they are going to have tax reductions in the budget based on the fact they expect $6.6 trillion. We all know from the Congressional Budget Office that these figures that we are relying on, 50 percent of the time they are wrong, and the question is, what happens if they are wrong this time? We hope that they will not be. It seems as though, if this tax cut is locked into place and the surplus is not there, then the funds will not be there for Social Security, for Medicare, for prescription drugs relief, for education where the President wants to leave no child behind, and we are hoping that if effect could find a kind of a trigger mechanism or some way to have a tax cut that we know that we can afford this year, or maybe for the next 5 years.
and then after that, take a look and see where we are in terms of our economy, where are we in terms of the programs, then not just Democrats, but even this compassionate Republican President would want to see supported.

So it just seems to me that if we are concerned about education and making certain our kids are going to be productive, and our old folks getting decent health care, concerned about our men and women in the military, improving the quality of their lives, the question has to be: Where will the money come from?

Of course, if we find out that we do not have the funds, there are only two things that we can do: ask for another substantial tax increase, or cut out the programs, the funding for the programs.

We do know that there are many people on the other side of the aisle that believe the Social Security System never should have been created, that Medicare is not working, that the best that we can do is instruct the Congress to do that and give them a voucher.

We know that health care to some people, they believe that there should not be a Patients' Bill of Rights. But by the same token, most Americans disagree with that theory, and we should not use reduction of taxes and an increase in spending for defense as an excuse to wipe out domestic spending.

So, Mr. Speaker, it might be that the best thing that we should be thinking about doing is instructing the Congress or the conferees to recommit this bill, and to have them come back to see whether we can do something right now to spur the economy; whether we can get $60 billion out in the tax-payers' hands; whether we can really stimulate the economy now, instead of just letting the rich get richer 5 years from now.

We know that this tax cut has nothing to do with the stimulation of the economy, because the President thought about it in the good years. Mr. Clinton and Mr. Gore had a great economy going. Now that we are bad-mouthing the economy, now that it is sputtering, now that it is looking like it needs a shot in the arm, maybe what we ought to do, not as Republicans and as Democrats, but as Members of the House of Representatives, is to set aside the bill and tell the conferees, let us get something out to the taxpayers this year. Let us get it to the hard-working low-income people, the moderate-income people, and make certain that there is a vehicle out there that we can use.

I am certain that staff will have prepared at the end of this debate a vehicle that we can join together and use to get that money out there, stimulate the economy now, and then we can take a deep breath and take a look and see what an equitable tax cut might be.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Does the gentleman from California (Mr. THOMAS) seek the time in opposition?

Mr. THOMAS. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) is recognized for 30 minutes.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I guess I am just a little confused. My understanding is that the substitute that has been offered to this particular bill, H.R. 6, is identical to the substitute that was offered to the bill on marginal rate reductions, H.R. 3, just a short time ago.

But in listening carefully to my friend and colleague, the gentleman from New York (Mr. RANGEL) and his arguments, it sounded to me as if he really wanted a tax package; not the one offered as a substitute, but one that was, in fact, a stimulus for the economy.

It seems to me that if he would turn into paper the words that he offered, he would not have presented exactly the same substitute that had been presented 1½ weeks and 2 weeks ago; that, in fact, if he does want something that he professes to do is offer a substitute that, in fact, does that.

At some point we begin to wonder whether that argument is rhetoric, just as the Lexus muffer is no longer in front of us. It seems as though it is an easy argument to make, but you would think that if it is the argument of the day, they would offer a substitute to the motion in front of us that at least conformed to the argument of the day. But, in fact, we have in front of us that same old substitute, that same old substitute that is less generous.

The Democrats have talked about the various pieces that we have been passing. In fact, if we add them up, it is pretty obvious that the tax package that is in this substitute that was passed yesterday is clearly more generous than what the Democrats are offering. In fact, in this substitute there really is not even any child credit, which is a major portion of the bill we are discussing and supports the President's proposal of doubling it from $500 to $1,000. And we make retro-active in this bill the first $100 increase, from $500 to $600, to occur in this year, the 2001 tax year.

Some of our friends on the other side are continuing to argue that we do not have a budget in place. We, in fact, passed a budget. All the pieces fit. That argument is no longer relevant, unless, of course, they want to argue that it is not a budget yet until the House and Senate sit down and agree. Then Members may want to move to the argument that the ink on the paper of the agreement is not yet dry. Then they may want to offer another argument.

The fact of the matter is they will offer arguments after argument. That budget that was passed yesterday addresses the President's concerns about Social Security, talks about modernizing Medicare, provides dollars for modernizing Medicare with prescription drugs. And, please, President Bush has already established himself as the education President. His bold and far-reaching proposals of placing more dollars in the hands of teachers and parents to make sure that children will be left behind clearly indicates that education is on the front burner of this Presidency.

So I guess if we are going to argue against what is offered here today, a flat adjustment on the marriage penalty contained in the Tax Code and a doubling of the credit available to hard-working taxpayers with children, that at the very least, if we are going to make arguments against the bill and offer substitutes, what we ought to do is have the arguments and the substitutes match.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN), a member of the Committee on Ways and Means.

Mr. LEVIN asked and was given permission to revise and extend his remarks.}

Mr. LEVIN. Mr. Speaker, the distinguished chairman has talked quite a bit about details and very little about how this all would fit together. The main reason is this: The $1.6 trillion Bush administration tax package was a piecemeal approach; it is a collection of proposals that including debt service was going to use up 75 percent, 75 percent of the non-Social Security and Medicare surplus.

Now, with the dip in the stock market, that proposal becomes even more risky. So the decision seemed clever at first to break it up into pieces, but the public can add. When we add it all together, it is a very, very risky proposition. It is not fiscally responsible.

Now we have a second piece in front of us today, the marriage penalty provision, plus. It is much larger than Mr. Bush proposed before he became President. Half of the so-called marriage penalty provision goes to people who do not have a marriage penalty provision in their income tax returns.

Why are we doing this? I do not know. Maybe we have kind of a Pied Piper syndrome here. I am not sure who always is calling the tune, but I think we sort some of those whose following it over the cliff. The trouble is it would lead this Nation's economy over the cliff.

There has been some talk about bipartisanship. Whatever the vote is on this or any other piece, when we push it all together, it is a bipartisan effort. The bipartisan support is almost zero. Indeed, it is a partisan effort.

There has been some reference to stimulus. We are going to have a stimulus provision in the motion to recommit. What is the impact of this major-
about a stimulus, there is not any real stimulus. If there is any tax proposal that can stimulate the Nation’s economy, this is not it, nor is it the entire package.

So in a word, I suggest this: Add it all together. I say to the citizens of this country, and when we do, we will come to the conclusion that this proposal is one that puts the Nation’s economy at risk.

We therefore have a decade for fiscal discipline. It led to lower interest rates. Let us not put that in jeopardy. Vote yes on the substitute and no on the basic bill.

Mr. THOMAS. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. WELLER), and I ask unanimous consent that he control the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would note that this bipartisan bill, combined with the rate reduction that we already passed out of this House of Representatives, put almost $600 in the pockets of the average family of four this year, if we include the child tax credit, which is retroactive, plus the rate reduction.

This is a bipartisan bill. My good friend, the gentleman from Indiana (Mr. ROEMER), has been a partner in this effort to eliminate the tax penalty.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

(Mr. ROEMER asked and was given permission to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, I thank my friend, the gentleman from Illinois, for yielding time to me, and I rise in support of the bipartisan bill, the underlying bill reported out by the committee.

First of all, Mr. Speaker, I believe very strongly that an increased tax should not be Uncle Sam’s wedding present to a newly married couple. We need to value the institution of marriage. We need to value the children. We need to recognize that doubling the tax credit for children in this country really also is sensitive to the fact of how difficult it is today in America to raise our children and to get them to schools and in braces, to make sure that we afford to raise them the proper way.

This is a value that I voted for when the Democratic President vetoed it, and I will vote for it again today. I will vote for it as the father of four children. I vote for it because, from my farmers’ market to my super-markets, this is one of the most important tax breaks that my constituents in Indiana talk to me about all the time, the marriage penalty and helping with the tax credit to raise their children.

This bill is not perfect. It needs reform. It needs refinement. It needs modification. It needs all of this because it is higher than even what President Bush has proposed. I have said that reducing the national debt is important. I do not think we can dig a big hole and get back into the fiscally irresponsible days that we had 5 and 6 years ago then.

Excuse the pun, but we should also marry this bill up to estate tax reform; not straight-out repeal, but reform of the estate taxes. We should also help with an AMT fix, with the marriage penalty and credits, which all together would not threaten our economy, which would help us pull down the debt. That would fit in about a $1 trillion tax cut.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me, and for his leadership in putting forth a very responsible Democratic alternative this morning.

Mr. Speaker, certainly Democrats strongly support marriage penalty relief and tax benefits for families with children, but that relief should be provided within the context of an overall tax plan that is fiscally responsible and is fair.

The Democratic alternative increases the standard deduction for married couples to twice the amount for single people. It also substantially increases the earned income tax credit for married couples, and lowers the 15 percent tax bracket to 12 percent for a married couple’s first $20,000 of taxable income. This helps everyone, everyone. It is fair, and it is balanced.

The Republican plan, however, uses the need for marriage penalty tax relief as an excuse, as an excuse to expand the 15 percent bracket and cut taxes for married couples in the 28 percent bracket. As a result, 80 percent of the marriage penalty relief in this bill goes to 1 percent of the wealthiest married couples.

If we want to change the tax rates, then we should face that issue head on and have an honest debate about that. If we are here to address the issue of concern raised by the distinguished gentleman from Indiana about the need for eliminating the marriage penalty, then we should do that, and the Democratic alternative does just precisely that.

How much is enough? When will President Bush and the Republican leadership stop asking American families who are most in need to sacrifice in order to provide a tax cut at the highest end?

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Mr. Speaker, here we go again. We are debating yet another tax bill proposed by the Republicans that is seriously flawed.

The Republican proposal provides the most benefits to those who need them least. It gives short shrift to those who need relief the most. And as predicted, the Republican leadership is attempting to go well beyond the already huge tax cut proposed by President Bush with more tax cuts on the way.

Again, Democrats strongly support marriage tax penalty relief and tax benefits for families with children.

Mr. Speaker, I urge my colleagues to support the Democratic alternative.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

We were in favor for a decade for fiscal discipline. It led to lower interest rates. Let us not put that in jeopardy. Vote yes on the substitute and no on the basic bill.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Ms. JACKSON-LEE), a leader on behalf of families.

Ms. JACKSON-LEE. Mr. Speaker, I thank the gentleman for yielding me this time. What this bill does very clearly, first, is double the child tax credit from $500 to $1,000, increases standard deductions for married folks, joint filers, twice that of single filers; expands the 15 percent tax bracket for married joint filers to twice that of single filers; and increases the earned income tax credit; protects child tax credit from the alternative minimum tax.

What is this bill really about? I say it is truly about family values. I know that this President has been in office over the years, but it is about the value of the institution of marriage; something that transcends faith and transcends culture.

We are saying let us not tax that institution because there are enough pressures on that institution already. Let us make it fair. Let us give them the opportunities.

One of the leading causes of a breakdown of the family is financial pressure, and we want to relieve that. That is what this bill does.

We had from the far left a welfare system that did not recognize the value of the family and said, Dad, you are not welcome here.

We truly need to recognize the value of the institution of marriage. Because why? It is about children. It is about their future, making sure that we can do everything to recognize the importance of its institution and its impact on children. That is the reason I recommend that you oppose this partisan bill and support the bipartisan bill H.R. 6.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. RANGEL) for his leadership. I thank the Committee on Ways and Means.
Mr. Speaker, I am sorry that the debate is so limited that we are not able to express our concerns for the American people in longer debate. Today I will announce that I am going to vote for a marriage penalty tax relief.

Frankly, the kind of relief that if Americans were given the information that the media holds back from you, you would understand that we are trying to work in a manner that responds to the needs of working families.

In fact, I am also supportive of a $60 billion tax cut right now, this year, that keeps us in line with the fact that we cannot guarantee that we will have a $5 trillion surplus over the next 10 years.

I want you to have tax relief now, and so what we are supporting is to ensure that in my State of Texas, if you will, that we will not have 769,000 numbers of families with children who will get no tax cut.

Unlike the gentleman from Illinois (Mr. Weller), my good friend, he is voting for a tax cut where 362,000 of his constituents in Illinois will not get a tax cut.

We want a marriage penalty that responds to the needs of the American people. One that creates a 12 percent rate bracket for the first 20,000 of taxable income, equivalent to $4,100 of total income for a couple with two children.

We want to simplify the earned income tax credit and increase it for working families. We want the dollars to go in your pocket, unlike the $128 billion tax cut that I told we received in the State of Texas 2 years ago.

When I go throughout any district and I ask my constituents, did they receive a tax cut, did they get a refund, no one can document receiving any fungible dollars that they could utilize to support their family. Some people say they fight they got a tax cut on their property taxes, which really does not show up.

So what the Democrats are saying with the alternative is it could actually be in the newspapers today SHEILA JACKSON-LEE will vote for a marriage penalty tax relief bill. I believe in this bill because it is fiscally responsible, and it answers the concerns of the American people and working families.

Mr. Weller. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, just in quick response to the gentlewoman from Texas (Ms. Jackson-Lee), my good friend. I would say that not only will the bipartisan bill which she spoke against provide 5 million low-income working Americans receiving the earned income tax credit, significantly more relief, in fact, $400 a year, but that the proposal which the gentlewoman is in support of, the partisan Democratic substitute, that proposal would actually deny tax relief to millions of children throughout America, in her own district.

Mr. Rangel. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. Millender-McDonald).

Ms. Millender-McDonald. Mr. Speaker, I would like to thank the gentleman from New York (Mr. Rangel), the ranking member of the Committee on Ways and Means, for his leadership on this issue.

I rise today in strong opposition to H.R. 6. As the cochair of the Congressional Caucus on Women's Issues, I begin by saying that I am not opposed to providing true marriage penalty relief for all Americans. I support responsible tax cuts for all taxpayers.

As the gentleman from New York (Mr. Rangel) and many of my Democratic colleagues of mine who have stated so forcefully today, the Democratic alternative is the only bill on the floor that provides true relief.

Americans need a tax cut, and I am in favor of that. But we must have a tax cut that is responsible, a targeted tax cut that really will provide true tax relief during these difficult economic times.

So what bills that my Republican colleagues brought before the 105th and 106th Congress and now in the 107th Congress, H.R. 6 is poorly targeted, too broad and too expensive.

This bill will result in spending of the Social Security trust funds and a cut in domestic spending. This plan reverses the course that we have been on for several years and does not leave adequate money to continue paying down the national debt.

H.R. 6 is a bill tilted towards the wealthy people of this country and threatens all the priorities important to hard-working families. It raid Medicare trust funds, and it is too back-loaded that it does nothing to help our economy today.

This bill would crowd out the priorities vital to millions of seniors, military families, women and children. It cuts services like COPS on the beat and after-school programs that are so vital for the public schools and for safety of our children.

This bill provides, Mr. Speaker, no benefits to American families who need help with child care and housing. I support the Democratic alternative, and I urge my colleagues to support this bill that gives true marriage penalty relief.

Mr. Wellers. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would note that we have a bipartisan bill before us today that is being amended by a partisan Democratic substitute for the bipartisan bill. I would note that the bipartisan bill will benefit 25 million married working couples who pay higher taxes just because they are married.

In fact, the bipartisan bill which received the support of every House Republican last year and 51 Democrats who broke with their leadership to support real marriage tax relief will help eliminate almost the entire marriage tax penalty for almost everyone that suffers it. That is pretty fair.

I would also note that the bipartisan Democratic substitute fails to help children. In fact, they fail to address the need to increase the child tax credit. And we work with the President and his proposal to double the child tax credit, doubling it to $1,000. It is currently $500. It will provide immediate benefits this year, an additional $100, so it will be an additional $600 in the average family's pockets this year.

I would point out in combination with the rate reduction, as well as the child tax credit this will put an additional $600 in the average family's pockets this year.

Mr. Rangel. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. Doggett), a member of the Committee on Ways and Means.

Mr. Doggett. Mr. Speaker, I thank the gentleman from New York (Mr. Rangel) for yielding the time.

Mr. Speaker, I want to reiterate that if there are any Members who believe that President Bush had this tax and marriage penalty tax solution correct last year during his campaign, they need to vote against this proposal, because this bill rejects the Bush solution to this marriage penalty problem.

Indeed, the only witness that the Republicans brought forward on this issue said President Bush's approach was worse than doing nothing. Now after I said that earlier in the debate, a piece of paper was advanced that the Administration has endorsed today's proposal. I have not seen that yet, but certainly this would not be the first campaign promise that the President has chosen to reverse himself on this year.

Mr. Speaker, I would just emphasize that the better approach is not to place an additional penalty on single individuals, whether a widow, a single mom or simply some person that chooses to live as a single individual. Our tax system ought to be based on this principle and be designed so as not to discriminate based on marital status. This particular Republican proposal discriminates instead of following the approach that President Bush recommended last year.

One of the issues that has not gotten as much attention in this debate as I think it needs is the question of what stimulus, if any, comes out of this tax package.

Members will recall that the Bush tax proposal was not developed during hard times, at least not economic hard times, when he feared hard times, at least not economic hard times, they were developed during the campaign hard times, when he feared economic slowdown.

But I tried to come up with an approach that would stimulate the financial statement of the wealthiest individuals in our society and to out-Steve Forbes, Steve Forbes. I think that is what this overall tax proposal was designed to do last year.

Now we face a more challenging economic times, and it would seem to me that we ought to focus tax relief in ways that might help with our economic slowdown.
We do not know how long or how deep this Bush economic slowdown will be, since he began talking down the economy, but we can be certain that there is no economic stimulus to turn the economy around found in today's piece of legislation.

Like their estate tax proposal, this tax package has a better chance of resurrecting the dead than of resurrecting the economy.

Mr. WELLER. Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from New York (Mr. RANGEL) has 141/2 minutes remaining; and the gentleman from Illinois (Mr. WELLER) has 20 minutes remaining.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one might think the only thing before us today is the marriage penalty and the child credit. I think to legislators we can take a look and clearly we would see that the Democratic substitute that is before us today is more equitable. It is fairer, and it takes care of the problems that we have talked about.

Let no one believe that by voting for the substitute that they are not voting for not only equitable relief, but they are voting for a child credit that is going to reach the kids that come from families that make less than $30,000, which is not true of the majority’s program.

But even more importantly than that is the different pieces of the tax bill that is coming to the floor, not as a comprehensive tax program within a budget that we know what to expect, but each week that we come here, we are asked to vote on different pieces. It is this that we do not know how much can we digest since already before the next week is out they would have completely rewritten and start moving towards the $2 trillion tax package that they really have.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. GEPHARDT), the distinguished minority leader, who is the final speaker on our side.

(Mr. GEPHARDT asked and was given permission to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, I rise to ask Members to vote against the Republican tax bill and for the bill sponsored by the gentleman from New York (Mr. RANGEL). Their child credit does not fully phase in until the year 2006, which means that some families will not see any relief because their children will turn 16 before then, and they then will not be old to be eligible for the tax cut.

Millions of families of all income levels will be disappointed because Republicans give people nothing in the marriage penalty relief until the year 2004, and they will not get the full tax cut that the Republicans promise until 2009.

What does all of this delay and all of these gimmicks really say to the American people? This is the rhetoric about cutting taxes to help with the immediate economic downturn. I do not think my friends on the other side are serious. They are not serious about providing relief this year when it is most needed. Their tax bill does not help people for another 3 to 5 years; in some instances, 8 years. This delayed phase-in is the direct result of a larger tax plan that spends the entire available surplus that is not even there yet that may never materialize.

Well, this is not right and it is not fair. I ask Members to consider our bill, which is responsible, balanced and fair. Our bill doubles the standard deduction for married couples so they get relief this year. Our bill recognizes that the tax cut must take place in a period of economic uncertainty, so we give people immediate tax relief which we think will help them get through the uncertainty of the time we are in.

But the most important reason to vote against the Republican bill is that it is part of a much larger tax plan that leaves no room for the other important priorities of the American people.

After today, this House will have already passed $1.8 trillion in tax cuts when we include the interest. If Republicans continue with their plans and put forward, as they are apparently planning, the estate tax and their other tax bills, then the additional tax cuts would mean that they will pass as part of the President’s plan, which is a floor, will cost about $3 trillion once the smoke clears.

The Republican tax cut package raids the Medicare trust fund as early as 2005. It does nothing to help the economy because it is so back-loaded. It crowds out other priorities vital to millions of seniors, military families, and women and children. It results in a budget that cuts existing services like Cops on the Beat and after-school programs to make our public schools safe for our children.

Most damaging, the Republican tax plan could bring back the high deficits, high interest rates, and slow growth that we saw at the end of the last Bush administration.

We have to keep in our mind that the goal is to keep the economy moving, to keep unemployment down, to keep growth going up. One of the best ways to do that is to keep interest rates down.

So I urge to the Members, think about the effect on the economy and what the Republican tax cut does not do, what it crowds out our ability to do for the ordinary families in this country who pay interest costs on house payments and car payments and furniture payments every month.

Married families and children would be better off with our plan. We provide sensible tax relief for all taxpayers. We focus relief on those in the middle and those trying to get in the middle who need our help the most.

We give people truly free of debt by 2008; a Medicare prescription drug program for all seniors who want it; a Social Security and a Medicare trust fund extended to 2050 in the one case and 2040 respectively, at least 11 years to 12 years ahead solvency of the Medicare and Social Security trust funds; more quality teachers; more Cops on the Beat; and school buildings in repair and enlarged and rehabilitated.

We give people lower interest rates. For a 15-year average family of four, 1 percent off interest rates means $1,500 a year in savings on a car payment and on house payments. If one adds a reasonable tax cut, about $700 a year, one is going to wind up putting more money in the pockets of a typical family than the larger tax cut that would likely keep interest rates a point higher.

So I urge Members to consider this and vote on these two bills. Consider the actual real-life consequences of the decision we are making on the floor today. Consider what happens if these surpluses do not materialize. Consider what happens if the projections turn out to be wrong.

What if we find ourselves in debt again, as we did in the 1980s, as far as the eye can see? We have been there. We have run this experiment. We ran it for 15 years, from 1981 to 1995. It did not work.

We should be more humble about our thoughts about economics. We should be more reticent to take this risky boat gamble to go out into the deficits when we could keep the surpluses.

It is time to keep interest rates down, unemployment down, inflation down. This is a 20-year decision of this body. It is easy to make this decision. It is hard to correct it. It took us 15 years to 20 years to get over the last mistake. Why would we want to do that again?

I urge Members to examine their conscience, examine the facts. Vote against this Republican bill. Vote for the more sensible common sense Democratic alternative.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am not a part of the bipartisan plan before us, H.R. 6, combined with the rate reduction we passed earlier this year, will put $600 in the pockets of the average family of four this year. I also note in the minority leader’s district that his partisanship would deny relief to 102,000 children in his own district, the Third District of Missouri.
Mr. Speaker. I yield 4 minutes to the gentleman from Oklahoma (Mr. WATTS), the distinguished House Republican Conference Chairman.

Mr. WATTS of Oklahoma. Mr. Speaker, I thank the gentleman from Illinois, my friend, Mr. RANGEL, for yielding me this time.

Mr. Speaker, let me set something straight at the outset. I think it is important to note, Mr. Speaker, that what we are talking about today is not the government’s money, but the American people’s money. One of these days, it is going to register to the 535 Members of Congress that vote on these issues that it is not Washington’s money, it is the people’s money.

I think it is time to put partisanship aside and enact a plan that will protect families, strengthen the economy, and secure our children’s future. H.R. 6 is a common sense plan to strengthen families and secure our children’s future. It stops the unfair tax that simply penalizes and secure our children’s future. It stops the unfair tax that simply penalizes and secure our children’s future.

Mr. Speaker, let the Democrats join in and say we are going to stop this majority in the House. We have a substitute that is more in line with what you are thinking about, Mr. President, and the people will have an opportunity, including Republicans, to work in a bipartisan way to vote for the substitute and to stop the majority’s bill.

Mr. Speaker, then what can we do? Then we can really come together, sit down with Republicans, and see whether we can agree to a bill that does not pass on the partisan vote, but a total bill taking in consideration all of the things.

Mr. President, in order to make it easier, we Democrats have come up with a bill that we really believe Republicans should consider. It is H.R. 1264, and it would allow for us to look at the entire budget that we have and to divide it into one-third for the tax cut, one-third in order to reduce the debt, and one-third for the programs that the American people and even the President of the United States support.

Mr. Speaker, I yield back the balance of my time.

Mr. WELLER. Mr. Speaker, we have one remaining speaker on behalf of our legislation. Has the minority concluded?

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Illinois (Mr. WELLER) has no time remaining. The gentleman from Illinois (Mr. WELLER) has no time remaining.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have a bipartisan bill, H.R. 6, before that eliminates the marriage tax penalty, as well as doubles the child tax credit.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. ARMEY), the House majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I thank the Committee on Ways and Means and the gentleman from Illinois (Mr. WELLER) in particular for his frankness in this legislation. I also want to personally thank the gentleman from New York (Mr. RANGEL) for speaking one more time on the other side of the aisle; because, Mr. President, this just does not fit.
this bill, because his having done so punctuates a fact that we oftentimes try to disguise in this body, and the gentleman from New York has made that fact profoundly clear to all of us.

Mr. Speaker, this is a partisan debate. Mr. Speaker, this is a partisan debate. It should be, because, indeed, this body is almost wholly divided between two very distinct and two very separate political parties, parties that do, in fact, congregate around different visions of America, and to a large extent what you tax and spend today is a conflict of visions.

My colleagues who congregate on my side of the aisle have a vision of America that is based on our profound belief that America is made great and America is built, its economy is built, by real people at home in America earning and spending their own money on behalf of their own best interests and on behalf of their families.

Mr. Speaker, the Democratic Party on the other side of the aisle tend to congregate around the belief that America is built great by big government. This is not a new debate. We have it every time we put a tax bill on the floor; and the foundation issue is do we want to build this economy back and hold taxes down so that the greatness of America can continue to be built at home by people who actually earn the money themselves, or are we going to keep it here in town so that people in Washington can spend it on their behalf and build programs.

Mr. Speaker, the fact of the matter is we have seen demonstrated time and time again that whenever Washington has the good grace to leave people more of their own money in what we call take-home pay, America does well with that.

I was a young economics student in 1961 and 1962, and this lesson was brought home to me by President Kennedy and the Democratic Party. Let me do not want to mention this fact, but he taught us this lesson in economics in the early 1960s. When President Kennedy faced an economic recession, he said, cut taxes and let America grow the economy back with their own money. And bless our hearts, we did; and he was right.

Mr. Speaker, the animosity towards growing America at home through your own money is so heartfelt on the other side of the aisle that today they even refuse to cite this great lesson from this great President, because indeed the idea is bigger than the man, and this idea is not the idea around which they congregate.

And so we come again to the early 1980s. Mr. Speaker, and Ronald Reagan did the same thing, and America did grow. It is a fact that revenue to the United States Government doubled in the 1980s after the American economy began to grow again in consequence to the Reagan tax cuts.

The deficits that we experienced in the 1980s were not because the American people were not doing their part; we did our part. We sent Washington twice as much money by the end of that decade. The problem is that Washington did not do its part. It did not control its gluttony. Washington has had an addiction that we are trying to cure, and that is an addiction for other people. The idea was that America grew. It is a fact that revenue to the United States Government doubled in the 1980s, spending in this town grew by $1.56 for every $1 that we sent this town.

If you want to stop the deficits, that is where you stop it. You stop that spending growing out of control, and that is what we did when we took over in 1994, and that is why we have the surpluses we have today; because we stopped the spending gluttony of this town.

Mr. Speaker, now we come to another time where America is once again concerned about their economic stability, their future. The American people are saying that we need relief. We need encouragement in a Tax Code. Give us our own money back. Take a little less away. We have good things that we want to do with it. And this bill that we bring to the floor today speaks to the heart of the American dream. The idea that we will say to our citizens in this country. Go ahead, fall in love, get married, and you will not be penalized for it should never be an idea that is resisted by anybody.

Now, I do not have a reputation for being some romantic fellow around here, but I have enough romance in my soul to realize this: If young people fall in love and get married, the Federal Government should applaud them, not tax them. And once you are married, and once you retain some take-home pay that is commensurate with what you did before you were married, go ahead and have those precious babies and spend on them. I hope you spend a lot on them. On babies, for example. On being the prosperity and happiness of the American family by having more of their own pay as take-home pay, and we can talk about resolving fundamental inequities and inanities in the Tax Code.

Mr. Speaker, I must say we should be embarrassed to have a Tax Code on our books that says to our sons and daughters, if you should fall in love, and if you should wed, we will punish you. Again, let me applaud the gentleman from Illinois and the Committee on Ways and Means. It is time to put an end to that, and we will do that with this vote.

Mr. WELLER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 104, the previous question is ordered on the bill, as amended, and on the amendment by the gentleman from New York (Mr. RANGEL).

The question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. RANGEL).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. RANGEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 196, nays 231, not voting 5, as follows:

[Roll No. 73]

YEAS—196

Abercrombie  Ackerman  Abram  Andrews  Baca  Baird

Baldacci  Blagojevich  Brady (PA)
Mr. BUCHER. Mr. Speaker, I have the sad duty of reporting to the House the passing this morning of our friend and colleague, the gentleman from Virginia (Mr. SISISKY). For 18 years, NORMAN represented Virginia’s 4th Congressional District with distinction in a manner that was highly effective for the interests of his constituents, for our State of Virginia, and for the Nation. His wit and his charm and his gracious manner endeared him to the Members of the House and to the Virginians who have been well served by his representation. For the past 18 years, he has been a Member of this House. His many legislative contributions on matters highly effective for the interests of his constituents and for the Nation. His wit and his charm and his gracious manner endeared him to the Members of the House and to the Virginians who have been well served by his representation. So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

We began our public service together in 1983 when I was sworn in as a Member of the House of Representatives from the 13th Congressional District of Virginia and NORMAN was elected to the Virginia General Assembly and were elected for the first time to this House in the same year.

I wish to express my deepest sympathy to his family and to his many friends. In the passing of NORMAN SISISKY, we have lost a loyal friend and this Nation has lost a valuable public servant.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. WOLF). Mr. WOLF. Mr. Speaker, I would like to offer sympathy to NORMAN’s family. Everyone was NORMAN’s friend on both sides of the aisle. There will be a resolution that we will offer from both sides of the aisle that no one will be required to vote for an hour, and anyone who would like to speak at that time will have the opportunity immediately after the last vote.

But our hearts and prayers go out to NORMAN’s family, his staff, and his friends.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the engrossment and third reading of the bill. The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMEND OFFERED BY MR. RANSEL. Mr. RANSEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill? Mr. RANSEL. Yes, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows: Mr. RANSEL moves to recommit the bill H.R. 6 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Stike all after the enacting clause and insert the following:

"SECTION 1. REFUND OF 2000 INDIVIDUAL INCOME TAXES."

(a) In General.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application) is amended by adding at the end the following new section:

"SEC. 6428. REFUND OF 2000 INDIVIDUAL INCOME TAXES."

"(a) In General.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for such individual’s first taxable year beginning in 2000 in an amount equal to 100 percent of the amount of such individual’s net Federal tax liability for such taxable year.

"(b) Maximum Payment.—The amount treated as paid by reason of this section shall not exceed $300 ($600 in the case of a married couple filing a joint return) for the taxable year.

"(c) Net Federal Tax Liability.—For purposes of this section—"

"(1) In General.—The term ‘net Federal tax liability’ means the amount equal to the excess (if any) of—"

"(A) the sum of the regular tax liability (as defined in section 6091(b)) plus the tax imposed by section 55, over—"

"(B) the sum of the credits allowable under part IV of subchapter A (other than the credit for the child tax credit) and the credit for the child tax credit,

"(2) Families with Children.—In the case of a taxpayer with 1 or more qualifying children (as defined in section 32) for the taxpayer’s first taxable year beginning in 2000, the Virginia General Assembly and were elected for the first time to this House in the same year.

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"(c) Net Federal Tax Liability.—For purposes of this section—"

"(1) In General.—The term ‘net Federal tax liability’ means the amount equal to the excess (if any) of—"

"(A) the sum of the regular tax liability (as defined in section 6091(b)) plus the tax imposed by section 55, over—"

"(B) the sum of the credits allowable under part IV of subchapter A (other than the credit for the child tax credit) and the credit for the child tax credit,

"(2) Families with Children.—In the case of a taxpayer with 1 or more qualifying children (as defined in section 32) for the taxpayer’s first taxable year beginning in 2000,
such taxpayer's net Federal tax liability for such year shall be the amount determined under paragraph (1) increased by 7.65 percent of the taxpayer's taxable earned income for such year, or

(2) the date on which the taxpayer files his return of tax imposed by chapter 1 for such year, or

(3) the date prescribed by law (determined without extensions) for filing the return of tax imposed by chapter 1 for the taxable year, or

(4) the date prescribed by law (determined without extensions) for filing the return of tax imposed by chapter 1 for the taxable year.

(e) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to—

(1) any estate or trust, and

(2) any nonresident alien individual.

(f) WITHHOLDING CREDIT CERTIFICATES IN LIQUIDATION OF PAYMENTS IN CERTAIN CASES.—

(1) IN GENERAL.—To the extent that the amount treated as paid under this section would (but for this subsection) exceed the taxpayer's net Federal tax liability for the taxable year,

(A) the amount of such excess shall not be treated as paid under this section, and

(B) the section shall cease to apply at such time as the aggregate amount of refunds and withholds made by this section shall apply to taxable income of the taxpayer determined without regard to subsection (c)(2).

(2) FURNISHED TO EMPLOYER.—If a withholding credit certificate issued under paragraph (1) is furnished by an individual to such employer, the amount of the certificate shall operate as a reduction in the liability for employment taxes that would otherwise be withheld from the individual's wages.

(3) NET INCOME TAX LIABILITY.—For purposes of this subsection, the term 'net income tax liability' means net Federal tax liability determined without regard to subsection (c)(2).

(4) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(5) PROTECTION OF SOCIAL SECURITY AND MEDICARE.—The amounts transferred to any trust fund under the Social Security Act shall be determined as if this Act had not been enacted.

(6) COMPLIANCE WITH BUDGET RULES.—The aggregate amount of refunds and withholdings credit certificates provided by this Act before October 1, 2001, shall not exceed $15,000,000,000. The Secretary of the Treasury may not extend the limitation of the preceding sentence by providing for pro rata reductions or otherwise. The limitations of this subsection shall cease to apply at such time as the annual national budget resolution for fiscal year 2001 is adjusted to permit full payments authorized under this section.

Mr. THOMAS (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?
only in the economy, but have confidence in this Congress.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the motion to recommit. The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, I want to apologize to my friends on the other side of the aisle, because I have the unfortunate habit of actually reading their motions to recommit.

So, I would like to call the attention of my colleagues to the fact that the motion to recommit says, “Strike all after the enacting clause.” That means, number one, no marriage penalty and no child tax credit. But what they are offering instead is the $50 billion stimulus.

Okay, let us talk about that tradeoff. Keep reading, Mr. Speaker. By the time we get to page 5, after we go to strike 12 and page 4 of the motion to recommit, we have $50 billion stimulus.

So, first of all, I would call the attention of the Members to the fact that the motion to recommit actually says, “In fiscal year 2001, no more than $15 billion.” No matter how impatient they say now, $35 billion comes out of next year, 2002. Fair enough. In 2001 and in 2002, we get the $50 billion stimulus.

Hang on. This House has already passed H.R. 3, and we are going to pass H.R. 6. Let us take a look at what those two provisions do in fiscal year 2001 and 2002.

Quickly, technically, when we combine H.R. 3 and H.R. 6 and look at the effect in fiscal years 2001 and 2002, we get a $54.6 billion permanent tax reduction.

Here is the choice: Vote for the motion to recommit, and we do not get marriage penalty relief, we do not get the child credit doubling, we do not get permanent marginal relief, and we do get $50 billion of one-time money.

If we vote against the motion to recommit, we get marriage penalty relief, child credit, and permanent rate reduction.

This one is easy. Vote no on the motion to recommit.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to recommit.

The previous question was ordered. The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

The question was taken; and the motion to recommit, because I have the un-fortunate habit of actually reading their motions to recommit.

So, I would like to call the attention of my colleagues to the fact that the motion to recommit says, “Strike all after the enacting clause.” That means, number one, no marriage penalty and no child tax credit. But what they are offering instead is the $50 billion stimulus.
The SPEAKER pro tempore (Mr. LaHOOD). The question is on the passage of the bill.

The yeas and nays were ordered.

Mr. RANGEL. Mr. Speaker, on that I demand the yeas and nays.

The result of the vote was announced, and there were—yea 282, nay 144, not voting 7, as follows:

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but there may be other business before the House.

Mr. BONIOR. Mr. Speaker, the statement that the gentleman from Ohio read said that the Death Tax Elimination Act in the House next Wednesday will be our last vote for the week. So I assume that when we have finished that, we will not meet on Thursday or Friday; is that correct?

Mr. PORTMAN. That is correct, Mr. Speaker. We do not expect votes on Thursday or Friday of next week.

Mr. BONIOR. Mr. Speaker, I appreciate that.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. HOYER) for an inquiry.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

Mr. Speaker, I was not to my feet quickly enough to enter directly in the discussion about Michigan State and Arizona and some team from North Carolina that is playing.

But I am afraid in the fear of the turtle. I want everybody to understand that the Terrapins are coming to play, Gary Williams and his 10 starters.

This is on scheduling for Saturday night, Mr. Speaker, so I presume it is, therefore, relevant that everybody be aware that, at 8:20 p.m. on Saturday evening, they certainly ought to be watching when Maryland, who of course beat Duke worse than any other team this year at their place, will again have the opportunity of doing that.

Mr. BONIOR. Mr. Speaker, I reclaim my time.

Mr. HOYER. Michigan State wants his time back.

Mr. BONIOR. Mr. Speaker, they did beat Duke; but I might also say to the gentleman from Maryland that they blew a 10-point lead with a minute left against Duke as well.

Mr. HOYER. Mr. Speaker, the gentleman from Michigan would not bet on that happening a second time, would he?

Mr. BONIOR. Mr. Speaker, in case they do emerge victorious against Duke, I have wagered with the gentleman from Arizona (Mr. PASTOR), a friendly wager I might say, Mr. Speaker, Michigan apples from my district in Rome versus his tamales from Arizona if, in fact, either of us win this game.

I would say, when the Spartans go on to win, I would venture a friendly bet with the gentleman from Maryland, a bushel full of crabs versus a bushel full of Romeo apples. What does the gentleman from Maryland think?

Mr. HOYER. Mr. Speaker, the value of a bushel of crabs is so much greater than a bushel of apples that it is really not a fair bet. Maryland talent puts me at no risk, so I will be glad to accept that wager.

ADJOURNMENT TO TUESDAY. APRIL 3, 2001

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, March 30, 2001, it adjourn to meet at 12:30 p.m. on Tuesday, April 3, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE NORMAN SISISKY, MEMBER OF CONGRESS FROM THE COMMONWEALTH OF VIRGINIA

Mr. WOLF. Mr. Speaker, I offer a privileged resolution (H. Res. 107) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 107

Resolved, That the House has heard with profound sorrow of the death of the Honorable Norman Sisisky, a Representative from the Commonwealth of Virginia.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore. (Mr. LAHOOD.) The gentleman from Virginia (Mr. WOLF) is recognized for 1 hour.

Mr. WOLF. Mr. Speaker, I ask unanimous consent that the time be equally divided and controlled between the gentleman from Virginia (Mr. MORAN) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOLF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with profound sorrow that I join my fellow members of the Virginia congressional delegation and other Members of the House today in remembering NORMAN SISISKY, a true gentleman and a real patriot.

We had learned the news earlier this week that NORMAN’s recent surgery had gone well, and he had returned home to recuperate before his expected return to Washington after the upcoming recess. And today we heard the shocking news that he had passed.

Mr. Speaker, his untimely passing reminds us all of our own mortality and how important it is to live our lives with honor and integrity, as NORMAN did. NORMAN was hard-working, friendly, honest, ethical, decent and moral. He was a Member who worked in a bipartisan way. He reached across the aisle to work for the best interests of America, and it was a privilege to serve with him for the 18 years that he was in Congress and to work with him on the congressional delegation on issues of importance to our State and Union.

NORMAN was born June 9, 1927, and graduated from John Marshall High School in Richmond, Virginia. He joined the Navy after high school and served through World War II until 1946. He graduated from Virginia Commonwealth University in 1949 with a degree in business administration. He transformed a small Pepsi bottling company in Petersburg, Virginia, into a highly successful distribution business. He had recently been appointed to the House Permanent Select Committee on Intelligence. NORMAN was also a Member of the Blue Dog Coalition in the 104th through the 107th Congress, and led bipartisan efforts on the Joint Highway. In 1996 he led an effort to spin off six Democrats for a strong defense and worked to mobilize against military cuts.

NORMAN was instrumental in working to get funding to build the newest aircraft carrier, the Theodore Roosevelt, which was recently christened. He worked tirelessly as an advocate for production of shipbuilding and strengthening our national defense. He represented Virginia’s Fourth Congressional District in the southeastern corner of the Commonwealth, the home of the first permanent English settlement in North
America, and today the home of one of the largest concentrations of military power in the world.

This Congress, the Commonwealth of Virginia and this Nation have lost a faithful servant and a wonderful man, but one who is forever enriched for having had NORM SISKY as a friend and colleague.

Mr. Speaker, our deepest sympathies are extended to Congressman Sisky’s family, his wife of over 50 years, Rhoda, and their four sons, Mark, Terry, Richard, and Stuart, and his seven grandchildren; and also to his congressional family, his staff here on Capitol Hill and in his district offices, and all of the close friends that he had among the Members of Congress and staff. We share in that loss.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, NORM SISKY was a good man. He was a hard-working colleague, a dedicated public servant to the citizens of his southeast Virginia district. I think we were all struck by his unfailing consideration of his colleagues. He loved this institution. He did not need the salary that it paid, he was independently wealthy, but he lived and talked and acted without pretense.

He leaves a great legacy to the people of Virginia and to our whole Nation. He will always be remembered for standing behind our military families and our veterans.

NORM was one of the most effective advocates in the Congress for a strong Navy and its shipbuilding program. He knew that this Nation must always remain militarily strong, and through his public service helped in a substantial way to make our military second to none.

We will all miss NORM’s friendship and his great leadership within the Congress and to the Nation.

Mr. Speaker, I reserve the balance of my time.

Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. Speaker, I rise to pay tribute to my colleague from Virginia (Mr. SCOTT), NORM SISKY of Virginia’s Fourth Congressional District.

I have known NORM since we served together in the House of Delegates, over 20 years ago, and for 8 years I have had the great fortune to represent a district adjacent to his in Hampton Roads. The proximity of our districts allowed us to work together on a lot of different issues, and, as a result, we became close, and our staffs in Washington, D.C., and the district staffs became extremely close.

Hampton Roads, Virginia, indeed all of Virginia’s Hampton Roads, was well served by NORM’s leadership on the House Committee on Armed Services. He was the ranking member of the Subcommittee on Military Procurement and also a member of the Subcommittee on Military Readiness, where he worked diligently to ensure that our Nation’s military was second to none. He took pride in that responsibility and never let anyone forget it.

He had a unique leadership style; one without fanfare, behind the scenes, and it was effective. Newport News Shipbuilding has remained a world leader in nuclear shipbuilding because of his efforts. We have been able to continue nuclear aircraft carrier and submarine construction because of NORM SISKY.

When Virginia’s military facilities came under threat of being closed during the base closings of the 1990s, Congressman SISKY successfully protected Fort Lee and other bases in Virginia that have been critical to the readiness of the Armed Forces. NORM SISKY was also well-respected for his understanding of fiscal responsibility. He was a committed husband, a good father, and a proud Virginia gentleman. He will be sorely missed by the Virginia delegation, his other House colleagues on both sides of the aisle, and others who have had the privilege of knowing and working with him.

Our condolences go out to his wife Rhoda, his four sons and other family members, his staff, and especially Jan Faircloth, who has served him and the Fourth District for almost 20 years.

Mr. Speaker, Virginia has lost an effective servant who will sorely be missed.

Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, today Virginia and the Nation has lost an outstanding representative.

NORM SISKY has helped many citizens throughout the Fourth District of Virginia. He fought for fiscal constraint and worked tirelessly for the defense of our Nation. Through his leadership, the seas and the skies are safer for America and her Armed Forces. Our Armed Forces would not be what they are today without the steadfast support that he gave to our national defense.

NORM was one of the finest businessmen in Virginia, and he shared his success not only with his family, but with many charitable endeavors throughout the Fourth District, the Commonwealth of Virginia, and the Nation. His contributions to the institutions of higher education in south central Virginia have helped many students gain a college degree.

It was an honor to serve in this body with NORM SISKY, and also in the Virginia General Assembly, where he was a member of the house appropriations committee. He helped tremendously the Petersburg area of the Commonwealth and also all of Southside.

NORM was a personal friend, and I shall always remember the guidance he provided when I was first elected to the House of Representatives. I, like many others, am thankful for the opportunity to have known and worked with NORM SISKY.

My deepest sympathies go to his family and his staff.

Mr. MORAN of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), the senior Democrat of the Committee on Armed Services, on whose committee Mr. SISKY was so proud to serve.

Mr. SKELTON. Mr. Speaker, words are difficult at a moment like this,
Mr. HOYER, Mr. Speaker. I thank my friend, the gentleman from Virginia (Mr. MORAN), for yielding me this time.

Mr. Speaker, this body has been diminished by the loss of two very similar Americans, one early in this year, Julian Davis of Georgia, and one late in this year, Julian Davis of Maryland. He was African American. He was an American. We have now, this morning, lost NORMAN SISISKY, a Jewish American. He was an American.

Both were similar in their approach. They were not partisan nor small. They were focused on the best interests of their communities, of their State, of their Nation. They were focused on their constituents and the people who served this great land. They were examples of what has made this country great.

I was here when NORM SISISKY came to the Congress of the United States, and because Maryland and Virginia are in the same region we did a lot of work together. NORM SISISKY became my dear and close friend.

NORM SISISKY was an extraordinary individual, with a sometimes perverse sense of humor. He would berate us one time and say, oh, you cannot do that, to do this or that, you are doing the wrong thing, and you knew if you just waited a little bit he was going to say, but I am with you.

He loved to do that. You could go to him for advice and counsel and know that you were vision of a man who had seen life, who had seen both advantage and adversity, and who accommodated both.

NORM SISISKY, Mr. Speaker, as all of us know, had a bout with cancer a few years ago. He faced that challenge with the same kind of courage that he faced life. We believed and he believed that he had overcome that challenge, and he returned to this body to, as the gentleman from Virginia (Mr. WOLF), the gentleman from Virginia (Mr. MORAN), and his Virginia colleagues have so aptly stated, to contribute mightily to the security of this Nation and to international security.

NORM SISISKY was one of the experts in this House on national security. He was one, as I said before and others have said, who was respected on both sides of the aisle for working in a nonpartisan, nonpolitical way to ensure the strength of our armed services.

In addition to my Virginia connection, I have two major Naval facilities in my district, Patuxent Naval Air Station and the Indian Head Naval Ordnance Station.

As we have heard, NORM SISISKY had one of the great Naval installations in the world. It is not the greatest, in his district. We worked very closely together. He was a giant as an advocate for the strength of the U.S. Navy. The Navy and all its personnel have lost one of their strongest advocates and closest friends.

NORM SISISKY was not the Member who spoke most frequently on this floor. Nor was he the Member, as some have said, who tried to take the most credit for objectives accomplished. But, Mr. Speaker, there was no more effective, no more respected Member of this House, than our friend NORMAN SISISKY.

This body is a lesser place for the loss of NORMAN SISISKY. This country is a little less secure today because we have lost such a strong voice for national defense. The strength of our country is that his voice will be succeeded by others, will be followed by others, and his legacy will be long remembered by those who elected him time after time after time to serve them in this body, by those of us who had the honor to serve with him and by a grateful Nation.

God blesses America, Mr. Speaker. God blesses America, in my opinion, through His children. NORM SISISKY was a blessing to his family, to his State and to our Nation. May God extend to his family a blessing to his children, to his extended family and, yes, to that staff whom I visited just a few minutes ago, that they will be soothed in their grief, as will the family.

I thank the gentleman from Virginia (Mr. MORAN) for yielding the time and join in substantial sadness at the passing of a good and great friend.

Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SCHROCK).

Mr. SCHROCK. Mr. Speaker, I rise today to honor a true Virginian and a great American, Congressman NORMAN SISISKY. Congressman SISISKY has served the Commonwealth of Virginia and our country with great distinction. He defended our Nation during World War II as a sailor in the United States Navy. The people of Petersburg elected NORM to represent them as a member of the Virginia House of Delegates for 10 years. Then in 1982, he was elected to the U.S. House of Representatives to represent Virginia's Fourth Congressional District, the district that abuts Maryland. He became Chairman of the House Committee on Armed Services where he became a champion of our military and veterans' issues.

In the House, he has worked to break bipartisan logjams on issues such as deficit reduction and campaign finance reform. Congressman SISISKY has been recognized as a hard worker and a skilled negotiator.

During his tenure, Congressman SISISKY took a lead in protecting Virginia's Naval and military facilities while also working to ensure that military spending decisions strike the proper balance between strategic necessity and fiscal prudence.

Congressman SISISKY has been recognized for his leadership on many issues, such as national security, veterans' affairs, Social Security and Medicare, small business, protecting the environment, eliminating government waste and reducing the deficit. His record of distinguished service to our country and to the people of Virginia demonstrates to all of us his commitment.
to the values and principles of freedom and public service.

Mr. Speaker, Congressman SISISKY will be missed. I certainly will miss him. To Norm’s wife Rhoda, his children, and his staff, I offer heartfelt condolences. Every one of them is in our prayers.

Mr. ORTIZ. Mr. Speaker, I thank my good friend, the gentleman from Virginia (Mr. Moran), for yielding me this time.

Mr. Speaker, someone once said that if you want to see the future or to see what is ahead of you, you need to get on the shoulders of a giant. Norm Sisisky was a giant of a man. I came to know him very, very well. We were elected both in 1982, sworn into office in 1983, and for 19 years Norm and I sat next to each other. There was nobody that would look out for the needs of the military, the men and women in uniform, like Norm did. We had the privilege of traveling together, working together, and he was a constant source of inspiration and humor at our hearings.

The consummate businessman, he could figure quickly what the hidden costs were to the taxpayers in any plan that came before the committee, to the point that Chairman Dollums named him the big Kahuna, and most of us remember that in the committee when something was getting a little serious, we always knew that the big Kahuna was around.

He was dedicated to Virginia, to the Navy, and to the betterment of our fighting men and women. He was always looking after his military bases in Virginia. We are going to miss a good friend.

I would like to take this opportunity to offer our condolences to all of his family and to just tell them that we are praying for them. God bless America and Norm Sisisky.

Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, I rise today to pay tribute to our former colleague, Norm Sisisky. It is with great sadness that I join my colleagues in honoring one of Virginia’s great public servants. Recently when I was in Congress, Norm was a familiar figure in Virginia politics for many years. Norman spent a lifetime serving Virginia and the United States and we are all deeply indebted to this distinguished gentleman.

He was a true patriot. He enlisted in the Navy as a young man during World War II. His time spent in the Navy, though short, left a lasting impression and he never forgot that we must diligently tend to the needs of the men and women serving in our military. At the conclusion of the war, he became a successful businessman and transformed a small Pepsi bottling company in Petersburg into a highly successful distributor of soft drinks throughout Southside Virginia.

Norm’s background in the business community proved invaluable as he later decided to enter politics. Norm served in Virginia’s general assembly several years before being elected to the House of Representatives in 1982. Here in Washington, Norm was known as a staunch defender of our national security and worked tirelessly on behalf of the men and women who served in the military. His booming voice echoed in the halls of Congress, and his light-hearted personality endeared him to his colleagues on both sides of the aisle.

Norm was particularly effective at building coalitions in support of key programs and reaching across the aisle on matters of importance to all Virginians. From ensuring adequate funding for aircraft carriers and submarines to modernizing our weapons systems, he was in the halls of Congress every day, first as a member of the Committee on Armed Services and an ally of every person who wears the uniform of the United States.

Back home, his reputation as an outstanding politician was unparalleled in the Commonwealth. His legacy of constituent service, consensus building and selfless service is a model for all Members of Congress. The people of the fourth district, the Commonwealth of Virginia, and the United States of America have truly benefited from his dedication and service. NORM was successful in every endeavor, public or private; and we rightly celebrate his memory today. At this time I send my sincerest condolences to Rhoda and the entire Sisisky family.

Mr. Moran of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. Moran), my friend and colleague, for yielding me this time this afternoon.

As we stand here this afternoon and pay tribute to a great American, I want us to reflect on what a great and good friend Norm Sisisky was to all of us. I cannot help but think that when we talk about America’s greatest generation, we talk about people like Norm Sisisky.

We talk about people that were not afraid to stand up for the things that were important to all of us as Americans. I also think about Norm’s wit and his humor, which could either cut one down or brighten one’s day, depending on what his mood was and what was being discussed. I can remember one of the first things that I talked to Norm about, or he talked to me about, was early on in my first term when the gentleman from California (Mr. Hunter), another good friend and colleague who is present today, came in and got me to commit to the B-2 bomber. Little did I know that it was a choice between the B-2 bomber and another aircraft carrier. Well, it was not that hard to determine what side Norm Sisisky was on, and he came to me and asked for support. I said, well, I am sorry, but I already committed to the gentleman from California (Mr. Hunter). So he reminded me that there are things that we are going to look at, we are going to look at things that we have to do as Members of Congress that are important, and there are things and consequences if we do not support the United States Navy or certainly, if we support the Air Force at the expense of the United States Navy.

That is the kind of colleague and friend that he was. He did not hold anything against you. He always was gentle in the way that only he could be. He brought you along as a new Member of Congress.

I always enjoyed and felt reassured when I went into the hearing room and looked up on the top row and there was Norm Sisisky. There was an individual and a leader that one could go to for advice, one could go to for counsel, and the great institutional memory that he had about the things that are important as we sit as members of the Committee on Armed Services.

We never know when our time is going to be up; and certainly for us, it is a great loss. It is a situation that we hope we never have to face, but we must face as Members of this body. I am haunted by a question that I was asked here on the floor by one of the young people in the Close Up Foundation who asked, do you ever have Members of Congress die in office? All too often we do. I am just in my third term, and we have stood in this House many times paying tribute to our colleagues, too many times giving our condolences to their families; but that is what life is about. That is what Norm Sisisky was about. He was about doing the right thing. He was about being a good friend and certainly being a great American.

We as a country, I think, can be proud to have the Norm Siskys. Certainly his wife and his four sons and his grandkids that I know he loved dearly, and they and his family, and our colleagues, and the counsel and the reassurance that things are going to be okay. I know we are going to be fine, but we are still going to have to come to terms with the realization that this is a great loss of a great American for our country. I thank the gentleman for yielding me this time. I thank Norm Sisisky for his counsel, his friendship and, most of all, sharing his humor with us.
Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank my colleague for yielding me this time.

I want to remind the gentleman from Texas of a story I have shared before, that that while NORM SISISKEY wanted you to go with that aircraft carrier and I wanted you to go with more B-2 bombers, that we launched the Ronald Reagan the other day, an aircraft carrier, but we have no B-2 bomber that has been launched lately under the Ronald Reagan name or any others, so NORM was pretty effective in securing the interests of the United States Navy and American naval power.

Mr. Speaker, I think one thing that NORM’s passing does for us, for all of us, is to give us a sense of the value of our own service of this House. I think the value of our service is manifested in the people we serve with. Sometimes we do not notice our colleagues and sometimes we do. I feel good now about all the times that NORM and I would stand at the back and I would put my arm around him or he would put his arm around me and we would talk about national security and what was happening.

NORM was, as the gentleman from Texas (Mr. REYES) just said, great counsel. He had this wonderful insight, he had a businessman’s common sense, and he tempered it all with a lot of wit. I think he has left a little bit of humor in this House of Representatives when working on these national issues. So we always looked forward to serving with NORM. When he would come in and take his seat there in the Committee on Armed Services and we were going to review a major issue, one could count on NORM SISISKEY to give a lot of insight, shed some very valuable light on the subject, look at the subject very seriously, but at the same time maybe reflect. Mr. Speaker, I had a new tire put on my $600 car. He was always very perceptive, and there is a lot of humor out there to reflect on.

Mr. Speaker, I used to reflect on the fact that NORM was probably the best dresser in Congress, and it always delighted him when I would tell the assembled group, wherever it was, that his tie cost more money than my pick-up truck, and it did. In fact, NORM was very kind when he remarked on the fact that I had recently put a new tire on my $600 car. He was always very perceptive, and there is a lot of humor out there to reflect on.

NORM was a guy who was so valuable to this country, because he had the purest of American motives, and that was the national interest, at heart and we knew that. So whether one was talking to the Secretary of the Navy or the President of the United States, and I saw him engage with him here just a few months ago, one knew that he was going to be tough, rough, guy; and there is a lot of that.

As a member of the team, if it was the Committee on Armed Services, you knew that your team was covering all the bases, because NORM was out there making the points and collecting the information and analyzing and doing the right thing.

So the question came to me, it just hit me when I heard about NORM’s passing. Do not we all have some sort of that? It is true that we will not; we will no longer be able to avail ourselves of that great wisdom and that great insight in making these judgments that are important to the country; and that is a real tragedy.

Mr. Speaker, I think NORM would like us to go on and to remember that when we have a few harsh words for each other, which we sometimes have, and when our interests diverge; when it is necessary for us to get political, which at times we do, if we can just leave all of that with a little smile and a little sense of humor, then we will be able to reengage and go forward and work for the national interest.

Mr. Speaker, when I think of NORM SISISKEY, I think of the national interest.

Mr. CONDIT. Mr. Speaker, I would like to stand to pay respect to NORM SISISKEY, a gentleman who was a former Chair of the Blue Dogs of which Mr. Sisisky was a proud member.

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Mr. Speaker, when I think of NORM SISISKEY, I think of the national interest.

Mr. MORAN of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CONDIT), who has been a former Chair of the Blue Dogs of which Mr. Sisisky was a proud member.

Mr. CONDIT. Mr. Speaker, I would like to stand to pay respect to NORM SISISKEY, such a gentleman who was a former Chair of the Blue Dogs of which Mr. Sisisky was a proud member.

Mr. Speaker, when I think of NORM SISISKEY, I think of the national interest.

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be back soon, because I miss not being able to kid around with my friend on the floor.”

As has been said by so many here, NORM SISISKY was a person who took the serious business of this Congress seriously, but yet always did so in good humor, without taking himself too seriously.

In a body where sometimes we do too many times take ourselves and our own actions seriously, it was so refreshing to have someone such as NORM SISISKY who did have so much power and influence and respect in this body, yet handle his business within the proper perspective.

I will miss NORM SISISKY, my friend. I think America will miss the public servant NORM SISISKY. While he will not be with us here physically in this body, I can say that having served with him for 6 years on the Committee on Armed Services, my children and America’s children live in a safer world today and tomorrow because of NORM SISISKY’s contributions.

It has been said that when we leave this world, we leave all behind us that we have worked so hard to achieve. By that standard NORM SISISKY had much to carry with him in his death, because he gave so much to each of us who were blessed to know him, and to so many Americans who would never have heard his name, but who will surely, as we are here today, benefit from his public service.

To the Sisisky family I extend my prayers, thoughts, and deep gratitude for the sacrifices of not only NORM, but his entire family in the many years of public service.

Mr. WOLF. Mr. Speaker, I yield such time as he may consider to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Speaker, I thank the gentleman from California, when I come in and I do not see NORM sitting back there with you and the gentleman from Mississippi (Mr. TAYLOR) and the other folks, and I do not hear that craggy old voice giving me the devil about something, like he did every time I walked in.

But we are just thankful for the time we were able to serve with NORM, and to his family we certainly extend our
Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, NORM and I came here together in 1983, and we sat beside each other for 18 years on the Committee on Armed Services and on several of its subcommittees.

He was tough-minded, tough-talking. When I asked questions, there were no punches pulled. Any witness who came before our committee with NORM on the top row had better be on his toes.

But at the same time, he was, as everyone who has spoken here today has said, a very kind person. He was a great gentleman to his very core. He was always the first to see the humor in everything, always ready with a quip, his ready wit. He came here rather late in life for a freshman Member of Congress. He stayed. I do not think he ever thought he would be here for 18 years when I first met him in 1983, but he stayed because he loved it.

Not only that, NORM knew just what we have testified to here today, he knew he made a difference. He made a difference in this institution, he made a difference in the Armed Forces of the United States, he made a difference in this country.

He had great satisfaction in serving his country. He had great wealth, but I do not think it gave him nearly the pleasure that he got from serving here in the House of Representatives for 18 long years. He was well into his seventies, and despite a bout with colon cancer, despite his advancing age, he was in the saddle riding herd literally every day, tireless. He never quit. He virtually died with his boots on, which I am sure is the way NORM would have wanted to go.

Sitting beside him all these years, I was privy to his commentaries. When witnesses were testifying, we would get a subtext from NORM SISISKY. He would provide a commentary: where the witness was coming from, where the question was coming from, I used to listen to the witness with one ear and to NORM with the other ear, and marvel at what he knew.

He understood the big picture. He understood the institutional aspects. He understood the Pentagon, with the four military departments, but he also understood the nitty-gritty, because he was out in the field, both in his district, down in Norfolk, and Hampton Roads and Fort Monroe, out in the country and traveling all the time, and learning as he traveled.

This was not a pleasure trip for him. What he acquired from all of that was just enormous. He have lost a treasure-load of institutional memory with the passage of NORM SISISKY. The House will go on without NORM, but it will not be quite the same without him. Certainly the top row on the Committee on Armed Services will not be quite the same. His questions will not be quite as hard, the inquiry will not be quite as searching, and the glue that hold us together, builds coalitions across the aisles on different issues, will not be quite as binding without NORM there putting the deals together.

It was my pleasure for all these years to know him as a friend. It was my privilege to serve with him as a colleague. My only regret is that I did not have a chance to sing good-bye. But my heart goes out to all his family, whom he talked about, whom he loved dearly and spoke of often. If it is any consolation to them, I hope they will know that a little of NORM lives in all of us who served with him, who admired him, respected him, emulated him, and will still continue to emulate him as what I consider a model Member of Congress.

The House will go on without NORM, he clearly was up for every moment of it. Almost just a few weeks ago was in a period of about 4 days and 6 far-flung military installations checking to be sure that the people who are defending our country were getting what they needed and if they were not, get what they needed, trying to figure out how he could help get it for them.

Mr. Speaker, I am honored to have served with him. I am honored to get to be here on the floor today as his good friends recognize the service of a great American, of a great patriot, of somebody who really was in so many ways the epitome of what can happen in this country.

Mr. MORAN of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. RODRIGUEZ), a member of the Committee on Armed Services, another friend of Mr. SISISKY’s.

Mr. RODRIGUEZ. Mr. Speaker, I want to thank the gentleman from Virginia (Mr. WOLF) for yielding the time to me.

Mr. Speaker, I do not want to speak for a few minutes here, because I did not know NORM SISISKY nearly as long or nearly as well as so many Members that the gentleman from South Carolina (Mr. SPRATT) just talked about that, that long relationship from day 1 with NORM SISISKY. But it was so much of the NORM SISISKY that I have gotten to know in the last 4 years, seeing him sit back there with the gentleman from California (Mr. CONDIT) and the gentleman from Missouri (Mr. SKEFFON), my good friend.

I just had an opportunity less than a month ago to be on half a dozen military bases with NORM SISISKY over several days and several days where his health never came up. He was out there with the young men and young women who put their lives on the line, who give of themselves, to our country, as everybody probably in this Chamber has seen him do it one time or another in the good old romance of way when those young sailors, those young airmen and women, young service people of all kinds would come to him at a breakfast or a dinner, he knew already many of the concerns they would have, because he was working on trying to solve those problems.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for the opportunity to yield my time to you. I am pleased to yield such time as the gentleman from Florida (Mr. Goss), a good friend, who is Chairman on the Permanent Select Committee on Intelligence, he was with us on that trip, but sitting with NORM on the airplane, he was telling me of a recent visit to one of the military installations in his district.

He said as he was walking through, he saw somebody and they said we knew you were coming today, we saw the message from the top brass yesterday, and the message was ‘daddy’s coming.’ And he saw himself in that role for the young men and young women that defend our country.

And so for the rest of that trip after he told me the story, I would say daddy, it is time to go. Daddy is time to do whatever it is next. But he had that love for people, and there is a big bearlike reaching out to others.

He loved the service in this body. He loved the service in this country. He clearly was up for every moment of it. Almost just a few weeks ago was in a period of about 4 days and 6 far-flung military installations checking to be sure that the people who are defending our country were getting what they needed and if they were not, get what they needed, trying to figure out how he could help get it for them.

Mr. Speaker, I am honored to have served with him. I am honored to get to be here on the floor today as his good friends recognize the service of a great American, of a great patriot, of somebody who really was in so many ways the epitome of what can happen in this country.

Mr. SPRATT. Mr. Speaker, I thank the gentleman from Virginia (Mr. BLUNT) for yielding the time to me.

Mr. Speaker, I also want to take this opportunity to express my condolences to the family and to the children. I want to share with you that I had the opportunity for the last 4 years on the Committee on Armed Services to have met NORM SISISKY.

When I first came, one of the first difficulties that I had, I had lost a base in San Antonio, and I knew that he was very supportive of depot, and I had the opportunity to make some comments. I thought that I was going to have some problems with him,
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because I knew that he felt very strongly on the other side. But I quick-
ly found that he was a gentle man, very respectful, despite the fact that we disagreed on that one issue.

He recognized my situation and under-
stood my reasoning. I wanted to come
together to say thanks to the family having allowed him to serve
not only the State of Virginia and his constituency, but the Nation. He is an
individual that was there for our
troops, was there for our Nation, and I know that he has had a tremendous im-
pact.

I just want to quickly just indicate, there is a poem by Robert Frost that says, “Two roads diverged in a wood, and I— I took the one less travelled by, and that has made all the difference.”

There is no doubt that NORM has taken
that road less traveled by and has made all the difference for all of us.

Mr. WOLF. Mr. Speaker, I yield such
time as he may consume to the gen-
tleman from Virginia (Mr. GOSS). Mr. GOSS. Mr. Speaker, I thank the
gentleman from Virginia (Mr. WOLF) for yielding me the time.

Mr. Speaker, I will stand here and say It has been a very tough year for the
Republican Select Committee on Intelligence. This is the second Mem-
ber we have lost, as well as a staffer in the past year. Obviously, I am dev-
astated again to lose such a valuable Member.

To say, as others have said before me, I was watching the monitors as I
was coming from another meeting, members of my committee, the gen-
tleman from Illinois (Mr. LAHOO) I heard say that NORM was the one who
asked the tough questions, but he asked them in such a pleasant way, and no matter how well I knew the sub-
ject of a hearing in the Permanent Se-
lect Committee on Intelligence, he would often say something with some question that had not been
scripted, that nobody had thought of, right out of the wild blue yonder caught everybody off guard and that
was just his hallmark and his style.

You always had to laugh. I always
looked forward when it was time to
yield to NORM for his questions. I am
going to miss that.

It is true that NORM was an inven-
tive traveller, did so much business
looking after our troops, our equip-
ment, our state of readiness, what was
going on around the world. He really
cared about the men and women. I do
not know how old NORM was, I suspect
a little older than I am, and I know
that I find that the early mornings
seemed pretty early and the late eve-
nings seemed pretty late, but he was always there to come in the
morning for that breakfast with the
troops or the group, whoever was there
that we were meeting, he was always
there. He was always like he was
always getting more mileage out of the
evening than I was too towards the end
of the day.

I asked NORM to take a number of
side trips with me on committee busi-
ness, and he was always game. I got
him in some mighty small planes in
some mighty uncomfortable places in
the course of some of those trips. I
never heard him complain. He was al-
tways game for the next one when we
went out, and he sure did his job ex-
tremely well.

To Rhoda and the family, Mariel and
I will send our deepest condolences and
sympathy. We know you are going
to miss him terribly as well all his
friends here. The next time I get on
that plane and look in NORM's seat, I
know that I am going to have the same
feelings I have now. It is not fair some-
how, but it is what we have to deal with.

Mr. MORAN of Virginia. Mr. Speaker,
yield 1 minute to the gentleman from
Texas (Mr. STENHOLM), another
friend of Mr. SISISKY's, specifically a
leader of the Blue Dog Coalition and
good friend of this House as well.

Mr. STENHOLM. Mr. Speaker, I thank
the gentleman from Virginia for
yielding me time.

Mr. Speaker, I join with all of my colleag-
ues in expressing our sincere re-
gret and our sadness that I rise today to honor my friend
and colleague, NORMAN SISISKY, who served
the Commonwealth of Virginia and our nation
with distinction in the House of Representa-
tives for the last 18 years of his life.

NORM's devotion to his country began
ger than after graduation from high school. He
enlisted in the Navy and served during World
War II. After his release from active duty in
1946, he returned to his home in Richmond
and entered what is known today as Virginia
Commonwealth University. He graduated in
1949 with a B.S. degree in Business Adminis-
tration.

All of NORM's House colleagues were well
aware of his reputation as a businessman. He
transformed a small Pepsi bottling company in
Petersburg into a success story. He
acquired its equipment, services, and con-
trol to the security of this country was sec-
ond-to-none—Republican or Democrat. He

Mr. MORAN of Virginia. Mr. Speaker,
yield myself such time as I may
consume.

We will miss him. This body will mis-

Mr. WOLF. Mr. Speaker, I yield my-
self the remainder of the time.

Mr. Speaker, in closing I want to
thank all the Members for coming, and
every word that was said today was ac-
curate. I listened to every word, every
word, from where NORM sat, to his
sense of humor, to his character, to the
comment about being a Member's
Member, to the comment with regard
to bipartisanship, every word, I can at-
test and I know that Members that are
listening here, and every word that was said today was accurate.

NORM made a great difference, and he
will be missed.

Mr. SPENCE. Mr. Speaker, it is with great
sadness that I rise today to honor my friend
and colleague, NORMAN SISISKY, who served
the Commonwealth of Virginia and our nation
with distinction in the House of Representa-
tives for the last 18 years of his life.

NORM's devotion to his country began

In 1973, NORM was first elected to public
office, representing Petersburg as a Delegate in the Virginia General Assembly. He served
five terms in the General Assembly before being
elected to Congress in 1982. He was currently serving in his 10th consecutive term
in the House.

A senior Member of the Armed Services Commit-
tee, NORM was Chairman of the Oversight and Investigations Subcommittee in the
103rd Congress. He was the ranking Dem-
ocrat on the Procurement Subcommittee in the
current Congress, as well as a member of the Readiness Subcommittee and the Panel on
Morale, Welfare, and Recreation. He was also one of the Armed Services Committee's
“crossover” members to the Permanent Select
Committee on Intelligence.

He had been a member of the Armed Services Committee whose commit-
tment to the security of this country was sec-
ond-to-none—Republican or Democrat. He

Mr. GOSS. Mr. Speaker, I thank the
gentleman from Virginia for
yielding me the time.
was also a proud member of the informal “Blue Dog” Coalition and one of its tireless advocates of increased defense spending—especially for aircraft carriers! I remember vividly Norm’s handing out “Your Name Here . . . CVN 76” hats in an effort to get that carrier fully funded on schedule. I think he was as pleased as I when it was recently christened the U.S.S. Ronald Reagan!

I traveled abroad with Norman on several occasions, and I greatly enjoyed his friendship. He was an exceptional politician and a patriotic American. Not only shall I miss his wise counsel but also his sense of humor. I am thankful to have known and worked alongside him for the past 18 years.

I extend my deepest sympathy to his wife, Rhoda, their four sons, and their families.

Mr. GILMAN. Mr. Speaker, I join with my colleagues in expressing our deep sense of loss on the passing of our beloved colleague, the gentleman from Virginia, Mr. SISISKY.

Norm has served in this body for nearly 20 years, and beyond any doubt is one of those Members whose presence made a true difference. NORM was a “gentleman’s gentleman”, who earned the respect of all of us on both sides of the aisle.

Norm, prior to his Congressional career, was a soft drink and beer distributor. From that experience, he was able to share with all of us what it means to be a small business entrepreneur during the latter part of the 20th century. He shared with us the trials and tribulations of the American small business owner, his sincere belief that the bureaucracy was stifling free enterprise and initiative, and his conviction that it was our responsibility to cut through red tape and other burdens upon the average taxpayer. NORM was a natural fit on the Committee on Small Business, and served as the Chairman of this Committee, and was a font of knowledge and experience on that Committee. He was de

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain 1-minute speeches.

HONORING REVEREND DR. THURMONT COLEMAN, SR.

(Mrs. NORTHUP asked and was given permission to address the House for 1 minute.)

Mrs. NORTHUP. Mr. Speaker, today I would like to recognize someone who has devoted his time and energy to his church and his beliefs. Reverend Dr. Thurmond Coleman, Sr., pastored the First Baptist Church in Jeffersontown, Kentucky for 45 years.

Upon his retirement, he was named Pastor Emeritus. Dr. Coleman has served as the Moderator of the Central District Baptist Association for the past 6 years, and his tenure will end in July 2001.

He is a community leader serving on the Louisville League, the NAACP, and the Kentucky Human Rights Commission. Dr. Coleman is also a civil rights leader and has worked about reconciliation between black and white Baptists and among all races and religion.

On Saturday, March 31, 2001, Dr. Coleman will be honored for his hard work and dedication as Moderator of the Central District Baptist Association, which has a membership of 147 churches.

Individuals such as Dr. Coleman play a vital role in reconciling the divisions in our community and in building the hope of a better future for each person. I am proud to bring your attention to Reverend Dr. Thurmond Coleman, Sr., and all of and of all of his achievements.

MENTORING FOR SUCCESS

(Mr. OSBORNE asked and was given permission to address the House for 1 minute.)

Mr. OSBORNE. Mr. Speaker, if we could create a program that would reduce absenteeism from school by 53 percent, drug and alcohol abuse by nearly 50 percent, teenage violence by 30 percent, and substantially reduce teenage pregnancy, gang involvement and dropout rates, would this be a desirable program? Obviously, the answer to this question is yes.

Next week, I will introduce the Mentoring For Success Act, establishing a national mentoring program through the Department of Education. This legislation will connect children who have the greatest need with a responsible adult mentor who has received training and support in mentoring, been screened through background checks, and is interested in working with youth.

An adult mentor provides a child with support, encouragement, academic assistance, and a vision of what is possible.

Each year, we spend billions of dollars on education, yet see little improvement in dropout rates and test scores. We spend billions of dollars on incarceration and juvenile justice programs, yet have very high recidivism rates.

Through one-to-one mentoring, we have a chance to make a difference. Please join me in support of the Mentoring For Success Act.

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

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. LANGEVIN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. SKELTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. GOSS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)
ACHIEVEMENTS OF CESAR CHAVEZ

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, the gentleman from California (Mr. BACA) is recognized for 60 minutes as the designee of the minority leader.

Mr. BACA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BACA. Mr. Speaker, yesterday I introduced a resolution, H. Res. 105, recognizing the achievements of Cesar Chavez, the founder and president of the United Farm Workers of America.

It is introduced and supported by the United Farm Workers and supported by all Members of the Congressional Hispanic Caucus, and many of my fellow Members of the House of Representatives.

This resolution encourages a Federal holiday for March 31 in honor of Cesar’s birthday. It encourages States to make March 31 a holiday. It encourages schools to incorporate lessons on Cesar Chavez’s life and work into their curriculum and to learn about their curriculum.

Cesar Chavez is a true American hero. He carried the torch for justice and freedom. He was a hope for thousands of impoverished people. He was a beacon of light for many Latinos in the United States, all over the United States. He was a true American hero.

Cesar Chavez was born near Yuba, Arizona, and grew up in a migrant labor camp. In 1938, the Chavez family had joined some 300,000 migrant workers who followed the crops in California.

In the early 1960s, Chavez became co-founder and president of the United States Farm Workers. In 1968, Chavez gained attention as the leader of a nationwide boycott of California table grapes in a drive to achieve labor contracts. In fact, some of us still do not eat grapes even now today, even though that boycott is over.

He led his organization to increase protection for workers, for health and safety, to ban child labor from the fields, to win fair-wage guarantees, and to fight against discrimination in employment and the sexual harassment of female workers.

Chavez also used nonviolent tactics to bring attention to the plight of farm workers. His efforts are a shining example to young people and can provide an invaluable lesson for what he or she believes in if they work hard, perseverance, and people bannering together, solidarity and in unity, that changes can come about.

He organized the farm workers to stand together and in one loud voice say, ‘From this day, we demand to be treated like we are respected as human beings. We are not slaves, and we are not animals, and we are not alone. We will not work for low wages.’

‘You live in big farm homes, but we live in boxes. You have plenty to eat while our children must work in our fields for food. You wear good clothing, but we are dressed in rags.’

When one looked at Cesar Chavez and the family and many of the campinos, farm workers, they did not have what many had. All they wanted was decent wages and good jobs.

‘Your wives are free to make good homes, while our wives work in the field along pesticides. Fighting for social justice is one of the most profound ways in which a man can recognize another man’s dignity.’

Cesar Chavez’s dedication to social justice meant great sacrifices. It was a great sacrifice for many all over the world, all over the United States. He often said that hunger strikes to protest the farm workers’ condition. These hunger strikes are believed to have helped contribute to his sudden death in 1993.

I attended the funeral where over 50,000 people attended. On September 2, 1994, California enacted a Cesar Chavez Holiday Bill designating March 31 as a State holiday, a measure that I voted for while I was in the State of California in the legislature. This measure is about respect and recognition.

That is why I have introduced a similar measure here in Congress, respect for a great man who has changed the world by using nonviolence. This is about justice. This is about equality. This is about human dignity and only wanting to live for a better quality of life, not only for himself, but for many others.

The slogan that we often use and have heard is: Si se puede, which means, yes, you can; viva la huelga (long live the struggle); and viva la causa (long live the cause).

Let me tell my colleagues that is why, when we look at this resolution, we say that it is going to happen, and si se puede (it can happen), and one day we will have when we recognize Cesar Chavez.

This is the beginning of the awareness of a great man who has honored our Nation, who has served our country and sacrificed himself for the betterment of others.

Mr. Speaker, I yield to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, let me take this opportunity, first of all, to congratulate the gentleman from California (Mr. BACA) on his efforts on this resolution. I take pride in being here with him and taking this opportunity as I rise to honor an inspired and beloved man, Cesar Estrada Chavez.

Today we honor him in anticipation of his birthday and ask the Members of the House to pay tribute and pay respect to a man who brought dignity to every man and woman and child in this country as we struggled from the fields.

Chavez was bestowed one of the greatest honors when he was introduced into the U.S. Department of Labor’s Labor Hall of Fame. This honor is solely reserved for Americans whose contributions to the field of labor have enhanced the qualities of lives for millions. Not only did he enhance the lives of millions, but he touched deeply those individuals with compassion and commitment and, as we used to refer, to la causa (the cause).

Many of my colleagues may remember one particular time when he had 25 days of fast that was conducted by Chavez, which reaffirmed the United Farm Workers’ commitment to nonviolence.

For those of us who lived through that period of time, we heard of the great odds that Chavez faced as he led the successful 5-year strike and boycott. Through these boycotts, Chavez was able to forge a national support of coalitions of unions, students, minorities, and consumers.

By the end of the boycotts, everyone knew the chant that unified all groups,
Mr. BACA. Mr. Speaker, I yield to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman from California (Mr. BACA) for this special order and for his resolution, H. Res. 185, that will bring us today the first national recognition for Cesar Chavez.

We call today in the strongest possible terms for Cesar Chavez’s birthday on March 31 to be recognized as a Federal holiday. This great national hero had nationally recognized with a national holiday. This Nation, this world, lost a great civil rights leader nearly 8 years ago, when Cesar Chavez died after a tireless struggle for social change. March 31 is a State holiday in my State of California, and countless schools, roads, libraries and other public institutions have been named after Cesar Chavez. It is now time that the entire Nation honor his enduring legacy with a Federal holiday.

We will hear tonight the poignant story of Cesar Chavez’s life. I want to talk about the impact of his life on my life, and on the life of my constituents, and on the life and soul of this Nation.

He brought dignity and respect to farm workers. He organized them—himself—unrecognized themselves and became an inspiration to all people engaged in human rights struggles throughout the world. It is time we pay him the respect that he deserves.

His work was holistic, helping to empower farm workers on their basic rights. Influenced by the writings of Gandhi and other proponents of nonviolence, he began to register his fellow farm workers to vote and then to educate them about their rights to a safe workplace and a just wage.

Through the use of a grape boycott, Cesar Chavez, Delores Huerta, and others in the fledgling United Farm Workers were able to secure the first union contracts for farm workers in the United States. These contracts provided farm workers with the basic services that most workers take for granted today, such as clean drinking water and sanitary facilities.

Because of Cesar Chavez’s flight to enforce child labor laws, farm workers could also be certain that their children would not be working side by side with them and would instead attend the schools that he helped to establish. He made the world aware of the exposure to dangerous chemicals that farm workers and consumers face every day.

Cesar Chavez’s influence extended far beyond agriculture. He was instrumental in forming the Community Service Organization, one of the first civic groups in the Mexican-American communities of California and Arizona.

He worked in urban areas, organized voter registration drives, brought complaints against mistreatment by governmental agencies. He taught community members how to deal with governmental, school and financial institutions and empowered many to seek further education and politics.

Mr. Speaker, I urge my colleagues to cosponsor H. Con. Res. 105 or H. Con. Res. 3. We must follow the lead of California, a State that knows the fruits of Cesar Chavez’s labors firsthand, and designate March 31 as a Federal holiday in honor of Cesar Chavez.

Mr. Speaker, I thank the gentleman from California (Mr. BACA) for his efforts tonight.

Mr. BACA. Mr. Speaker, I yield to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, Cesar Chavez was one of the greatest labor leaders of our time. His courage was unbelievable. Before he stood up to some of the most selfish and apathetic farmers, he was the first to fast for justice. He was recognized that there were thousands, hundreds of thousands of people who were absolutely powerless, had no recourse, no redress for their grievances, were being exploited in our economy, particularly the agriculture economy.

Mr. Speaker, Cesar Chavez united them. We as a Nation, many of us, boycotted grapes and lettuce and felt that we were part of a movement greater than ourselves, and, in fact, in retrospect, we were.

Many good farm workers were even worse treated. They were indentured servants. They would travel up the migrant stream, their children would...
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have to follow with them. The children would get no education. The few children of farm workers who got an education, it would not be from bilingual teachers. They lived in hovels off the road where no one would see them. They were hungry, that they ate more than chicken coops, many of them. They would have to borrow money for their rent and food and necessities. The harder they worked, many farmers would reduce the piece rates, always be in debt. They would have to come back the next year to pay off their debt. This became a tradition, an institution of exploitation.

Cesar Chavez gave these families hope. He was in the American tradition. I know there are still many families who hate him today for the fact that he turned around a system that was greatly to their benefit, but this was a man that was American in all of the finest traditions. We look to him for inspiration, and I would hope that we will find ways to continue to honor him.

Many of the children and grandchildren of the families that he organized now have a good education, have broken into the middle class, and have control over their lives, and they will soon forget why it is that they have a piece of the American pie now. They have some control over their lives. But in many instances, it is because of the courage, the character, the leadership of Cesar Chavez.

So I thank the distinguished gentleman from California for being here, and his colleagues from Texas and California, and I know there are many other colleagues, if the House was still in session, who would be here, but who had to leave. This House bears a real debt in to Cesar Chavez, as does the Nation.

Mr. BACHUS. Mr. Speaker, I thank the gentleman from Virginia (Mr. MORAN). As the gentleman noted, there are many individuals who have been affected by not providing health safeguards from pesticides, deplorable housing conditions, sexual harassment towards women, and having inadequate wages, as many individuals have signed on as cosponsor of this particular legislation.

I think it is important for all of us to recognize the importance of why we are doing this. We are doing it for an individual who has given so much of his life for this country, for this area; his leadership, his vision, his struggle to help many of the poor and disadvantaged, his inspiration, and what it means to all of us.

For some of us, unless we worked out in the fields, we really do not understand what it is like. I happened to have picked peaches and tomatoes out in the field, and let me tell my colleagues the best job, and when you see a lot of the people out there that are suffering, and you see the working conditions of individuals, and you see the children, you can see the emotion and the feeling of many of the children that are out there that are being affected.

What Cesar Chavez wanted to do was to make sure that the children also had a better quality of life, of education. He said the children need a better education. He went through 36, 38 different schools, and so he said, I want the children to enjoy the same life that other children have. I want to make sure they have the opportunity. When he looked in their eyes, when he looked at their clothes, and realized their opportunities, he could see the feeling of what was expressed in the dignity and the respect that he wanted for all children, for all individuals.

When he looked at their circumstances and the working conditions, he wanted to make sure that they had a better opportunity not only for themselves, but for their families. He wanted to make sure they could put food on the table and they could take care of their clothes and their housing, have better conditions, so they would not have to worry about not having their health, not having to get up with pain to go back to work the next day because there was no money.

He wanted a better life, and he gave a lot of himself. He gave of himself for many individuals. Our Nation should be grateful for a great hero and a great American, a veteran, a leader, a visionary, an inspiration, a man that we all look to.

It is hard to be a leader, Mr. Speaker. It is hard to really be involved. It is easy to sit on the sidelines and say it is nice if someone does lead, but he was willing to plow the field. And now Arturo Rodriguez has carried that struggle and banner, carried it forth to make sure equality is there.

Another person along with him was Delores Huerta, who led in the struggle and the fight. She is ill today. Who knows why she is ill today and in the hospital. It could be because of all of the involvement she had, the struggles and the sacrifices she made; and many other individuals.

Mr. Speaker, we need to support this resolution encouraging a Federal holiday for March 31 in honor of Cesar Chavez’s birthday, to encourage States to make March 31 a holiday, to encourage schools to incorporate a lesson on Cesar Chavez, because if they do not know his contributions, what he has done, then we are lost, because it is by learning each others customs and traditions and our heritage that we know the struggle of individuals and we accept history. We need to work that into our curriculum.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to add my voice in honor of Cesar Chavez.

The son of a migrant farm worker, Cesar Chavez was not born into greatness. However, he became a great leader in our nation’s continuing fight for labor and civil rights.

Cesar Chavez is best remembered as the founder and president of the United Farm Workers of America. The contributions of Cesar Chavez, however, were not limited to the fields. His voice reached the urban areas across America, particularly in the East Los Angeles neighborhoods where I was born and raised and now am proud to represent in Congress.

Cesar Chavez was part of the Latino empowerment movement of the 40’s. Even today his memory inspires Latinos to be activists at the community, state and national levels.

Cesar Chavez understood that participation was the greatest tool to implement changes in our society. He once said: It is possible to become discouraged about the injustice we see everywhere. But God did not promise us that the world would be humane and just. He gives us the gift of life and allows us to choose the way we will use our limited time on earth. It is an awesome opportunity.

The world is a better place because of the work of Cesar Chavez. The best tribute we can pay is to find opportunities in our own lives to continue his work in the fight for civil rights, and to encourage others to join us.

Ms. SOLIS. Mr. Speaker, Cesar Chavez is one of the most well-known and respected Latino civil rights leader in the United States and House Resolution 105 requesting a “Cesar Chavez National Holiday” would honor his legacy.

Most importantly, we need to keep his legacy alive by encouraging schools throughout the United States to teach about who Cesar Chavez was and what he did to improve our society.

Future generations should be given the opportunity to learn about Cesar Chavez and about the migrant farm worker community’s struggle to achieve better living conditions, better wages, and protection from environmental contaminants.

He was a pioneer in addressing environmental justice issues related to pesticides in food and how farm workers’ health was placed at great risks due to exposure to chemicals used in the fields.

As a State Senator in California through Cesar Chavez’ inspiration and Dolores Huerta’s friendship, I fought to improve the working, living, and safety conditions for farm workers.

I strongly supported a ban on methyl bromide, an acutely toxic pesticide responsible for poisoning hundreds of farm workers and many have even died due to methyl bromide poisoning.

I also fought to eliminate the dangerous “short hoe” method for strawberry workers, and worked for clean housing and bathrooms for farm workers.

I am very committed to continue Cesar Chavez’ legacy by supporting pro-labor and environmental legislation in Congress to help remedy some of these environmental and labor injustices.

Cesar Chavez led by example and he motivated thousands of people to become involved in the migrant farm worker struggle by joining the United Farm Workers (UFW), which he co-founded.

He led successful strikes and boycotts against the agri-business growers who exploited workers by not providing health safeguards from pesticides, deplorable housing conditions, sexual harassment towards women, and having extremely low wages.

He obtained national/international support for the United Farm Worker (UFW) movement
through non-violence and using civil disobe-
dience as an action to achieve justice.

He sacrificed his own health by fasting for
extremely long periods of time to provide a
voice for the migrant farm workers who were
being exploited. He was humble and did not
seek personal attention or glory for himself.
He was committed to helping his fellow
migrant farm workers and he treated everyone
with respect.

He passed away on April 23, 1993, at the
age of 66 and his passion and commitment for
social change, improved thousands of peo-
ple’s lives and inspired many others to con-
tinue the struggle.

I am one of those who is committed to
keeping Cesar Chavez’ struggle alive. He
tired tirelessly until the end to help his fellow
farm workers.

One major step in the right direction would
be if the 107th Congressional session ap-
proved this House Resolution 105 to create a
“Cesar Chavez National Holiday.” This would
officially recognize Cesar Chavez, as one of
the most outstanding national Latino leaders in
modern U.S. history.

Mr. BERMAN. Mr. Speaker, I rise today to
pay heartfelt tribute to Cesar Chavez, a man
of courage, faith and love who shared his
great strength with thousands and inspired
millions of Americans. As a leader in the fight
for social justice, he was a hero to farm-
workers, to the Latino community, to the labor
movement and to me.

Cesar Estrada Chavez was born on March
31, 1927, near Yuma, Arizona. In 1962, Chavez
founded the National Farm Workers Associ-
ation, later to become the United Farm Work-
ers—UFW. With persistence, hard work and
faith, Chavez built a great union that galvanized the spirit of all people through
commitment to the struggle for justice through
nonviolence. He devoted his life to inspire his
fellow farmworkers to fight and to restore the
conscience of the rest of us.

It was my great fortune to work with Cesar
Chavez as a colleague and friend. Chavez’ ef-
forts were critical in focusing public attention
on our nation’s deplorable treatment of mi-
grant farmworkers. Through his leadership and
his legacy, the United Farm Workers has grown
stronger and is in its efforts to achieve a last-
ning justice for farmworkers.

On this anniversary of his birthday, it is ap-
propriate to mention that today across the na-
tion and in this Chamber there are numerous
efforts to commemorate the life and work of
Cesar Chavez. I am grateful for the opportu-


SPECIAL ORDERS GRANTED

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

(The following Members (at the re-
quest of Mr. RODRIGUEZ) to revise and
extend their remarks and include ex-
traordinary material:)

Mr. GROSS, for 5 minutes, today.

ADJOURNMENT

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

The motion was agreed to—accord-
ingly (at 4 o’clock and 28 minutes
p.m.), pursuant to House Resolution
107, the House adjourned tomor-
row, Friday, March 30, 2001, at 10 a.m.,
in memory of the late Hon. NORMAN
SIJSKY of Virginia.

OATH FOR ACCESS TO CLASSIFIED
INFORMATION

Under clause 13 of rule XXIII, the fol-
lowing Members executed the oath for
access to classified information:

Neil Abercrombie, Anibal Acevedo-Vila,
Gary L. Ackerman, Robert B. Aderholt, W. Todd
Akin, Thomas H. Allen, Robert E. And-
rews, Richard K. Arney, Joe Baca, Spencer
Bachus, Brian Baird, Richard H. Baker, John
Elias E. Baldacci, Tammy Baldwin, Casse
Ballenger, James A. Barcia, Bob Barr, Ros-
coe G. Bartlett, Joe Barton, Charles F. Bass,
Ken Bentzen, Doug Bereuter, Shelley Berk-
ey, Howard Berman, Nick Ayers, Judy
Biggert, Michael Bilirakis, Rod R.
Biagioglie, Earl Blumenauer, Roy Blunt,
Sherwood L. Boehlert, John A. Boehner,
Henry Bonilla, David E. Bonior, Mary Bono,
Mike Bost, James B. Boster, Dan Burton,
Steve Buyer, Sonny Callahan, Ken
Calvert, Dave Camp, Chris Cannon, Eric
Canter, Shelley Moore Capito, Laos Crips,
Michael Capuano, Benjamin L. Cardin,
Brad Carson, Julia Carson, Michael N. Castle,
Steve Chad, Saxby Chambliss, Donna M.
Christensen, Wm. Lacy Clay, Eva M. Clay-
ton, Bob Cobleigh, Mac Col-
lins, Larry Combest, Gary A. Condit, John
Cooksey, Jerry F. Costello, Christopher Cox,
William J. Coyne, Robert E. (Bud) Cramer,
Jim Davis, Jo Ann Davis,3 Susan A. Davis,
D. Dicks, Tom Davis, John D. Dingell, Lloyd Doggett,
Cal-
vin M. Dooley, John T. Doolittle, Michael F.
Doyle, David Dreier, John J. Duncan, Jr.
Edwards, Vernon J. Ehlers, Robert L. Ehrlich, Jr., Jo Ann Emer-
son, Eliot L. Engel, Phil English, Anna G.
Eshoo, Bob Etheridge, Lane Evans, Terry
Everett, Eni F.H. Faleomavaega, Sam Farr,
Chaka Fattah, Mike Ferguson, Bob Filner,
Jeff Flake, Ernie Fletcher, Mark Foley, Har-
old Ford, Jr., John F. Kennedy, Jr., Barney
Frank, Rodney P. Frelinghuyzen, Martin
Frost, Elton Gallegly, Greg Ganske, George
Gibbons, Wayne T. Gilchrest, Paul E. Gilmor,
Benjamin A. Gilman, Charles A. Gonzalez,
Virgil H. Goode, Jr., Bob Goodlatte, Bart
Gordon, Porter J. Goss, Graham,
Kay Granger, Sam Graves, Gene Green, Mark
Green, James C. Greenwood, Felix J. Grucci,
Jr., Gil Gutknecht, Ralph M. Hall, Tony P.
Hall, James E. Hansen, Mel-
issa A. Hart, J. Dennis Hastert, Alcee L.
Hastings, Doc Hastings, Robby Hahn, J. D.
Hall, Joe Heck, Hal Rogers, George
B, P. Hill, Van Hillegass, Ed E. Hillis,
Maurice D. Hinchen, David L. Hobson, Joseph M.
Hoeffel, Peter Hoekstra, Tim Holden, Rush D.
Holt, Michael F. Hudson, Bill Latham,
Stephen Horn, John N. Hostetler, Amo
Houghton, Steny H. Hoyer, Kenny C.
Hulshof, Duncan Hunter, Asa Hutchinson,
Henry, Carolyn McCarthy, Betty McCollum,
Steve Israel, Darrell E. Issa, Ernest J.
Istook, Jr., Jese L. Jackson, Jr., Sheila
Jackson-Lee, William J. Jefferson, William
Johnson, Chris Smith, James M. Cooper,
Johnson, Nancy L. Johnson, Sam Johnson,
Timothy V. Johnson, Stephanie Tubbs
Jones, Walter E. Jerry B. Johnson,
Marcy Kaptur, Ric Keller, Sue W. Kelly,
Mark R. Kennedy, Patrick J. Kennedy, Brian D.
Kernan, Dale E. Kildee, Carolyn C. Kil-
ner, Ron Kind, Ed R. King,
D. King, Mark Steven Kirk, Gerald D. Kieczka,
Joe Knollenberg, Jim Kolbe, Dennis J.
Kucinich, John J. LaFalce, Ray LaHood,
Newt, J. Jackson, James L. Inose, Tom
Lantos, Steve Largert, Rick Larsen, John B.
Larson, Tom Latham, Stephen C. LaTourette,
Mike Leach, Bob Latta, Bill Loden, M.
Levin, Jerry Lewis, John Lewis, Ron Lewis,
John Linder, William O. Limpkins, Frank A.
LoBiondo, Zoe Lofgren, Nita M. Lowey,
Frank D. Lucas, Ken Lucas, Bill Lugar,
Carolyn B. Maloney, James H. Maloney,
Donald A. Manzullo, Edward J. Markey,
Frank Mascara, Jim Matheson, Robert T.
Maxey, John Mica, Anna M. Eshoo, Jane
McAuliffe, Betty McCollum,
Jim McCrery, John McHugh, Scott McInnis,
Mike McIntyre, Howard P. Mock, Cynthia A.
McLoud, Ed Mooney, Mark T.
Meehan, Carrie P. Meek, Gregory W. Meeks,
Robert Menendez, John L. Mica, Juanita
Millender-McDonald, Dan Miller, Gary G.
Miller, Thad E. McCotter, Bill Moak-
ley, Alan B. Mollohan, Dennis Moore, James
P. Moran, Jerry Moran, Constance A.
Morella, John P. Murtha, Sue Wilkins
Myrick, Jerrold Nadler, Grace F. Napolitano,
Richard E. Neal, George R. Nethercutt,
Jr., Robert W. Ney, Anne M. Northup, Eleanor
Nolte, Christopher Norton, John D. Obey,
John W. Oliver, Solon M. Ortiz, Tom
Osborne, Doug Ose, C. L. Otter, Major R.
Owens, Michael G. Oxley, Frank Pallone, Jr.
Rick Pearce, Jr., Paul H. Rogers, Mike
Roe, Nancy Pelosi, Mike Pence, Collin C.
Peterson, John E. Peterson, Thomas E. Petri,
David D. Phelps, Charles W. Pickering,
Joseph P. Pitts, Todd Russell Platt, Richard
W. Pombo, Earl Pomeroy, Bob Portman,
David E. Price, Deborah Pryce, Adam H.
Putnam, Jack Quinn, George Radovich,
Nick J. Rahall, II, Jim Ramstad, Charles B.
Rangel, Ralph Regula, Dennis R. Rehberg,
Silvestre Reyes, Thomas M. Reynolds, Bob
Riley, James M. Riley, Bob Roe, Pedro
Rodiguez, Tim Roemer, Harold Rogers, Mike Rogers,
Dana Rohrabacher, Ileana Ros-Lehtinen,
Mike Ross, Steven R. Rothman, Margie
Rousseau, Edward W. Roybal, Paul Ryan,
Jim Ryun, Martin Olav Sabo, Lo-
retta Sanchez, Bernard Sanders, Max

LEAVE OF ABSENCE

By unanimous consent, leave of ab-
sence was granted to:

Ms. BALDWIN (at the request of Mr. GEHR-PA-) for today on account of a
death in the family.
EXECUTIVE COMMUNICATIONS, ETC.

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

1396. A letter from the Secretary, Department of Defense, transmitting a letter on the approval of Lieutenant General Donald L. Kerrick, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1397. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant Jack W. Klimp, United States Marine Corps, and his advancement to the grade of lieutenant on the retired list; to the Committee on Armed Services.

1398. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of an export license to Canada [Transmittal No. DTC 030-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1399. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of an export license to Japan [Transmittal No. DTC 030-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1400. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of an export license to Belgium [Transmittal No. DTC 031-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1401. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of an export license to Norway [Transmittal No. DTC 007-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. WATTS of Oklahoma (for himself, Mr. HALL of Ohio, and Mr. WATT of Maryland), H.R. 7. A bill to provide incentives for charitable contributions by individuals and businesses, to improve the effectiveness and efficiency of government program delivery to individuals and families in need, and to enhance the ability of low-income Americans to gain financial security by building assets; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, 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. WELDON of Florida (for himself, Mr. NADLER, Mr. BURTON of Indiana, Mr. FRANK of West Virginia, Ms. MCCOMB of Missouri, Mr. HORN, Ms. MCCARTHY of New Mexico, and Mr. TURNER), H.R. 1287. A bill to amend the Public Health Service Act with respect to the Vaccine Injury Compensation Program; to the Committee on Energy and Commerce.

By Mrs. KELLY (for herself, Mr. GILLESPIE of Virginia, Ms. SHAYS, Mrs. LOWEY, and Mr. ENGEL), H.R. 1288. A bill to amend title 49, United States Code, relating to the airport noise compatibility program; to the Committee on Transportation and Infrastructure.

By Mr. LANTOS (for himself, Mr. MCMULLEN, Mr. BONOR, Mr. FRANK, Mr. HILLARD, Mr. KILPATRICK, Mr. THOMPSON of Mississippi, Mr. KILDER, Mr. McKINNEY, Mr. KENNEDY, Ms. ROYBAL-ALLARD, Ms. LEE, Mrs. NAPOLITANO, Ms. WOOLSEY, Mr. FILNER, Ms. KAPTRU, Mr. BACA, Mr. DELAHUNT, Mr. BRADY of Pennsylvania, and Mr. ROSEN), H.R. 1290. A bill to amend the Fair Labor Standards Act of 1938 to prohibit forced overtime hours for certain licensed healthcare employees; to the Committee on Education and the Workforce.

By Mr. JACKSON of Illinois (for himself, Mr. BLAOGOJEVIC, Ms. BROWN of Florida, Mrs. CHANDLER, Mr. CUMMINGS, Mr. DEFAZIO, Mr. HASTINGS of Florida, and Mr. KENNEDY of Rhode Island), H.R. 1298. A bill to amend the Child Research Act of 1964 to make such title applicable to the judicial branch of the Federal Government; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. EVANS, Mr. ARMLEY, Mr. DINGLE, Mr. HAYWORTH, Mr. REYES, Mr. STUMP, Ms. BROWN of Florida, Mr. BILIRAKIS, Ms. CARSON of Indiana, Mr. SPENCE, Mr. RODRIGUEZ, Mr. BUTLER, Mr. SMITH of Indiana, Ms. BERKLEY, Mr. MCKON, Mr. UDAL of New Mexico, Mr. SIMPSON, Mr. CROSHAW, Mr. BROWN of South Carolina, Mr. EHRLEICH, Ms. BALDWIN, Mr. GREEN of Texas, Mr. MORTON, Mr. SCHILLER, Mr. TROY of Kansas, Mr. SUTHERLAND of Massachusetts, Mr. SMITH of Missouri, Mr. HOLT, Mr. DREIER, Mr. GILMAN, Mr. JENKINS, Mr. HANSEN, Mr. LUCAS of Oklahoma, Mr. LAUGHLIN, Mr. WELCH, Mr. MALONEY of Connecticut, Mr. PALLONE, Mr. COSTELLO, Mr. ANDREWS, Mr. BRADY of Pennsylvania, Mr. WATTS of Oklahoma, Mr. ROUKEMA, Ms. MCKINNERY, Mr. RANGEL, Mr. TAYLOR of North Carolina, Mr. HILLIARY, Mr. JONES of North Carolina, Mr. JOHNS, Mr. JOHNSON of Ohio, Mr. GILLLOR, Mr. LATOURNETTE, and Mr. JONES of North Carolina), H.R. 1298. A bill to amend the Federal Deposit Insurance Act to require the continued stability of the Federal deposit insurance system with respect to banks and savings associations, and for other purposes; to the Committee on Financial Services.

By Mr. BACA (for himself, Ms. MCKINNEY, Mr. SMITH of New Jersey, Mr. CRAWFORD, Mr. SHERMAN, Ms. ROYBAL-ALLARD, Mr. WELLES, Mr. TAYLOR, Mrs. ROUKEMA, Ms. MCKINNERY, Mr. RANGEL, Mr. HILLIARY, Mr. JONES of North Carolina), H.R. 1299. A bill to amend the veterans’ benefits for veterans under the Montgomery GI Bill; to the Committee on Veterans’ Affairs, and in addition to the Committee on Armed Services, 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. NEY (for himself, Mrs. JONES of Ohio, Mr. GILLLOR, Mr. LATORIETTE, and Mr. JONES of North Carolina), H.R. 1299. A bill to amend the Federal Deposit Insurance Act to provide for the use of gold in the metal content of the Medal of Honor; to the Committee on Armed Services.

By Mr. BACA (for himself, Mr. GONZALEZ, Mr. KILDER, Ms. CARSON of Indiana, and Mr. GRUCCI), H.R. 1299. A bill to authorize the Secretary of Health and Human Services to make matching grants available to the States in order to encourage the establishment of State license plate programs to provide funds for the treatment of breast cancer, for research on such cancer, and for educational activities regarding such cancer; to the Committee on Energy and Commerce.

By Mr. BACA (for himself, Mr. GRAHAM, Mr. DELAHUNT, Mr. SCHENK, Mr. BRYANT of Texas, Mr. TERRY, Mr. SHADDOCK, Mr. BUYER, Mr. ABERCROMBIE, Mr. BAFFI, Mr. BALDACCI, Mr. HASTINGS of Florida, Mr. SHERMAN, Mr. SHIMKUS, Ms.
H.R. 1296. A bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts; to the Committee on the Judiciary.

By Mr. BLUMENAUER of Oregon, Mrs. THURMAN of Oregon, Mr. McB RICKER and Mr. FOREST.

H.R. 1302. A bill to prohibit certain foreign assistance to countries that consistently oppose the United States position in the United Nations General Assembly; to the Committee on International Relations.

By Ms. SCHAKOWSKY of Illinois, Mr. CAMP of Georgia, Mr. LEWIS of Georgia, Mr. CHRISTENSEN of Washington, Mr. MARKEY of Massachusetts, Mr. SMITH of New Jersey, Mr. TANCREDO of Colorado, and Mr. SNYDER of Arizona.

H.R. 1307. A bill to amend chapter 89 of title 26, United States Code, to allow a refundable credit to members of the Armed Forces who serve on active duty during a taxable year; to the Committee on Ways and Means.

By Mr. ENGEL, Ms. ENGLISH, Ms. LOWEY, Mr. INSLEE, Mr. LATHAM, Mr. LEECH, Mr. PAULINE, Mr. SMITH of New Jersey, Mr. TANCREDO of Colorado, and Mr. SNYDER.

H.R. 1308. A bill to provide for the expansion of local trials qualifying for the orphan drug credit; to the Committee on Ways and Means.

By Mr. CAPUANO (for himself, Mr. SCHÖNHUBER, Mr. KING, and Mr. BRADY of Pennsylvania).

H.R. 1309. A bill to amend the Internal Revenue Code of 1986 to provide a credit against the tax for energy efficient appliances; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. REYES, Mr. MENENDEZ, Mr. MENDELSON, and Mr. EVANS.

H.R. 1310. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient vehicles; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. REYES, Mr. MENENDEZ, Mr. MENDELSON, and Mr. EVANS.

H.R. 1314. A bill to provide an enhanced penalty for threatening or intimidating an individual, or to cause property damage, by means of fire or an explosive on school property; to the Committee on the Judiciary.

By Ms. LOFGREN: H.R. 1315. A bill to provide grants to local educational agencies that agree to begin school for secondary students after 9:00 in the morning; to the Committee on Education and the Workforce.

By Mr. LOWEY (for herself, Mr. ENGEL, Mr. GILMAN, and Mrs. KELLY).

H.R. 1316. A bill to provide funds for established hydroelectric projects located in the State of West Virginia; to the Committee on Energy and Commerce.

By Mr. NUSILLE (for himself, Mr. TANNER, Mr. CAMP of New York, Mr. SHEPARD of New York, Mrs. THURMAN, Mr. BOHLEITER of Pennsylvania, Mr. BOWSHER, Mr. GANSE, Mr. GILLMOR, Mr. INSLER, Mr. LATHAM, Mr. LEACH, Mr. MARKVEY, and Mr. SNYDER of New Jersey).

H.R. 1317. A bill to amend the Internal Revenue Code of 1986 to clarify that qualified personal service corporations may continue to be eligible for the cash method of accounting for federal income tax purposes; to the Committee on Ways and Means.

By Mr. BISHOP: H.R. 1320. A bill to prohibit certain foreign assistance to countries that consistently oppose the United States position in the United Nations; to the Committee on International Relations.

By Ms. DUNN.

H.R. 1323. A bill to amend the Internal Revenue Code of 1986 to allow a credit against the income tax for recycling or remanufacturing equipment; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself, Mr. POMEROY, Mr. ARMBY, Mr. BARCIA, Mr. BERRUTER, Mr. BOHNER, Mr. BONILLA, Mr. BONIOR, Mrs. BONO, Mr. CHAMBILIS, Mr. COOKSEY, Mr. COX, Mr. CUNNINGHAM, Ms. DUNN, Mr. EHRLICH, Mr. FOLEY, Mr. FROST, Ms. GRANGER, Mr. HENDRICKSON, Mr. HOLDEN, Mr. ISAKSON, Mr. JEFFERSON, Mr. JOHN, Mr. SAM JOHNSON of Texas, Ms. KELLY, Mr. KING, Mr. KNOLLBERG, Mr. KOLOE, Mr. MCCRYCH, Mr. McNINNIS, Mr. GARY G. MILLER of California, Mr. MURDOCH, Mr. NEY, Mr. OTTER, Mr. POMEROY of Ohio, Mr. RAHALL, Mr. REYNOLDS, Mr. ROHRABACHER, Mr. SANDLIN, Mr. SANTON, Mr. SCHAFER, Mr. SENSENBRINNER, Mr. SHOES, Mr. SCHROCK, Mr. SIMPSON, Mr. SMITH of New Jersey, Mr. SMITH, Mr. TERRY, Mr. THORNBERRY, Mr. TOOMY, Mr. WALSH, and Mr. QUINN):

H.R. 1325. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level; to the Committee on Ways and Means.

By Mr. GUTIERREZ (for himself, Mr. ENGEL, Mr. HINOJOSA, Mr. HINOJOSA of Texas, Mr. HINOJOSA of New Mexico, Ms. BALDWIN, Mr. FAIR of California, Mr. ENGLE, Ms. WOOLSEY, Mr. BONOR, Mr. RODRIGUEZ, Ms. CARSON of Indiana, Mr. DE LEON, Mr. DASTEDT, Mr. LANTOS, Ms. MCKinney, Ms. ROYBAL-ALLARD, Mr. BLAGOJEVICH, Mr. FRANK, Mr. ORTIZ, Mr. BARRETT, Mr. LEVENTHAL, Mr. LIPINSKI, Mr. SANDERS, Mr. EVANS, Mr. MENENDEZ, Mr. FELNER, Mr. Berman, Ms. ESHOO, Mr. DAVIS of Illinois, Mr. LOWEY, Ms. NORTON, Ms. LINEHAN, Ms. BROWN of Florida, Mrs. NAPOLITANO, Mr. WEXLER, Mr. CONyers, Mrs. JONES of Ohio, Mr. COSTERA, Mr. OWENS, Mr. GEORGE MILLER of California, Mr. FROST, Mr. SOLIS, Mrs. MALONEY of New York, Mr. BRICHERA, Mr. REYES, Mr. CUMMINGS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HONDA, Mr. ACEVEDO-VILA, Mr. DEUTSCH, Mr. SERRANO, Mr. SCHANKOWSKY, Ms. SANCHEZ, Ms. SCHANKOWSKY, Ms. SANCHEZ, Ms. WYNN, Mr. CAPUANO, and Ms. LOFGREN):
H1345

CONGRESSIONAL RECORD—HOUSE

March 29, 2001

Gutierrez, Mr. Cummings, Mrs. Meck of Florida, Mr. Norton, Mr. Gonzalez, and Mrs. Tauscher:

H.R. 1319. A bill to amend the Consumer Credit Protection Act to prohibit creditors and other unfair practices by payday lenders, to encourage the States to license and closely regulate payday lenders, and for other purposes; to the Committee on Financial Services.

By Mr. Sabo:

H.R. 1320. A bill to amend title II of the Social Security Act to establish an effective real annual rate of interest at 6 percent for special obligations issued to the Social Security trust funds; to the Committee on Ways and Means.

By Mr. Thune (for himself, Mr. Hinchey, Ms. Kaptur, Mr. Cooksey, Mr. Wynn, and Mr. Boswell):

H.R. 1321. A bill to amend the conservation provisions of the Food Security Act of 1985 to establish a voluntary, incentive-based conservation security program; to the Committee on Agriculture.

By Mr. Andrews (for himself, Mr. Andrews, Mr. Kildee, Mrs. McCarty of New York, Mr. McGovern, Mr. Frank, Mr. Mica, Mr. Oberstar, Mr. Delahunt, Mr. Ford, Mr. Kucinich, Mr. Hinchey, Mrs. Mink of Hawaii, Mr. Geopolis of California, Mr. Conyers, Mr. Bono of Ohio, Mr. Cleland of Georgia, Mr. Sanders, Mr. Capuano, Mr. DeFazio, Mr. Borski, Mr. Olver, Mr. Lewis of Georgia, Mr. Evans, Mr. Holden, Mr. Fattah, Mr. Thompson, Mr. Woolsey, Mr. Waxman, Mr. Gonzalez, Mr. Payne, Ms. Hooley of Oregon, Mr. Millender-McDonald, Mr. Hastings of Florida, Mr. Meehan, Mr. Brady of Pennsylvania, Mr. Filner, Ms. Schakowsky, Mrs. Thunes, Mr. McDermott, Ms. Sanchez, Ms. Dingell, Mr. Abercrombie, Mr. Thompson of Mississippi, Ms. Norton, Mr. Brown of Ohio, Ms. McKinney, Mr. Sherman, Ms. Kilpatrick, Mr. Davis of Illinois, Mr. Crowley, Mr. Markey, Mr. Owens, Mr. Berman, Mr. Kclezica, Mr. Underwood, Mrs. Maloney of New York, Mrs. Napolitano, and Ms. Lee):

H.R. 1322. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide for emergency protection for retiree health benefits; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. Whitfield:

H.R. 1325. A bill to designate the facility of the United States Postal Service located at 3160 Irvin Cobb Drive in Paducah, Kentucky, as the “Morgan Station”; to the Committee on Government Reform.

By Mr. Whitfield:

H.R. 1326. A bill to designate the facility of the United States Postal Service located at 203 West Paige Street in Tumkinville, Kentucky, as the “Tumpkinville Post Office Building”; to the Committee on Government Reform.

By Mr. Whitfield:

H.R. 1327. A bill to amend the Immigration and Nationality Act to prohibit H-2A workers from bringing law suits against employers except in the State in which the employer resides or has its principal place of business; to the Committee on the Judiciary.

By Mr. Castle (for himself, Mrs. Roukema, Mr. Platts, Mr. Jones of North Carolina, Mr. McNulty, Mrs. Morella, Mr. Ose, Mr. McHugh, Mr. Gilmour, Mr. Rodriguez, Mr. Hoyer, Mr. McCuver, Mr. Hoyer, Mr. McGovern, Mr. Udall of New Mexico, Ms. Lee, Mr. Engel, Mr. Ney, Mr. Blagojevich, Mr. Baldwin, Mr. Cleaver, Mr. Hyde, Mr. Hillary, Mr. Meehan, Mr. Gordon, Mr. Greenwood, Mr. Kilpatrick, Mr. King, Mr. Norton, Mr. Frank, Mr. Buxton, Mr. Kildee, Mr. Ferguson, Mr. Stenholm, Mr. Weldon of Pennsylvania, Mr. Gonzales, Mr. Lantos, Ms. Ihsa, Mr. Cantor, Ms. McKinney, Mr. Mahar, Mr. Hinchey, Mr. Voinovich, Mr. Wynne, Mr. Heffley, Mr. Pastore, Mr. Walsh, Mr. Moran of Virginia, Mr. Sandlin, Mr. Boren, Mr. Visclosky, and Mr. Kucinich):

H.J. Res. 42. A joint resolution memorializing the United States Army during the Civil War; to the Committee on Government Reform.

By Mr. Thune:

H.J. Res. 107. A resolution expressing the condolences of the House of Representatives on the death of the Honorable Norman Sisisky, a Representative from the Commonwealth of Virginia; considered and agreed to.

By Mr. Baker (for himself, Mrs. Morell, Mr. King, Mr. Pascrell, Ms. Ros-Lehtinen, Mr. Smith of New Jersey, Mr. Blagojevich, Mr. Hinchey, Mr. Vitter, Mr. Jackson of Illinois, Mr. Splatff, Mr. Mascara, Mr. Rahall, Mr. Hostettler, Mr. Gonzalez, Mr. Goode, Mr. Wolf, Mrs. Biggert, and Mrs. Jo Ann Davis of Virginia):

H. Res. 108. A resolution expressing the sense of the House of Representatives that a commemorative postage stamp should be issued in honor of the members of the United States Army who died in Iraq or in Afghanistan; to the Committee on Government Reform.

By Mrs. Thurman (for herself, Mr. Abricomi, Mr. Ballenger, Mr. Blagojevich, Mr. Ford, Mr. McIntyre, and Mr. Osso):

H. Res. 109. A resolution recognizing the anniversary of the signing of the Declaration of Arbroath and supporting the establishment of a National Tartan Day to recognize the outstanding achievements and contributions made by Scottish Americans to the United States; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

12. The Speaker presented a memorial of the Senate of the State of Nevada, relative to Resolution No. 9 memorializing the United States Congress that the men aboard the Lucky Strike that crashed on Mt. Charleston on November 17, 1955, G.M. Pappas, P.E. Winham, C.D. Farris, G.R. Faolas, J.H. Gains, E.J. Urolatis, J.W. Brown, W.H. Marr, J.F. Brown, R.H. Krymes, T.J. O’Donnell, F.F. Hanks, H.C. Silent, and J.R. Hruda, will be long remembered for their contribution to our national security which cost them their lives; to declare the crash site of U.S.A.F. 9068 near the summit of Mt. Charleston as the “Silent Heros of the Cold War National Monument”; jointly to the Committees on Armed Services and Resources.

13. Also, a memorial of the Senate of the Commonwealth of Virginia, relative to Resolution No. 491 memorializing the United States Congress to urge the United States Coast Guard to provide funding from the Oil Spill Liability Trust Fund to clean up the oil which is contained in the 27 vessels of the United States Maritime Administration’s James River Reserve Fleet classified as in dire need of scrapping; jointly to the Committees on Transportation and Infrastructure and Armed Services.

ADDITIONAL SPONSORS

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

H.R. 8 Mr. Strahs.
H.R. 17 Mrs. Kelly.
H. Con. Res. 20: Mr. ROTHMAN, Mrs. ROUKEMA, Mr. GOODLATTE, and Mr. LANGEVIN.
H. Con. Res. 23: Mr. AKIN.
H. Con. Res. 45: Ms. WOOLSEY, Mr. ENGEL, Mr. TANCREDO, and Mr. MOORE.
H. Con. Res. 49: Mr. GOODE.
H. Con. Res. 52: Mr. ROTHMAN, Mr. VISCLESKY, Mr. MCGOVERN, and Mrs. MALONEY of New York.
H. Con. Res. 72: Mr. ROHRABACHER, Mr. RYAN of Wisconsin, Mr. SHOWS, and Mr. FALOMAVAEGA.

H. Con. Res. 73: Mr. BLUMENAUER, Mr. BAHR of Georgia, Mr. PLATTS, Mrs. NORTHUP, Mr. GILMAN, and Mr. LIPINSKI.
H. Con. Res. 81: Ms. McKinney, Ms. BALDWIN, Mr. GEORGE MILLER of California, Mr. HOLDEN, and Mr. MCGOVERN.
H. Res. 17: Mr. STARK, Mr. McDERMOTT, Mr. GEORGE MILLER of California, and Ms. BALDWIN.
H. Res. 18: Mr. GEORGE MILLER of California, Ms. SOLIS, Mr. KIND, Mr. MARKEY, Ms. BROWN of Florida, Mr. HINCHERY, and Mr. OWENS.
H. Res. 56: Mr. GILMAN.
H. Res. 87: Mrs. CHRISTENSEN, Mr. MOORE, Mr. ACEVEDO-VILA, and Ms. SANCHEZ.
H. Res. 97: Mrs. C advertisement.

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The Senate met at 9:30 a.m. and was called to order by the Honorable JEFF SESSIONS, a Senator from the State of Alabama.

PRAYER

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

Sovereign God, help us to know what we mean when we call You our Sovereign. May this name for You, used so frequently by our Founding Fathers and Mothers, become an experienced assurance in our lives. Abigail Adams’ own words written to her husband John on June 20, 1776, become our motto: “God will not forsake a people engaged in so right a cause, if we remember His loving kindness.” O Divine Master, help us to be engaged in causes that You have assigned and never forget Your faithfulness.

Belief in Your sovereignty gives us a sense of dependence that leads to true independence. All that we have and are is Your gift. When we are totally dependent on You for guidance and strength, we become completely free of fear and anxiety. What You guide, You provide. Trust in Your sovereignty provides supernatural power to accomplish what You give us to do for Your glory. And acceptance of Your sovereignty gives us courage. This is Your Chamber. It is holy ground; keep this Senate sound. May Your sovereign authority abound. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF SESSIONS 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 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:


To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF SESSIONS, a Senator from the State of Alabama, to perform the duties of the Chair.

STROM THURMOND, President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, today the Senate will resume consideration of the DeWine amendment regarding issue advocacy ads. There will be up to 15 minutes of debate prior to a vote at 9:45. Following the vote, Senator HARKIN will be recognized to offer an amendment regarding volunteer spending limits. By previous consent, there will be up to 2 hours of debate on the amendment. Senators should be aware that the vote on the Harkin amendment is expected to occur prior to noon today.

Further amendments will be offered throughout the day. There will be numerous votes, with the goal of completing action on the bill by this evening. I yield the floor.

Mr. REID. Mr. President, I have been in contact with the two managers of the bill, and I have indicated that Senator DODD and I have worked to cut down the list. We have several amendments. I think there has been a civil debate in this 2-week period of time. There have been very few quorum calls in effect. We are going to do what we can.

I alert everyone, to finish this bill today is going to be extremely difficult. We had 21 amendments yesterday on this side. We are down now to about 14. We picked up two during the night. I am sure most of them will work with time limits on the amendments. But that having been said, it is going to be very difficult to finish today. I think the leadership should consider we will have to have something else either going into tomorrow or Saturday or finishing next week.

Mr. MCCONNELL. I must say while the amendments seem to be multiplying on the other side, they are vanishing on this side. There are a couple of amendments, but there is really only one, I think, that has any serious drama attached to it, and that is the nonseverability amendment which we hope to vote on later today, to be offered by Senator Frist, in coordination with a member of the Democratic Party from the other side of the aisle. I say to my friend, the Democratic whip, we don’t have any amendments left to go over here, so we may at some point just be dealing with Democratic amendments.

Mr. REID. We will do our best to cooperate with the manager of the bill.

Mr. MCCAIN. Will the Senator yield? Mr. MCCONNELL. I am happy to yield.

Mr. MCCAIN. Over the last 2 weeks, literally every day I have been standing on the floor with the Senator from Kentucky and the Senator from Nevada saying we are going out early, we have a lot of amendments to go, and we need to get this done, and everybody wants to get it done by the end of this week, particularly by this evening. Apparently that is going to be very difficult to do.

My suggestion to the Senator from Kentucky and the leadership on both
sides is stay in tonight until we get it done or—that is my first choice. My second choice would be tomorrow and then on Saturday. I think we are all aware that the leadership wants to move to the budget debate. I think that is appropriate. We all agreed at the beginning that 2 weeks was sufficient time to address this issue.

One thing I suggest to the Senator from Kentucky and the Senator from Nevada is tabling motions, but clearly first-degree amendments have at least an hour after they are offered, even if all time is yielded back on the other side.

I hope most Members appreciate that there are a couple or three issues, the main one being severability, but the rest of them either have been addressed in some fashion or are not of compelling impact, even though the authors of the amendments may believe that is the case.

I urge my colleagues to be prepared to stay in very late tonight because we need to finish this legislation.

I yield the floor.

Mr. MCCONNELL. Mr. President, I say to my friend from Arizona, he will notice I have not filed a cloture motion. I have said that there is only one major amendment left, the nonseverability amendment, which will be offered on a bipartisan basis, and that there are few to no amendments left on this side.

From my point of view, as someone who is certainly unenthusiastic about this bill and will vigorously oppose it, nevertheless I realize it is time to get to final passage sometime today. I say to the Senator from Arizona we will not have a problem getting to final passage because of this side. We cleared things out on our side and are ready to go to final passage. I am happy to finish it up sometime today.

Mr. MCCAIN. I thank the Senator from Kentucky.

Mr. REID. Mr. President, I don’t want to belabor this. I briefly say to the Senator from Arizona, the votes for this reform have been supplied by this side of the aisle. We appreciate its bipartisan nature. We are doing our very best, and we have people who believe in campaign finance reform who have amendments. They believe they strengthen the bill, and we will work with them to try to cut down their time. Some of them have waited, they have been off the Hill doing something else, they have been waiting to offer these amendments. We will do everything we can to protect them so they can offer these amendments for what they believe will strengthen this bill.

Mr. MCCAIN. Hopefully, we can calculate the number of the amendments, perhaps work out some time agreements on each one, so we can have an idea as to when we can finish.

Mr. REID. I do our very best.

Mr. MCCONNELL. Mr. President, one final item: I want to notify the Senate that about 4 o’clock I am planning to address the Senate on the implications of this bill on our two parties. I know we frequently don’t show up to listen to each other’s speeches, but I recommend that Senators who are interested in the impact of this bill on the future of the two-party system and on their own reelections might want to pay attention to what I have to say.

My current plan is to deliver that speech around 4 o’clock, and I want to notify people on both sides of the aisle and the staffs who may be listening to the proceedings on the Senate floor. I think I will invite the Senators on both sides of the aisle ought to listen to. So maybe just to give notice, I ask unanimous consent I be allowed to address the Senate for up to 30 minutes, beginning at 4 o’clock.

Mr. REID. I have no objection as long as there is 30 minutes reserved to respond to the Senator from Kentucky by someone from this side of the aisle.

The ACTING PRESIDENT pro tempore. Does the Senator so modify his request?

Mr. MCCONNELL. I say to my friend from Nevada, I don’t think there will be anything to respond to. I am sure it will be a factual presentation of the impact.

Mr. REID. I am sure that will be the case, but we ask for 30 minutes.

Mr. MCCONNELL. I have no objection.

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

BIPARTISAN CAMPAIGN FINANCE REFORM ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the DeWine amendment, No. 152, on which there shall be 15 minutes for closing remarks.

First, the clerk will report the bill.

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:

Specter amendment No. 140, to provide findings regarding the current state of campaign finance laws and to clarify the definition of electioneering communication.

DeWine amendment No. 152, to strike certain provisions relating to noncandidate campaign expenditures, including rules relating to certain targeted electioneering communications.

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

AMENDMENT NO. 152

Mr. DEWINE. Mr. President, I yield myself 4 minutes.

Mr. REID. Will the Senator yield for a minute?

Mr. DEWINE. I yield.

Mr. REID. Mr. President, I yield, on behalf of the opponents of this measure, 7½ minutes to the Senator from Michigan.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized for 4 minutes.

Mr. DEWINE. Mr. President, in a few moments the Senate will have an opportunity to vote on an amendment I have offered along with Senator HATCH, Senator HUTCHINSON from Arkansas, Senator BROWNBACK, and Senator ROBERTS. This amendment is a very simple amendment. It strikes title II from this bill.

This will be the last opportunity that Members of this Senate will have to strike what is blatantly and obviously a unconstitutional provision of this bill. We will take an oath to support and defend the Constitution. I think it is one thing to say we are not sure how a court is going to rule. That is certainly true. We are never totally sure. It is one thing to say a provision of a bill may be held unconstitutional. But I do not know how anyone can look at the amended bill, which is no longer Snowe-Jeffords—it is now Snowe-Jeffords-Wellstone; it is fundamentally different—I don’t know how anyone can look at this bill and not know it is blatantly unconstitutional. I think everyone knows when it leaves here it will be held unconstitutional and that is why we will have, later today, a debate about this whole issue of severability. We would not have to have that debate if people did not believe this provision is unconstitutional.

What does it do? What does Snowe-Jeffords-Wellstone do? What will the bill say unless we amend it by striking this provision? It will draw an arbitrary line, say you cannot do that. It will say you cannot do that. It will say you cannot do that. It will say you cannot do that. It will say you cannot do that. It will say you cannot do that. It will say you cannot do that.

Groups that want to run an ad criticizing MIKE DEWINE or criticizing any other candidate will then go into a local TV station to run an ad talking about an issue and mentioning the name or putting up our picture on the screen and will no longer be able to do that. The station manager will have to say: I am sorry, you can’t run that ad. People will say: Why not?

The Congress passed a ban on your ability to do that. That is clearly unconstitutional.

What is the criterion? What have the courts held necessary, before Congress can abridge freedom of speech? There
are certain areas where clearly we can do it and the courts have held we can do it. What is the test?

There must be a compelling State interest to do it. If it is done, it must be done in the least restrictive way. Least restrictive would be more restrictive than to say you can’t go on TV, you can’t communicate to people? If this remains in the bill, we will end up with a situation in this country where the only people who can speak in the last 60 days, to the electorate, will be the networks, the radio and television commentators, the radio commentators, and the candidates. This is a closed system. It is not an exclusive club. It is something in which everyone should be able to participate. That is the essence of free speech.

The courts have held all kinds of things to be part of free speech. But the most pure form of free speech, the thing that absolutely must be protected, the thing that obviously the framers of the Constitution had in mind when they wrote the first amendment, is political speech in the context of a campaign when we talk about issues and when we talk about candidates.

I do not like a lot of these ads. My colleagues who come to the floor—and by the way, every colleague who came to the floor to oppose the DeWine amendment, everyone except Mr. WELLSTONE—voted against the Wellstone amendment. Every single one of them did. I don’t know why they did. I know why Mr. EDWARDS did. He said it was unconstitutional, and I think everybody in this Chamber knows it is unconstitutional. But that is what the restriction will be. It is blatantly unconstitutional. It does not pass the Supreme Court’s test of a compelling State interest.

What is the compelling State interest to smash free speech within 60 days before an election? I will stop at this point and reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Maine controls the time in opposition.

The Senator from Maine.

Ms. SNOWE. I yield 2 minutes to the Senator from Wisconsin.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized for 2 minutes.

Mr. JEFFORDS. Mr. President, I rise to oppose the DeWine amendment. I believe the Senator from Ohio raises serious and legitimate issues about the Snowe-Jeffords amendment. The fact is, to put it in plain terms for the people around the country, they are being subjected to ads that about everybody knows are really campaign ads. They are what many people call phony issue ads. They know very well they are not just issue ads.

What Senators SNOWE and JEFFORDS have done is to try to come up with a formula to get at the heart of the problem, to have the Supreme Court have an opportunity for the first time in many years to look at legislative language from the Congress, to ask the question: Are these ads that are supposed to be protected under the first amendment or are they really electioneering ads that would have to be some kind of regulation in order for there to be fair elections in this country?

That is the question. The only way we can find the answer to the question is to pass a bill. We cannot call up Chief Justice Rehnquist and say: What is the compelling interest if we want to restrict it? Are we going to be constitutional? We are prohibited from asking for those kinds of advisory opinions.

I believe this is constitutional. I believe it is very carefully crafted with a very strong respect for the difficult first amendment questions that are involved. But I do think it would be held constitutional.

I expect some of the Justices might find it is not constitutional. But that is not how the Supreme Court works. The question is, What do a majority of the Justices believe? I believe a majority of the Justices who see these ads on television would conclude, as I do, that they are not issue ads but that they are really campaign ads and are appropriately regulated in this manner.

For that reason, I believe this is an extremely valuable addition to the bill. It is the second big loophole in the system. No. 1 is the soft money loophole. No. 2 is the phony issue ads. And that is exactly what the distinguished Senator from Maine and the distinguished Senator from Vermont are opposed to. I thank the Senator from Maine.

The ACTING PRESIDENT pro tempore. Who yields time?

Ms. SNOWE. Mr. President, I now yield 2 minutes to the Senator from Vermont.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized for 2 minutes.

Mr. JEFFORDS. Mr. President, I am disturbed at the DeWine attempt to solve a problem that is not there. I was one of those back in my last election—not the last but the one before that—who was exposed to this kind of advertising, who has had to face seeing ads on television which totally distort the facts and say terrible things. You watch a 20-percent lead keep going down and you do not know who is putting them out. Sometimes they are saying is totally inaccurate, but you have no way to refute it, other than to try to get people convinced that nobody knows who put it there, who is behind it.

The constitutionality of our provisions is common sense. How can you say that something which merely asks the person who put out the ad to let everybody know who they are is unconstitutional? How in the world can you say that it is unconstitutional to require somebody to disclose who they are and what they are?

That is all we are doing in Snowe-Jeffords.

The Wellstone amendment does make things a little more confusing in that regard.

Let’s remember what we are doing if we vote on this bill without leaving in the very critical provisions of Snowe-Jeffords, which say who does ads and does so in a way to attack a candidate, they have to let people know who they are. What is wrong with that? I think everybody believes that is a positive addition.

The Snowe-Jeffords provisions also make sure that when the time comes down to the very end, that unions and corporations are not precluded from ads by any means. But they are required to disclose how the money came and use individually donated hard money.

It can’t be unconstitutional in the sense of the corporations or unions using individually donated funds instead of their own funds to run these ads. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. JEFFORDS. Mr. President, let me briefly respond to my colleague from Vermont.

Look, no one likes these ads. No one likes to be attacked. My friend said he was disturbed by the televised ads; they say terrible things, and they are inaccurate. I understand that. All of us have had that experience. All of us have been in tough campaigns. All of us have been attacked by what we consider to be unjustifiable advertising. Many of our citizens have faced attacks where people have said things that we just shudder about and just can’t believe that it is running on television. Our families do not like it. Our mothers do not like it. Our kids do not like it. But do you know something? That is part of the system. That is part of democracy. This is not some other country where we restrict campaigns and what can be said at the time campaigns take place.

It might be easier. It might be cleaner. It might be easier to look at. No one ever said democracy was easy and wasn’t sometimes messy. But that is the first amendment. That is not a justification to put a clamp on freedom of speech.

My friends talk about disclosure. That is not the biggest problem with this bill. It is not a disclosure problem such as it is a restriction on free speech within 60 days of an election.

Let me repeat what it does. Within 60 days of an election, you can’t run an ad that mentions a candidate’s name or that has the candidate’s image unless you are the candidate for that particular office.

That is what it says. It is wrong to make it unconstitutional.

Let me repeat the time.

Mr. FEINGOLD. Mr. President, it is my pleasure to speak in support of the provision originally crafted by the distinguished Senators from Maine and Vermont. Senators Snowe and Jeffords, which says anyone who issues any kind of campaign finance reform reached a stalemate in the fall of 1997, Senator SNOWE...
and Senator Jeffords first came together to draft this language, and it has been a vital contribution to reform effort. I thank them both for their continued dedication to closing the issue ad loophole which, next to soft money, is surely the most serious violation of the spirit of our campaign finance laws.

Snowe-Jeffords gets at the heart of the issue ad loophole. Right now wealthy interests are abusing this loophole to reap the rewards of flouting the spirit of the law. There is no question about it. They advocate for the election or defeat of a candidate, even though they don't say those "magic words," such as "vote for," "vote against," "elect" or "defeat." These ads might side-step the law. Mr. President, but they certainly don't fool the public. One recent study decided to see how the public viewed sham issue ads. They wanted to see if people thought they were really about the issue ad loophole or whether they were about candidates. The results were definitive.

Take a look at this chart, which cites the results of a study conducted by David Magleby at Brigham Young University. Nearly 90 percent of respondents thought that issue ads paid for by outside groups were urging them to vote for or against a candidate.

People didn't need to hear the so-called magic words to know that these ads were about an issue. The public was just as true for issue ads paid for by the parties as it was for ads paid for by outside groups.

Party soft money ads were just as clearly crafted to influence the voters. When respondents reviewed party soft money ads, 83 percent ranked those ads as "clearly intended to influence their vote." And this is perhaps even more interesting, more respondents thought the parties' ads were intended to influence the election as the ads paid for by the candidates' campaigns. The party ads, the sham issue ads paid for with soft money, were more obviously advocating for or against a candidate than the ads the candidates made themselves. That is a great example of how soft money and the issue ad loophole have come together to warp the current campaign finance system.

As you can see in this next chart entitled "Political Party Soft Money Ads Overspill Spending by Redeemed Corporations," money ads have now overtaken candidate spending on ads in the presidential race. You can see on this chart how this shift has taken place between the 1996 and 2000 elections. The parties are now spending phenomenal amounts of soft money on sham issue ads.

Again, on this chart, you can see how party spending on ads has overtaken candidate spending in the race for the Presidency, and dwarfs spending by outside groups. And here is the kicker: None of these party ads mention party label, but all of them mention the candidate. They mention the candidate because they are advocating for the election or defeat of that candidate. And yet the law says that doesn't count.

This doesn't make sense. The magic words test is completely helpless to stem the tide of sham issue ads, ads from the parties, ads from unions or corporate trade associations, front groups or non-profit corporations that are acting on behalf of those unions or corporations. We need to close the loophole, and Snowe-Jeffords does just that.

Here is how Snowe-Jeffords navigates the difficult political and constitutional terrain of this debate. Here I am talking about the original Snowe-Jeffords provision, before adoption of the Wellstone amendment. The first thing that the provision does is define a new category of communications in the law—we call them electioneering communications. These electioneering communications are communications that meet three tests: First, they are made through the broadcast media—radio and TV, including satellite and cable—publicly paid for by a clearly identified Federal candidate—in other words, they show the face, or speak the name of the candidate. And third, they appear within 60 days of a general election or 30 days of a primary in which that candidate participates.

The original Snowe-Jeffords provides that for-profit corporations and labor unions cannot make electioneering communications using their treasury funds. If they want to run TV ads mentioning candidates, account for a campaign, they must use voluntary contributions to their political action committees. We believe that this approach will withstand constitutional scrutiny, because corporations and unions have long been barred from spending money directly on Federal elections.

The Supreme Court upheld the ban on corporate spending in the Austin v. Michigan Chamber of Commerce case. It noted that the Michigan regulation that prohibited corporations from making independent expenditures from treasury funds prevented "corruption in the political arena: the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public's support for the corporation's political ideas." According to the Court, the Michigan regulation "ensured that the expenditures reflect the political advantage or disadvantage likely to be reaped by the political ideas espoused by the corporations."

We are merely saying through this provision that actual public support, shown by voluntary contributions to a PAC, must be present when corporations and unions want to run ads mentioning candidates near in time to an election.

The Snowe-Jeffords provision goes on to permit spending on these kinds of ads by non-profit corporations that are registered as 501(c)(4) advocacy groups, by 527 organizations, and by other unincorporated groups and individuals. But it requires disclosure of the spending and of the large donors whose funds are used to place the ads once the total spending of the group on these "electioneering communications" reaches $10,000.

A few things should be noted about the disclosure requirement. First, activities other than unions and for-profit corporations are subject to if they engage in these kinds of electioneering communications. The disclosure is not burdensome; it simply requires a group placing an ad to report the spending to the FEC within 24 hours, to provide the name of the group, of any other group that exercises control over its activities, and of the custodian of records of the group, and of the amount of each disbursement and the person to whom money was paid.

Second, disclosure is triggered by spending a total of $10,000 or more on these kinds of ads. So a small group that spends only a few thousand dollars on radio spots will never have to report a single ad.

Third, the disclosure of contributors required is quite limited. Only large donors—those who contribute more than $1,000—must be identified, and they must be identified only by name and address. And a contributor makes donations for a wide variety of purposes, including some corporate or labor treasury money, can set up a separate bank account to which only individuals can contribute, pay for the ads only out of that account, and disclose only to the large donors whose money is put in that account.

The net result will be that the public will learn through this amendment who the people are who are giving large contributions to groups to try to influence elections. And if a group is just a shell for a few wealthy donors, then we will know who those big money supporters are and be much better able to assess their agenda.

In the other hand, if an established group with a large membership of small contributors wishes to engage in this kind of advocacy, it need not disclose any of its contributors because it can pay for the ads from small donor money that has been raised for the special bank account for individual donors.

Mr. President, I believe that these disclosure provisions will pass constitutional muster. The Buckley case, as it has been remembered, rejected limits on independent expenditures but upheld the requirement that the expenditures be disclosed. Rules that merely require disclosure are less vulnerable to constitutional attack than outright prohibitions of certain speech. The information provided by these disclosure statements will help the public find out who is behind particular candidates. This disclosure can help prevent the appearance of corruption that can come from a group secretly spending large amounts of money in support of a candidate.

Some have argued—the Senator from Kentucky among them—that even
these reasonable disclosure requirements violate the Constitution. They cite the case of NAACP v. Alabama from 1958. That is a very important case, and one with which I fully agree, but the conclusion that the Senator from Maine draws from it, with respect to the Snowe-Jeffords provision, is simply wrong.

In the NAACP case, at the height of the civil rights struggle, the state of Alabama obtained a judicial order to the NAACP to produce its membership lists and fined it $100,000 for failing to comply. The NAACP challenged that order and argued that the first amendment rights of its members to freely associate to advance their common beliefs would be violated by the forced disclosure of its membership lists. It pointed out many instances where revealing the identities of its members exposed them to economic reprisals, loss of employment, and even threats of physical coercion. The Court held that the state demonstrated a sufficient interest in obtaining the lists that would justify the deterrent effect on the members of the NAACP exercising there rights of association.

Snowe-Jeffords is totally different from what the State of Alabama tried to do in the NAACP case. Snowe-Jeffords doesn’t ask for membership lists, it asks for the very limited disclosure of large contributors to a specific bank account used to pay for electioneering communications. Most membership groups won’t have to disclose anything if they receive sufficient small donations to cover their expenditures on these type of communications. Contributors to the groups that don’t want to be identified can simply ask that their money not be used for the kind of ads that would subject them to disclosure. And finally, the disclosure requirement can be avoided altogether by crafting an ad that does not specifically refer to a candidate during the short window of time right before an election.

The Supreme Court has shown much more willingness to uphold disclosure requirements in connection with election spending than opponents of Snowe-Jeffords have been willing to recognize. In the Citizens Against Rent Control v. City of Berkeley, a 1981 case, for example, the Court struck down a limit on contributions to committees formed to support or oppose ballot measures. The Court noted specifically, and I quote, “the integrity of the political system will be adequately protected if contributors are identified in a public filing revealing the amounts contributed; if it is thought wise, legislation can outlaw anonymous contributions.” It is worth noting that the opinion in that case was by Chief Justice Warren Burger and the vote was 8-1. The dissenter, Justice White, thought the limit on contributions should be upheld.

In U.S. v. Harris, the Court upheld disclosure requirements for lobbyists, despite the alleged chilling effect that those requirements might have on the right to petition the government. And, of course, the Buckley Court upheld disclosure requirements for groups making independent expenditures.

Now it is of course true that the Court will have to analyze the disclosure requirements in Snowe-Jeffords, and the type of communications that trigger it and determine if they pass constitutional muster. I will not proclaim that there is no argument to be made that the provision is unconstitutional. But there is no chance that this provision will be upheld is just not right. There is ample constitutional justification and precedent for this provision.

That conclusion is supported by a letter we have received from 70 law professors who support the constitutionality of the McCain-Feingold bill, including the Snowe-Jeffords provision. This is what they write with repect to the Snowe-Jeffords provision.

[T]he incorporation of the Snowe-Jeffords amendment into the McCain-Feingold Bill is a well-reasoned attempt to define electioneering in a manner while remaining faithful to First Amendment vagueness and overbreadth concerns. . . . While no one can predict with certainty how the courts will rule on these provisions, they are always ruled in court. We believe that the McCain-Feingold Bill, as currently drafted, is consistent with First Amendment jurisprudence.

As the Brennan Center for Justice wrote in an analysis of Snowe-Jeffords:

Disclosure rules do not restrict speech significantly. Disclosure rules do not limit the information that is available to voters. To the contrary, they increase the flow of information. For that reason, the Supreme Court has made clear that rules requiring disclosure are subject to less exacting constitutional strictures than direct prohibitions on spending. . . . There is no constitutional bar to expanding the disclosure rules to provide voters with the information that is conveyed to the electorate.

The opponents of our bill speak with great disdain of the Snowe-Jeffords provisions and act as if they will certainly and indisputably be unconstitutional. Now I will not pretend that there are not difficult constitutional issues raised, but I simply do not think it is accurate to say, as our opponents do, that there is no hope for this provision before the Supreme Court. And the Supreme Court is going to decide this issue, that we know for sure. All the lower court decisions in the world on state statutes that don’t have a bright line approach as Snowe-Jeffords does, don’t mean much of anything. The Supreme Court has not yet addressed this issue; if we enact this bill, it will undoubtedly be. We will have a few months of time right before an election to prevent the laundering of corporate money.

I urge my colleagues to vote against Snowe-Jeffords for crafting a provision that treats labor unions and corporations equally. Rather than try to give one side or the other an advantage, this provision tries to bring back some sanity to our system by recognizing that both sides have played fast and loose with the spirit of the election laws by running ads that claim to be about issues, but are really candidate specific campaign ads.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Maine.

Ms. SNOWE. Mr. President, how much time is remaining on both sides?

The ACTING PRESIDENT pro tempore. There is 1 minute 47 seconds for the Senator from Ohio and 3 minutes for the Senator from Maine.

Ms. SNOWE. Thank you. Mr. President.

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right, the right to free speech. That is not only a mischaracterization, but it is false.

The Supreme Court never said you can’t make distinctions in political campaigns in terms of what is express advocacy and issue advocacy. That is what we have attempted to do with the support of more than 70 constitutional experts—to design legislation that is carefully crafted that says if these organizations want to run ads, do it as the rest of us. Use the hard money that we have raised in order to finance those ads 60 days before an election that mention a Federal candidate.

We are seeing the stealth advocacy ad phenomenon multiplying in America today—three times the amount of money that is spent on so-called sham ads in the election of 2000, and three times the amount in 1996. Why? Because of what they have done to skirt the disclosure laws because they do not use the magic words “vote for or against” which mention a candidate.

Is it not coincidence that they are mentioning the candidate’s name 60 days before an election? What for? It is to impact the outcome of that election. What we are saying is disclose who you are, let’s unveil this cloak of anonymity. Tell us who you are. Tell us if you are financing these ads to the tune of $500 million in this last election. The public has the right to know. We have the right to know.

There is nothing that this amendment is all about. It is not an infringement on free speech. It is political speech. Even my colleague from Ohio said it is political speech, political speech you have to disclose.

That is what we are talking about in this amendment.

I ask unanimous consent to have printed in the RECORD a study entitled “The Facts About Television Advertising and the McCain-Feingold Bill.”

The point of the amendment, the material was ordered to be printed in the RECORD, as follows:

THE FACTS ABOUT TELEVISION ADVERTISING AND THE MCCAIN-FEINGOLD BILL

(By Jonathan Krasno and Kenneth Goldstein)

The McCain-Feingold bill and its House counterpart sponsored by Representatives Shays and Meehan are universally regarded as the most significant campaign finance legislation under serious consideration by Congress in a generation, perhaps since the 1974 amendments to the Federal Election Campaign Act (FECA). This legislation would provide the 1974 reforms with the teeth to restore them by regulating the two mechanisms that have developed in the intervening decades to circumvent FECA, so-called “soft money” and “issue advocacy.” Together and separately soft money and issue advocacy have become an enormous part of many federal campaigns, in some cases outstripping the number of candidates operating under FECA’s rules.

That popularity, naturally, has created a powerful group of donors and recipients who have the resources and now operate any attempt to close them, even as some contributors have begun to complain of the relentless pressure to give money. These political forces, coupled with the putative relationship between soft money, issue advocacy and several core constitutional values, have made FECA one of the most controversial bills facing Congress.

This paper uses a unique source of data about television commercials to examine some of the claims raised in connection to this proposal. It is appropriate that we focus on television advertising since it is the largest—and most discussed—category of expenditures by candidates, parties and interest groups in federal elections. McCain-Feingold’s chief impact would surely be seen on the nation’s airwaves, on the hundreds of thousands of dollars paid for with soft money. Indeed, many of the arguments for and against McCain-Feingold are rooted in different interpretations of those very ads. For its critics, the ad campaign on issue ads is a dangerous scam perpetrated on democracy, a scam predicated on twin falsehoods that issue advocacy must be regulated and soft money builds parties. For its defenders, the spending on issue advertising is a sign of democracy’s vitality and any attempt to limit issue ads or soft money is inherently hampering voices. Fortunately, many of these claims are empirical questions; given the proper data, they can be carefully distinguished and specified. That is precisely what we do here by using the most extensive data set on television advertising ever developed to explore some of the core assumptions implicit in the arguments of proponents and opponents of McCain-Feingold.

MONITORING THE AIRWAYS

The sheer amount of television advertising—on approximately 1,800 stations in the nation’s 210 media markets over the 15 or 16 most popular broadcast days—makes commercials extremely difficult to study. Fortunately, using satellite tracking first developed by the U.S. Navy to detect Soviet nuclear submarines, the Campaign Media Analysis Group (CMAG), is able to gather information about all the content, targeting and timing of each ad aired. CMAG tracks commercials by candidates, parties and interest groups in the nation’s top 75 media markets. Together these markets reach approximately 90 percent of the nation. CMAG’s technology recognizes the seams in programming where commercials appear, creates a unique fingerprint for each ad (or by minute view of political advertising across the country—along with “storyboard” (a frame of video every 4-5 seconds plus full text). This is achieved during these two election cycles. The storyboards were then examined by teams of graduate and undergraduate students at the University of Wisconsin (2000) and Arizona State University (1998) who coded the content of each commercial.

Some of the questions—such as whether an ad mentioned a candidate for office by name or urged viewers to “vote for” or “defeat” a particular candidate—were objective. Others were subjective. These included items asking whether ads (to support a particular candidate or express a view on an issue) and tone (promote, attack, or contrast) of an ad. Both types of questions elicited numerous responses from different students who assessed the same ad, indicating a reassuring degree of intercoder reliability. In addition, we also took special care to examine the disclaimer in each commercial, the written portion appearing usually at the end of each commercial noting its sponsor. Paid for by the contributor, the contributor’s name and address. From this we were able to determine whether an ad is sponsored by a candidate, party or interest group, and, if paid for by a group or party, then whether it is an ad paid for with soft money.

Coders ended up examining approximately 2,000 different federal ads (eliminating ads referring to state and local candidates or ballot propositions) in 1998 and nearly 3,000 in 2000. As Table One shows, these ads fell into different campaign-finance categories and appeared on the air during thousands of different shows.

The table is divided into two categories of ads. The first, “Paid for” includes all ads paid for by candidates, parties and interest groups. The second, “Hard ads” includes all ads paid for by contributors and supported by political parties. A third, “Paid for and Against” includes those ads paid for by both groups.

The table also shows that while the number of ads in connection to the presidential election in 1998 and 2000 were nearly identical, the amount spent was not. The proportion paid for and against in 1998 reached almost 1:2 while it dropped to 1:3 in 2000.

The table also shows that in 1998, Republicans spent slightly more than Democrats, spending $65,243,000 to Democrats’ $63,217,897. In 2000, Democrats spent more than Republicans, spending $66,217,897 to Republicans’ $64,290,940.

The vast majority of commercials sponsored by interest groups were issue ads, not paid for by candidates. The bulk of any money spent on issue ads comes from nonhard money — the independent expenditures mentioned in the table. The vast majority of issue ads fund nonhard money expenditures.

THE FACTS ABOUT TELEVISION ADVERTISING

March 29, 2001

S3074

CONGRESSIONAL RECORD—SENATE

TABLE ONE—Television Advertising in Top 75 Markets

<table>
<thead>
<tr>
<th>Year</th>
<th>Paid for</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>$40,617,437</td>
</tr>
<tr>
<td>2000</td>
<td>$34,571,178</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year</th>
<th>Hard ads</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>$20,526,340</td>
</tr>
<tr>
<td>2000</td>
<td>$16,586,235</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year</th>
<th>Paid for and Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>$20,431,224</td>
</tr>
<tr>
<td>2000</td>
<td>$13,957,571</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>$107,222,508</td>
</tr>
<tr>
<td>2000</td>
<td>$66,217,897</td>
</tr>
</tbody>
</table>

*The vast majority of commercials sponsored by interest groups were paid for by contributors and not candidates. It is appropriate to focus only on how much has been spent on issue ads by the parties and their allies over the last two cycles.

Figure One (not reproducible in the RECORD) breaks down the issue ads into various segments. The table shows that the biggest issue issue ads run by party and the parties’ allies over the last two cycles.

The first question the professional politicians in Congress are asking about McCain-Feingold is who will it affect. Such questions are always perilous since advertisers will undoubtedly try to adapt to any new regulations, searching for new loopholes to exploit. Which is to say their search will not end, but will eventually take them is at best an educated guess. What is more than guesswork, however, is the magnitude of how much has been spent on issue ads by the parties and their allies over the last two cycles.

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March 29, 2001

Congressional Record — Senate

28 percent in 1998, 42 percent in 2000) than ads by candidates. While we remain agnostic about whether attack advertising is somehow better or worse than other forms, we do note that there is little doubt that this flood of negative commercials magically strengthens other party.

Pluralists, some defenders of party soft money also argue, in conflict to the claims about building parties, that these commercials help provide vital information to voters in decayed places and distant contests and can- didates which they would not otherwise receive. This is a complicated assertion to unravel. It is obviously debatable whether any ad conveys more than one message to viewers. If we assume—quite charitably—that all political ads help educate voters then question by question by allocation. Do party ads appear for candidates about whom little is known or in otherwise neglected districts and media markets? If the answer is yes, then it follows that party ads may play an important role in informing the public.

The truth, however, is that the best predictor of the number of commercials aired by parties in a particular contest and media market is the number of ads by candidates, not the activity of Congress. This relationship of issue advertisers and candidates, repeated over two years, is far too strong to be coincidental. There is no doubt that issue ads are largely inspired by the same cause that motivates candidates, the slow approach of Election Day.

Despite the overwhelming evidence that the vast majority of issue ads are a form of electioneering, there were commercials in each year that our coders took to be genuinely about an issue. In 1998, 9 percent of issue ads, and 16 percent in 2000. Would the definition of electioneering created by McCain-Feingold—any ad mentioning a fed- eral candidate or placed in a target district within 30 days of the primary or 60 days of the general election—inadvertently capture many of these commercials? We addressed this question in an ad that was defined as electioneering making this bill overly broad. In contrast, these percentages strike us as fairly modest, evidence that McCain-Feingold is a stricter definition of issue advocacy. In- stead allowed parties to spend on activities that parties' relative financial weakness is neither party stands to gain or lose a ban on soft money or a campaign finance system is unmistakably flawed. The magic words test supposed to distinguish issue advocacy from electioneering is a complete failure. The rules allowing parties to collect unlimited amounts of soft money to build stronger parties have in- stead allowed parties to spend on activities unrelated to that goal, and perhaps even in conflict with it. The evidence for both conclusions is overwhelming. The plain fact is that any conten- tion that most issue ads are motivated by issues or that most soft money builds political parties must ignore a veritable moun- tain of conflicting evidence. We find such claims completely unsustainable.

Whether that conclusion should translate automatically into support for McCain-Fein- gold and Shays-Meehan is a different matter. These decisions inevitably involve a number of factors, starting with the judgment whether these bills’ response to the manifest weaknesses of our campaign fi- nance laws. We cannot be sure that it is, but our analysis suggests two important facts in its favor. First, the last two elections suggest that neither Demo- crats nor Republicans would be disproportionately harmed by a stricter definition of issue advocacy. In- deed, neither party stands to gain or lose much against their counterparts since the parties relative financial weaknesses are proportionately smaller in soft money than in hard, and their allies outspent Republi- cans’ in both years, Past experience sug- gests that television becomes a matter of ad- vantage on TV if the McCain-Feingold bill becomes law.
Second, we found no evidence that the new dividing line between issue advocacy and electioneering in McCain-Feingold is overly broad and would affect many commercials that we deemed to be attempts to advocate issues, not candidates. Some critics will surely complain that we have no objective standards for determining which commercials are genuine issue advocacy, but that is untrue. The standards offered in McCain-Feingold are objective. The fact that they perform so well against the subjective judgment of our coders, each of whom examined hundreds of ads, is extremely reassuring. We are always eager to consider improvements, but there is no reason not to conclude that the definition of electioneering in McCain-Feingold is, at the very least, an excellent start.

Ms. SNOWE. Mr. President, ninety-nine percent of the ads that were run in that 60-day period mention Federal candidates. They tested the Snowe-Jeffords language. Guess what. Ninety-nine percent were ads that mentioned a Federal candidate. Only 1 percent were genuine issue-advocacy ads. They can run all of the ads they want, but they have to disclose.

The ACTING PRESIDENT pro tempore. The Senator’s time has expired.

The PRESIDING OFFICER (Mr. HARKIN). The Senator from Ohio, Mr. DEWINE, Mr. President, we will be voting in just a few minutes. Let me make a couple of comments.

First of all, the disclosure that is required by this bill is constitutionally suspect. I don’t think there is any doubt about that. But that is not the worst part of this bill. My colleague from Maine keeps skipping over what is the worst part. The worst part is this.

Let’s go through one more time what it does because it is so unbelievable.

It basically draws an unconstitutional line of 60 days before the election that says labor unions can’t run ads, corporations can’t run ads, nor can any other group run ads if a candidate’s name is mentioned or if a candidate’s image appears on the screen.

Yes, it is political speech. Yes, they are trying to affect an election. They are trying to affect the political discourse as the most effective way to do it right before the election when everyone is paying attention.

This bill arbitrarily says that at the most crucial time when free speech and political speech is the most important, we are going to arbitrarily say you can no longer do it. It is absolutely unbelievable.

This is the last time on this vote that Members of the Senate are going to have the opportunity to strike out what obviously the courts will later strike out. That is not Snowe-Jeffords, but it is now Snowe-Jeffords-Wellstone. It is unconstitutional.

A vote for the Dewine amendment is a vote for freedom of speech, for the first amendment, and for the Constitution.

I ask my friends when they come to the floor in just a minute to remember the condos at all of us took to support the Constitution.

It is one thing for us to vote on things that are close. This one is not close. This one is unconstitutional. It needs to come out of the bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator’s time has expired.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent to have 60 seconds to respond to my colleague, if he would be so gracious.

Mr. DEWINE. I have no objection.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DEWINE. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. The Senator asked for 60 seconds.

Mr. WELLSTONE. I ask the Chair if I may use the 40 seconds to give me 5 more.

The ACTING PRESIDENT pro tempore. The Senator asked for 40 seconds.

Mr. WELLSTONE. Ready, go.

This is not about a constitutional question. This is about a group of organizations—left, right, and center—that want to put soft money into these sham ads. Any group or organization can run any ad they want. They just have to finance it out of hard money. We don’t want there to be a big loophole for soft money. Not constitutional? The League of Women Voters says it is. Common Cause says it is constitutional. The former legislative director of ACLU says it is constitutional. The House of Representatives passed Shays-Meehan, which includes Snowe-Jeffords-Wellstone, that says it is constitutional. In all due respect, there are many who think this is constitutional. This is all about spending groups and organizations that want to be able to use this as a loophole to run sham issue ads.

Thank you.

The PRESIDING OFFICER. The Senator’s time has expired.

The question is on agreeing to amendment No. 123. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 28, nays 72, as follows:

[Rollcall Vote No. 57 Leg.]

**YEAS—28**

Aliar Roberts
Allen Santorum
Bennett Shelby
Bond Sessions
Brownback Smith (NH)
DeWine Smith (OH)
Frist Voinovich
Grassley Von Otto

**NAYS—72**

Akaka Cleland
Baucus Clinton
Baucus Cochran
Biden Collins
Bingaman Cornyn
Boxer Corzine
Breaux Craig

The amendment (No. 152) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, for the information of all Senators, the next amendment will be from Senator HARKIN, who is in the Chamber and ready to go. I want to also announce that the Republican amendment after that will be offered by Senator Frist of Tennessee, along with a Democratic co-sponsor, on the subject of nonenforceability, which is one of the most important, if not the most important, amendments remaining before we complete this bill at some point—the leader says—today.

With that, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa, Mr. HARKIN, is recognized to offer an amendment on which there shall be 2 hours of debate.

Mr. SPECTER. Mr. President, my distinguished colleague from Iowa has consented to let me take just a few minutes at this point to introduce a bill. I have checked with the distinguished manager, Senator MCCONNELL, and it is agreeable.

Mr. SPECTER. Mr. President, I ask unanimous consent to proceed for up to 10 minutes for the introduction of a bill as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I could not hear the request.

The PRESIDING OFFICER. May we have order in the Senate, please.

Mr. SPECTER. My request was to proceed for up to 10 minutes as in morning business for the introduction of a bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

I seek unanimous consent that the full text of an extensive statement be printed in the Record and that the RECORD reflect—sometimes the RECORD does not reflect the actual language;
there is a cutoff. The statement is printed, and there is repetition and redundancy. But I ask that the RECORD show that there is a unanimous consent request made that the text be printed in the RECORD, even though there is some redundancy with what has been printed already.

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

(The remarks of Mr. SPECTER pertaining to the introduction of S. 645 are located today's RECORD under "Statement of the Introducing Bills and Joint Resolutions.")

Mr. SPECTER. I thank the Chair, and I thank my distinguished colleague from Iowa for yielding to me.

The PRESIDING OFFICER. The Senator from Iowa is recognized to offer an amendment on which, as I stated earlier, there shall be 2 hours of debate. The Senator from Iowa.

AMENDMENT NO. 155

(Purpose: To amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits with respect to Senate election campaigns)

Mr. HARKIN. Mr. President, I have an amendment at the desk, and I ask for unanimous consent.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HARKIN. Mr. President, I am proud to have as my cosponsor the Senator from Minnesota, Mr. WELLSTONE.

I want to recap where we are in this week-long debate on campaign finance reform. We have come a long way in the last week and a half of this campaign finance reform bill.

We have debated a wide range of amendments, accepted some, rejected others. The good ones we have adopted are: To stop the price gouging on TV ads, the Torricelli amendment; to require up-to-date inspection of all reports on the Internet, the Cochran amendment; stronger disclosure rules by the Senate from Nebraska, Mr. HAGEL; bringing all organizations under the issue ad ban; the amendment numbered 155.

I want to talk about the issues in your campaigns rather than having all these ads out there. It has gotten so that now we hire ad agencies. They write the ads and sell us like soap. We are just a bunch of barbershop quartets that is all we are. They see these ads, one ad after another come election time, and it is just like selling soap. Can we be surprised when the American people treat us like soap, that we are no more important in their lives, for example; that we are irrelevant except when we annoy them by ban barding them with ads in the weeks before the election. What I hear from the American people time and time again is: When are you going to talk about the issues in your campaigns rather than having all these ads out there?

We are really missing a serious part of campaign finance reform by not talking about it and doing something about it.

I do not know about any other Senator, but one of the things I hear a lot in Iowa and other places around the country when people talk to me about campaign finance reform is: When are you going to get a control on how much money you spend?

In the last election cycle, just in Federal elections, we spent over $1 billion, I think about $1.2 billion. The American people are upset about this. Are they upset about raising soft money? Are they upset about independent expenditures? Yes, they are. They are equally upset about the tremendous amount of money we are spending in these campaigns, buying these ads and flooding the airwaves.

We have to think about how we can limit how much we spend on campaigns so all of us aren't running around, weekend after weekend, week after week, month after month, to see how much hard money we can raise to hire that ad agency or buy those ads.

That is what this amendment Senator WELLSTONE and I have offered does. It is very simple and straightforward. It puts a voluntary limit on how much we can spend in our Senate campaigns.

The formula is very simple. It is $1 million plus 50 cents times the number of voting-age residents in the State. Every Senator has his or her own chart that shows how much you would be limited in your own State. With that limitation, there is a low of $1.2 million in Wyoming to $12 million in California. My own State of Iowa would be limited to $2.1 million for a Senator. Senator wellstone, another Senator from Iowa, winner of the Chair, in Virginia the limit would be $3.6 million. I don't know how much the Senator spent this last campaign, but I know for myself in Iowa, $2.1 million runs a good grassroots campaign as long as your opponent does not spend any more than that. I bet the same is true in Virginia at $3.7 million.

The amendment also says if you have a primary, you can spend 67 percent of your general election fund. If you have a runoff, you can spend 20 percent of the general election limit.

I'd like to stress that this is a voluntary limit. Why would anyone abide by the limit? You abide by the limit because the amendment says if one candidate goes over the voluntary limits by $10,000, then the other person who abided by the limits will begin to get a public financing of 2-to-1. For every $1 someone would go over the limit, you'd get $2.

For example, in Virginia, if the limit is $3.6 million and the Senator from Virginia voluntarily agrees to abide by that limit, if the person running against the Senator from Virginia went over $3.6 million—say they spent $4 million, which would be $400,000 more—the Senator from Virginia would get $800,000. Two for one. Now, that is a great disincentive for anyone to go beyond the voluntary limits because the Senator who gets two times as much money as the person who went over the limits.

I point out the difference between my amendment and the one offered earlier by Senator BIDEN and Senator KERRY. Their amendment included public financing from the beginning. This amendment does not. This amendment says, raise money however we decide to let you raise money. That is the way you raise it. PACs, personal contributions, whatever limits we decide on around here, you raise that money.

They have no public benefits. It is a voluntary checkoff and from FEC fines.

My friend from Kentucky said the other day on the floor that all of the polls show the American people don't like public financing. They don't want their tax dollars going to finance Lyndon LaRouche and other such people.

First of all, the money we use here to counter what someone might spend over the limits is not raised from tax dollars; it is a voluntary checkoff and from FEC fines.

Second, if the Senator from Kentucky is right, and I think he may well
be—I don’t know—that the American people don’t want public financing of campaigns, then that is a second hammer on discouraging someone from going over the voluntary limits. If someone goes over the voluntary limits, that person is responsible for kick-
ing it back in his financial laps. That person is responsible for kicking in public fin-
ancing, not from a tax but from a vol-
untary checkoff and from FEC fines.

There are two prohibitions here to keep someone from going over the vol-
untary limits. The first prohibition says twice as much money as whatever you spent over those limits; second, there would be a built in public reaction against someone who did it because it would cause public financing to kick in.

Another issue was raised regarding this limit. Someone said: You have the voluntary spending limits, but what about all the independent groups out there? They are buying all the ads run-
ning against you; you are limited but they are not.

With the Snowe-Jeffords provision and the Wellstone amendment we adopted and just reaffirmed this morning, that is not the case. Those inde-
pendent groups cannot raise twice as much money from the corporations and they cannot run those ads with your name in them.

Someone said: That is all well and good, but what if the Supreme Court throws out the Wellstone amendment, throws out Snowe-Jeffords, and says that is unconstitutional? Then we are left with your limits and these inde-
pendent groups can go ahead and raise all this money and run those ads.

The amendment says if the Supreme Court finds the Wellstone amendment or the Snowe-Jeffords provisions un-
constitutional, my amendment falls. It will not be enacted. It will not be part of the campaign finance reform law.

If the Supreme Court finds the Wellstone amendment is unconsti-
tutional and these groups go ahead and raise that money and run those ads against you, then the limits in my amendment do not pertain. All bets are off. But as long as Wellstone is con-
stitutional, as long as Snowe-Jeffords is constitutional, then the voluntary limits would be there and the provi-
sions of a 2-for-1 match, if you went off, would also pertain.

Bob Rusbuldt, executive vice presi-
dent of the Independent Insurance

Agents of America, said recently, “campaign finance reform is like a water balloon; You push down on one side, it comes up on the other.”

I think that is what will happen. We ban the soft money; we increase hard money. Push down one side, it goes up the other side. Who are we kidding? We are going to continue to raise hundreds of millions, billions of dollars for these campaigns. My amendment will burst that bubble and make the exist-
ence of loopholes irrelevant, by cre-
vating voluntary spending limits and providing a strong incentive for can-
didates to comply with them. That is what this amendment is about.

Again, I am going to be very frank. The voluntary limit for my State of Iowa would be about $2.1 million. In 1996, when I ran for reelection, I spent $5.2 million. Can I abide by $2.1 million? You bet I can, because my oppo-
ponent has to—fine. We can run our campaigns the old fashioned way—at the grassroots. Then we will not have to be buying ad after ad after ad, coun-
tering back and forth and all that stuff. But you are going to continue to raise hundreds of millions, billions of dollars for these campaigns. My amendment probably comes as close as you can come to creating a more level playing field. It really does. Many more people would have an opportunity to run with this amendment part of the law. They really would.

I think there is quite a bit of pres-
sure on people. It seems to me, if this is the law of the land and candidates spend and say we will agree to this limit because we do not want to be involved in this obscene money chase, we will agree with this limit because we want there to be more debate and fewer of these poison ads and all the rest. We will agree because people in Iowa and Con-
necticut and North Dakota and Min-
nesota do not like to see all this money spent. I think it is going to be much more difficult for another candidate to say, no, I won’t agree with this limit; I want to buy this election. Then you have the additional disincentive of the 2-to-1 match.

This is a perfect marriage. In one stroke, it dramatically reduces the amount of money spent, dramatically reduces the power of special interest groups, dramatically reduces the cyni-
cism and disillusionment people have about politics in the country, and dra-
amically increases the chances of a lot of citizens thinking they can run for the Senate, that they might be able to do this, they might be able to raise this amount of money and they would not lose because someone could just carpet bomb them with all sorts of ads and all sorts of resources. This is a great reform amendment.

I also make another point. I just fin-
ished saying the system is wired for in-
cumbents but that I think all of us are going to want to support this amend-
ment. The truth is, in one way it is wired—but it is so degrading. Who wants to have to constantly be on the phone asking for money? Who wants to be traveling all around the country constantly having to raise money? Who wants, every day of the week during the election cycle when you want to be out on the floor debating issues and doing work for people on your State, to have to be on the phone for whatever time, every single day, making these calls? None of it is right. This amendment is just a commonsense amendment, such a modest amendment, yet it has such major, major ramifications, all in the positive and all in the good for how we finance campaigns.

This is really one of the great amend-
ments. I thank Senator HARKIN for his work on it, and I am very proud to be a part of this effort.

I am going to finish by making two other quick points. I say this being a little facetious, but I do not think it is a bad point to make. I say to Senator HARKIN and Senator DORGAN, this should be called the good food amend-
ment. The reason I think it should be called the good food amendment is when you no longer have to go to these hotels now it is $2,000, actually $4,000—when you no longer have to go to these hotels for these $2,000 and $4,000 contributions
and eat the rubber chicken meals, now you get to campaign in the neighborhoods. I get to eat Thai food and Vietnamese food and Somali food and Ethiopian food and Latina and Latino food. You get to be at real restaurants with real people out in the neighborhoods in the communities. You get to stump speak. You get to debate. This is the good food amendment. We will all be healthier if we support this amendment. I am trying to get to my colleagues through their stomachs, I guess.

This is the last point I want to make because I want to end on a very serious note. The voluntary spending limit for Minnesota would be $2,604,158. Could I campaign and have a chance to "get my message out" on $2.6 million if we would have both candidates agree? Absolutely. Do I, today, on the floor of the Senate, want to make a commitment that if this amendment is agreed to and becomes the law of the land that I will not voluntarily spend a limit if my opponent would do so—or I am sorry, it doesn't matter. The answer is: Yes, I am ready to do this. This would be a gift from Heaven, from my point of view, because I am tired of all of the fundraising. And I haven't even started. I am not even doing what I am supposed to do. I am tired of it. So I am ready to say right now, if this amendment becomes the law of the land, I am going to abide by it. I want to be one of the first Senators to step forward and say I am ready.

I think a lot of Senators will. I think it will be a lot better for us, whether we are Democrats or Republicans. It will be a lot better for the people we represent. It will be a lot better for Iowa and Minnesota. It will be a lot better for representative democracy. It will be a lot better for our country.

This is a great amendment. I hope it does get overwhelming support.

Mr. WELLSTONE. It would bring us closer to the people we represent and bring the people closer to us, all of us, in whatever State.

Mr. HARKIN. Mr. President, so far as I see it, the Harkin amendment brings a lot of good things in the McCain-Feingold bill. We rejected a lot of bad amendments. It looks good. But all in all, the way our campaigning financing system is today, it is still an incumbent protection system. It is still incumbent protection.

For example, in the 2000 election, the average incumbent raised $4.5 million, while the average challenger raised $2.7 million, "not to level that playing field a little bit."

I also point out the statistics that in the 2000 election cycle, Senate candidates spent $341.4 million in hard money. With this voluntary spending limit in effect, Senate candidates would have spent $113.4 million, a difference of $228 million less than Senate candidates would have had to raise in the 2000 election.

I thought we would have had better campaigns, and we would have had better issue-oriented campaigns in the 2000 election cycle. That $228 million represents how many hours, how many days, and how many times Senators have to travel all over the country and have to get on the phone to raise the money, as Senator WELLSTONE said, when those Senators could be in their home State meeting with their constituents.

I yield 10 minutes to my colleague from North Dakota.

Mr. DORGAN. Mr. President, I thank the Senator from Iowa for yielding the time.

Mr. President, there are some who continue to insist that, gosh, there is not too much money in politics. In fact, they say there is not enough. What we really ought to do is make sure that everything is reported and let anyone contribute any amount at any time they want to contribute. I think that is a fairly bankrupt argument.

I ask the American people if they think, in September or October of an election year, that their telephone set, that there is too little politics or too little money in politics. They understand there is far too much politics or too little money in politics. In fact, they have a series of mechanisms that will persuade people to stay within those limits. Because if someone goes in and says they are worth a couple billion dollars, that they intend to spend $100 million on the Senate seat, if they do not like it, tough luck. We have a series of mechanisms now described by my colleague in this amendment that says that is going to cost them. They have every right to spend that money, but, by the way, their opponent is going to have the odds evened up because their opponent is going to get twice as much and they are spending over the voluntary limit through fees that are through checkoffs of income tax, from a fund that provides some balance in our political system.

The funding of politics has almost become a political e-Bay. It is kind of an auction system. If you have enough money, get involved, and the bid is yours. We bid on a Senate seat. Here is how much money we have. We have big auction systems and bank accounts. So this Senate seat is ours.

That is not the way democracy ought to work. That is not the way we ought to have representative government work.

Some while ago, I was in the cradle of democracy where 2,400 years ago in Athens, the Athenian state created this system of ours called democracy. This is the modern version of it. What a remarkable and wonderful thing.

This helps democracy work through representative government when you have the opportunity for people to seek public office and the opportunity to win in
an election in which the rules are reason-
ably fair.
There are circumstances where that
still exists.
I come from a family without sub-
stantial wealth. I come from a family
without a political legacy. I come from
a town of 300 people. I come from a
high school class of nine students. I
come from a rural ranching area in
southwestern North Dakota, and I
pinch myself every day thinking: What
a remarkable privilege it has been for
the many years that I have had the op-
portunity to serve in the Congress. It
still happens.
But I must say that in modern elec-
tions, in cycle after cycle, it is less and
less likely that someone without mas-
sive quantities of money is going to be
able to be successful against other can-
didates who have access to barrels of
money that they can pour into the tel-
evision coin tosses. When they have part
ners and the independent organiza-
tions that can pour massive amounts of
unlimited money into the same elec-
tion and affect the result.
My colleague says we can change that.
I want to agree with him. But I estab-
lished to do that. I don't think it
does violence to the McCain-Feingold
bill at all. In fact, this bill is reform. If
you come to the Senate floor and say
you support McCain-Feingold because
you stand for reform of campaign fi-
ance, then you must, it seems to me,
come to this floor and say you stand
for this amendment because this amend-
ment is real reform added to this bill.
I will not diminish the McCain-Fein-
gold bill. I have great respect for Sen-
ators MCCAIN and FEINGOLD. And I have
long supported this legislation and
have not wavered from that support. I
comment on what they have done and
for establishing leadership on this
issue. Were it not for them, we
would not be on this floor at this time
discussing this subject.
Make no mistake. While this may not
lead to the change I want, this subject is im-
portant to the preservation and strength
of this democracy of ours.
But, I say again. I don't want people
to tell me that we must oppose this
amendment because we must keep this
fundamental bill pure. This bill will be
better, this bill will be strengthened,
and this bill will move further in the
direction of reform with the amend-
ment offered by Senator HARKIN.
In the last debate some 6 or 8 years
ago in the Senate on this subject, I
offered an amendment that was reason-
ably similar to this. It said that you
establish voluntary spending limits,
and if someone goes over the spending
limit, he pays a fee equal to 5 per-
cent of that which they are over the
spending limit, and the FEC collects
the fee and transmits that fee to the
opponent, which I thought was a deli-
cious and wonderful way to penalize
those who want to spend millions and
millions and millions of dollars in an
attempt to buy a seat in the U.S. Con-
gress.

We ought not have advantages for in-
cumbents. We ought to have elections
that are contests of ideas between good
men and women who want to offer
themselves for public service. The out-
come should not always be determined
by who has the most money.
The amendment offered by my col-
league from Iowa is a very significant
step in the right direction. It is vol-
untary spending limits, but spending
limits that are attached to a construc-
tion of a pool of money that would
be available to candidates to help
challengers and others in cir-
cumstances where one candidate says
they are going to open the bank ac-
count and spend millions and millions
in pursuit of purchasing a seat in the
U.S. Congress.
I am happy to come today to support
this amendment. I say to my col-
leagues, if you have been on the floor
talking about reform in the last 2
weeks, do not miss this opportunity to
vote this way. This is real reform.
This adds to and strengthens McCain-
Feingold, make no mistake about it.
So I am very pleased to support this
amendment. I hope my colleagues will
support this amendment. I hope we can
adopt this amendment because this is a
significant step.
Mr. President, I yield the floor.
The PRESIDING OFFICER. Who
yields time?
Mr. DODD addressed the Chair.
The PRESIDING OFFICER. The Sen-
ator from Connecticut.
Mr. DODD. How much time does the
Senator from Iowa have remaining on
this side?
The PRESIDING OFFICER. Twenty-
five minutes.
Mr. DODD. I inquire of my friend and
colleague from Kentucky, I presume if
we need some additional time, as Mem-
bers come over, we can let it flow. Two
and a half hours, is that what we have
agreed to on this amendment?
The PRESIDING OFFICER. Two
hours evenly divided.
Mr. DODD. Two hours.
If we need a little time for some rea-
on—obviously, Members may want to
be heard—I presume we will follow
some rule of comity.
Mr. MCCONNELL. Yes, I say to my
friend from Connecticut, there should
not be a problem. I do not think we
will be swamped with speakers on this
side. We will be glad to try to work
out this and have the vote before lunch.
Mr. DODD. I thank the Senator.
The PRESIDING OFFICER. Who
yields time?
Mr. DODD. I ask for 10 minutes.
Mr. HARKIN. I am happy to yield it.
Mr. DODD. Mr. President, I commend
my colleague from Iowa and my col-
leagues, as well, who have spoken
today—Senator DORGAN and Senator
WELLSTONE—for their support of this
amendment. I, too, support this amend-
ment.
Senator DORGAN has said it well. Sen-
ator WELLSTONE has said it well. This
is true reform. If we are really inter-
ested in doing something about the
money chase, both in terms of con-
tributions and the rush to spend even
more in the pursuit of political office
in this country, then the Harkin
amendment offers a real opportunity
for those who would like to do some-
thing about this overall problem by
casting their vote in favor of his
amendment.
Senator HARKIN has explained this
amendment very well. It is a voluntary
provision. It does level the playing
field. I, too, over and over again over
the past week and a half have ex-
pressed my concerns and worry about
the direction we are going and made the
point the other day that we are shrinking
the pool of potential candidates for
public office in this country.
At the founding of our Nation, back
more than 200 years ago, the only peo-
ple who could seek public office and
could vote were white males who
owned property. Pretty much those
were the parameters. Of course, we
abandoned those laws years ago. None-
theless, it is not a system that restrains
individuals, obviously, who could seek
a seat in the Congress—the Senate or
the House—or a gubernatorial seat.
Unfortunately, what has happened
over the years, particularly in the last
20 years or so, is we have created new
barriers to seeking public office.
The largest of those barriers is the cost
of running for public office, the cost
of raising the dollars, and the cost of get-
ing your voice heard. One of the rea-
sons that has occurred is the difficul-
ties we have had, is because of of the
Supreme Court decision back in
1974 that said money is speech.
Justice Stevens, to his great credit,
in a minority opinion in that decision,
said money is speech; money is prop-
erty. He was exactly right. But the
majority of the Court held otherwise.
And because of that decision, we have
been plagued with our inability to
come up with a structure that would
address both the freedom and prop-
cacy to manage what has become a reckless
system, in my view, that is only avail-
able to those who can afford to ante up
and enter it.
There are those, obviously, who will
be able to emerge in this process, even
though they do not have the financial
resources. But the problem is those are
going to become more the exceptions
than the rule. That is my great con-
cern and worry; there will be fewer and
fewer people, who have great ideas,
great ambition, great energy, a great
determination to do something, who
can even think about holding or run-
ning for a seat in the Senate or the
House or Representative.
We have taken the concept that is in-
cluded in the Harkin amendment and
applied it to Presidential contests—not
exactly, but at least the notion of pub-
lic financing. Every single Presidential
candidate for the last 22 years has em-
brace public financing for Presi-
dential races. Even the most conserva-
tive of those candidates has taken the
public moneys in order to try to keep down the cost of running for the Presidency, and that is an expensive undertaking. It has not made it inexpensive to do it, but I would suggest, in the absence of those provisions—and it is a voluntary system—President Bush, the present President, I am sure, did not take public moneys during the primary season, but when it came to the general election, he did. There will be reasons you will hear of why he did, but the fact is, by doing so, he accepted limitations. The money that would have been spent in those races.

Ronald Reagan, to his great credit, one of the great heroes of the conservative movement, accepted public moneys in both the primary and the general election, as has every other candidate. But what Senator Harkin has offered, and those of us who are supporting him—while not applying that same set of rules—is the same philosophical idea.

Mr. HARKIN. No public financing.

Mr. DODD. No public financing, but the notion that we have public controls, in a sense, limitations on how expenditures are made, if you are faced with challengers who are going to spend millions and millions of their own personal resources in order to be heard. I happen to believe, as I said a moment ago, that money is not speech, anymore than I think this microphone that is attached to my lapel is speech or any other speaker's microphone in this Chamber is speech. Those are vehicles by which my voice is heard; it is amplified. You can hear me better than you would if I took this microphone off and the speakers were turned off. If I spoke loud enough, you might hear me, but in the absence of those technological assistance, my voice would be that of any other person without the ability to have it amplified.

Money allows your voice to be amplified. It just gives you a greater opportunity to be heard. So I fundamentally disagree with the Court's decision on the issue of money being speech.

In fact, the notion of free speech in American politics today is, as one editorial writer in my home State of Connecticut said, an oxymoron. There is nothing free about political speech in American politics today. It belongs to those who can afford to buy it. That is what it is. There is nothing free about it.

So this amendment really does give us an opportunity to control the expenditure side, which is tremendously valuable. As some have said repeatedly over the last several days, we may not get back to this subject matter again, considering how difficult it was to get here. It may have been Senator Dorgan who made the point we owe a debt of gratitude to our colleagues from Arizona and Wisconsin, Senator McCain and Senator Feingold, for insisting that that be an agenda this year; and that if their opponents, or even some of their supporters, are accurate, it might be another quarter century before we come back to this debate again, and then the appropriateness of the Harkin amendment is even more so. Because if we do not come back to the expenditure side of this, at some future date our successors in these seats will be looking at campaigns that are double and triple and quadruple the amount we are spending today.

If you look at what we were spending 25 years ago—the Senator from Iowa and I arrived on the very same day in the Senate—I think the two of us both knew that there was a greater opportunity to be heard. So I urge my colleagues to support the amendment. This will add immensely to the label "reform" on the McCain-Feingold legislation.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that an outstanding column by George Will on the subject we have been debating for the last 9 days, from this morning's Washington Post, be printed in the RECORD.

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

THE SENATE'S COMIC OPERA

(By George F. Will)

The overture for the Senate's campaign finance opera—opera bouffe, actually—was inspired by President Bush's decision against cutting carbon dioxide emissions. Reformers said the decision was a payoff for the coal industry's campaign contributions. But natural gas interests, calls coal interests, suffered from Bush's decision—yet they gave Republicans more money ($4.8 million) last year than coal interests gave ($3.57 million).

The "reforming" senators began their reforming by legislating for themselves an every-man-entitled-to-15-hours-a-week time at a discount, and by voting themselves a right to take larger contributions (up to $6,000, rather than just $1,000) when running against a rich, self-financing opponent. The Supreme Court says the only permissible reason for limiting political speech by limiting money is to prevent corruption or the appearance of corruption.

In those days, statewide races in Iowa and Connecticut were a fraction of what they are today. If we extrapolate those numbers and advance them 20 years or so down the road, we are doubling it, which would probably be rounding down to four times the Halls of Congress; both a little leaner and a little more dark hair in those days.

Mr. Harkin. That is true.

Mr. Dodd. But we have been here together for those many years.

In those days, statewide races in Iowa and Connecticut were a fraction of what they are today. If we extrapolate those numbers and advance them 20 years or so down the road, we are doubling it, which would probably be rounding down to four times the Halls of Congress; both a little leaner and a little more dark hair in those days.

The pool of people I know in my State and, I suggest, in Iowa—and the Senator knows his State better than I do—is a relatively small number of people who could even think about coming to the Senate under that set of circumstances.

I applaud the Senator for this amendment. I urges my colleagues to support it. I am fearful we are not going to get one done, but I very strongly urge that, but I tell the Senator from Iowa, if we don't pass this today, someday we will. It will take some other outrageous set of circumstances, much as it did in 1974, to provoke this institution to do what it should have done before.

I will probably take that happening again to bring this body and the other Chamber around to the point the Senator from Iowa has embraced with this amendment.

I commend him for it. I support it. I am hopeful our colleagues will join him in adopting the amendment. This will add immensely to the label "reform" on the McCain-Feingold legislation.

Last Saturday, McCain's partner, Wisconsin Sen. Russell Feingold, delivered the Democrats' response to President Bush's weekly radio address. With the reformer's characteristic hyperbole, Feingold attempted to reconnect reform with "corruption." He said: "Members of Congress and the leaders of both political parties routinely reject laws that fall short. For example, his bill would restrict broadcast ads by unions and corporations and groups they support in the two months before a general election or 30 days before a primary if the ads mention a candidate."

In a cri de coeur revealing the main motive for the "reforming" Senators—a motive having nothing to do with corruption or the appearance of it—Sen. Pat Roberts (R-Kan.) said: "I am suffering an independent expenditure-induced missile attack, with a Veracruz-like". "My shield." Campaign finance reform is primarily an attempt by politicians to shield themselves from free speech—"that is, the sequences of events." Madison wrote to protect the people from politicians: "Congress shall make no law..." abridging the freedom of speech."

The Senate refused to ban, as nine states do, contributions from corporations when the legislature is in session. John McCain, at last noticing the Constitution, and this prohibition on political giving is considered Constitutionally scrupulous because it restricts the rights to political expression and to petition for redress of grievances.

Constitutional scrupulosity is a sometime thing for McCain, who once voted to amend the First Amendment to empower government to do what his bill now aims to deny. "Congress shall make no law..." routinely receiving such contributions is considered Constitutionally scrupulous because it restricts the rights to political expression and to petition for redress of grievances.

In a cri de coeur revealing the main motive for the "reforming" Senators—a motive having nothing to do with corruption or the appearance of it—Sen. Pat Roberts (R-Kan.) said: "I am suffering an independent expenditure-induced missile attack, with a Veracruz-like". "My shield." Campaign finance reform is primarily an attempt by politicians to shield themselves from free speech—"that is, the sequences of events." Madison wrote to protect the people from politicians: "Congress shall make no law..." abridging the freedom of speech."

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open-ended donations from the industries and people affected.” Oh. If only people affected by government would stop trying to affect the government—if they would just shut up and act “objective.”

If you doubt that reformers advocate reform because they believe that acting “objectively” means to conclusions shared by the New York Times, read “Who’s Buying Campaign Finance Reform?” written by attorney Cleta Mitchell and published by the American Conservative Union Foundation. It states that since 1996, liberal foundations and soft money donors have contributed $73 million to the campaign for George Soros, founder of drug legalization efforts and other causes. He contributed $17 million, including more than $600,000 to Arizonans for Clean Elections—more than 71 percent of the funding of ACE.

Soros and seven other wealthy people founded and funded the Campaign for a Progressive Future. One of those people, Steven Kirsch, contributed $500,000 to campaign “reform” groups in 2000—and $1.8 million against George W. Bush. Another reformer, Jerome Kohlberg, donated $100,000 to a group that ran ads saying “Let’s get the $100 billion checks out of politics.”

Let’s be clear. These people have and should retain a constitutional right to behave this way, putting the bouffe in the opera bouffe.

Mr. MCCONNELL. Mr. President, a professor of law at the University of Kentucky College of Law also wrote an excellent op-ed piece in the Lexington-Record, as follows:

CAMPAIGN FINANCE BILL TREADS ON OUR RIGHTS

2001
CONGRESSIONAL RECORD — SENATE
March 29, 2001
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There being no objection, the material was ordered to be printed in the Record, as follows:

THE GOVERNMENT, speaking, or to impose so many regulations on their ability to do so that many would give up trying—would seriously interfere with free speech.

This, issue advertising, so much maligning these days, is an important form of advocacy. In its current form of speech available to non-profit expressive associations, such as the NAACP.

To precisely such groups from running ads that refer to top candidates—or to impose so many regulations on their ability to do so that many would give up trying—would seriously interfere with free speech.

But this couldn’t be a more cruel irony because non-profits would love to expressly advocate the election of X or the rejection of Y by going on the air. Indeed, this state of affairs gives rise to two distinct anomalies. First, people watching TV are annoyed by issue ads that don’t clearly endorse or attack a candidate. When the associations running the ads would dearly love not to mince words. Second, people, like Sens. John McCain and Russ Feingold, believe that the product of federal regulation, to justify further regulation of speech.

And make no mistake: McCain-Feingold would regulate speech. To the extent the bill would fall short of literally banning issue advertising, it would accomplish about the same thing, at least with regard to small associations. When members want to remain anonymous, by imposing onerous accounting and reporting requirements on issue advertisers.

McCain-Feingold is unconstitutional. If it passes Congress, the president should veto it—with or without paycheck protection, or with or without a severability clause. And Kentucky’s senior senator, Mitch McConnell is right to oppose it.

Mr. MCCONNELL. Mr. President, there is much not to like in the Harkin amendment and one provision that has some appeal. I will talk about the provisions at the end. The one that I like is the one that it doesn’t add to our tax bill, about 10 percent of Americans choose to participate; 90 percent choose not to.
I say to my friend from Iowa, I don’t think this will be a very reliable source of funds if the taxpayer actually has to ante up and provide money for a candidate he doesn’t know. The chances of an American taxpayer choosing to donate money to a nameless candidate is virtually nil, I suggest.

Mr. McConnell. I say to my friend from Iowa, the problem is that spending is not important to the incumbent. As Senator Dodd pointed out, the incumbent is already well known at the beginning of the campaign. If you liken this to a football field, the incumbent is down on the opponent’s 40-, maybe 35- or 30-yard line at the beginning of the race, the typical challenger is back at the 5. If they both have the same amount of money to spend, the incumbent wins. Spending beyond the Government-prescribed amount is way more important to the challenger than it is to the incumbent.

So simply adding up the figures doesn’t tell you much. I mean, it is true that incumbents spend more than challengers; but it is almost irrelevant to the problem of the challenger, which is to have enough to get his message across. It’s no boon to incumbents.

For example, I believe the spending limit in Kentucky is $2.5 million under the Senator’s proposal. That is about $300,000 or $400,000 more than I spent 17 years ago in a race in which I was outspent by the incumbent and won. That is about what two competitive House candidates spent last year in one of our six congressional districts.

The proposal of the Senator from Iowa would be a big advantage to me, unless I happen to have been running against Jerome Kohlberg, about whom we have been talking every day. I will get back to that later today in another context. That billionaire put this full-page ad in the Post a couple days ago. These kinds of people are going to be more and more running the show—people with vast wealth, people who have an idea, some convictions and issues they want to bring out. They want to run for the Senate.

The Senator from Kentucky talks about a challenger out there, someone who wants to run for the Senate who has a message, such as Senator Dodd said about someone who has an idea, some convictions and issues they want to bring out. They want to run for the Senate.

The Senator from Kentucky says, rightfully, that they need some money to get that message out and, by putting this limit on, they would not be able to spend any more to get their message out than, say, an incumbent. Of course, we have access to the airwaves and the newspapers and all that kind of stuff. So a challenger might want to have more money.

Well, again, to attack the logic of that is to look at the facts. In the 2000 election, the average incumbent raised $4.5 million—the incumbent—us—to get our message out. The average challenger raised $2.7 million. So under the present system, the challenger can’t get that message out. He is swamped by what we can raise.

Mr. McConNELL. Will the Senator yield?

Mr. HARKIN. Yes, I will, in a second. Now in the amendment I am offering, they would be equal in terms of how much they could raise to spend. In fact, this amendment would help any of those challengers out there to get the message out.
Mr. HARKIN. Let's take this analogy of the football field. You are right. Both of us have been on the same side. I have been a challenger running against a sitting Senator, and so have you. You have run as incumbents. We have seen both sides of this. Now, I suppose all things being equal, I would rather be an incumbent, obviously. But there are certain advantages to not being an incumbent. As I remember, when I had an open field and I was in the 5-yard line, the incumbent Senator is on the 30-yard line. But guess what? I am out there every day. I am in that State every day getting my message out from town to town, community to community, newspaper to newspaper, radio show to radio show. The person sitting here has to be in the Senate all year long. So I had a great advantage. The challenger has a great advantage. That field is open. The Senator starting on the 30-yard line goes from one side, to the other side, to the other side before he gets down to the end of the field. That challenger is open.

So I have to tell you that even though the incumbent has some advantages of being an incumbent in the news media and elsewhere, a challenger has advantages from being out there all the time. You know that as well as I do. We have done that in the past.

Mr. MCCONNELL. It may be an advantage to be out there all the time, but if you don't have the money to be on TV, and the Government tells you how much you can advertise, it is not much of an advantage up against the incumbent who is getting all this free coverage—the advantage that any incumbent will have no matter how you structure the deal.

Mr. HARKIN. You are getting that anyway.

Mr. MCCONNELL. It is a great asset.

Mr. HARKIN. Not only are you getting all of this free press and stuff from being a Senator, you are getting the money, too.

Mr. MCCONNELL. Right.

Mr. HARKIN. There is nothing I can do about you getting publicity. That comes from being in the Senate. If you are a challenger for Senator, I am saying you should not have it both ways: you should not have the money and all of the protections that incumbents have.

I say to my friend from Kentucky I know how strongly he feels about public financing. My friend was right the other day when he said polls show that people don't want their tax dollars used for public spending for people such as Lyndon LaRouche. My friend is probably right there. That is why I think there is another hammer— and you are right, this is a hammer—because there is no public financing in my amendment unless and until someone exceeds the limits. It is that person who triggers, then, the financing that comes from a voluntary checkoff.

Now, my friend says, well, there probably won't be enough money there because the people are not checking off as much money as they used to. Is that right? I think the Senator said that is because the fact is, I have talked to a lot of people about the checkoff. Do you know why they don't want to give money to the checkoff? We just spend it.

We buy more TV ads, we hire more ad agencies, and the price keeps going up and up. They say: Why should I check off money to give to a candidate and all I do is see more of these soap ads, selling them like soap to me?

Under my amendment, a person checking off the money is putting money into a reserve fund to prevent that from happening. There is another hammer there because the person who exceeds the limits is the one who triggers the public financing.

If my friend is right, that people do not like public financing, that is another reason why someone would not exceed the limits. That is another reason why I think people would be more prone to check off the money because the money would basically be used to prevent this unregulated, unlimited spending on ads.

Mr. DODD. I say to my friend from Kentucky I do not know if he listened to my argument on that, but this will get people to check off more money because then it would be used not to just add to the coffers of spending and buying more TV ads, but it would be put into a reserve fund as a hammer to keep us from spending more and more money.

Mr. MCCONNELL. I say to my friend from Iowa, he is counting on people who do not contribute to candidates they know to contribute to candidates they do not know, to contribute their money to a nameless candidate and cause with which they might not agree.

The Senator from Iowa is correct; under his amendment there would be institutional problems with the proposal of the Senator from Iowa.

I do not think that makes the spending limit voluntary if, when you encroach above the Government-prescribed speech limit, the Government subsidizes your opponent. That is more than a hammer, that is a sledgehammer.

Also, it is worthy to note that all of the challengers who won last year, as far as I can tell, from Iowa can correct me if I am wrong—I believe all the challengers who won last year spent more than the spending limits in his amendment, further proving my point that a challenger needs funding to reach the audience. To the extent we are drawing the rules, crafting this in such a way that we make it very difficult for the challenger to compete, we are going to win even more of the time. Of course, incumbents do win most of the time, but we would win more of the time if we had a very low ceiling.

In any event, my view is this is clearly unconstitutional. It is taxpayer funding of elections, more unpopular than a congressional pay raise, widely voted against every April 15 by the taxpayers of this country.

We have had this vote in a slightly different way on two earlier occasions. The Wellstone amendment got 36 votes; the Kerry amendment got 50. I hope the amendment of the Senator from Iowa will be roundly defeated.

I do applaud him, however, for recognizing the importance of nonseverability clauses in campaign finance debates.

Mr. HARKIN. I do not think that makes the spend-

Mr. MCCONNELL. Mr. President, I have 10 unanimous consent requests for committees to meet during today's session of the Senate. They have all been approved by the majority and minority leaders. I ask that these requests be agreed to en bloc and printed in the RECORD.

Mr. DODD. Reserving the right to object, I ask my friend and colleague if he will withhold that request for a few minutes. I will share with him a message I am getting. I will let him know about it.

The PRESIDING OFFICER. Objection is heard.

Mr. DODD. At this juncture, at this particular moment.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001—Continued

AMENDMENT NO. 155

Mr. DODD. Mr. President, I saw my colleague from Minnesota, but I guess he is not now on the floor. We have a couple minutes. My colleague from Kentucky and I talked about this the other day. He makes a very good point about the declining participation in the checkoff system. In fact, the dollar amounts have been raised. If my friend from Kentucky is correct, originally it was $1 for the checkoff. You are not
paying more in taxes. It is the money you send in. The checkoff of $1 of your tax returns would be used for the public financing of Presidential races. That number then went up to $3 because there were fewer and fewer people who were actually doing the voluntary checkoff.

His numbers, I believe, are correct. We have seen a decline in the number of people who are voluntarily checking off that $3 of their Federal taxes they are sending in or that are being withheld to be used for these Presidential races.

I am worried about that because I think there is an underlying cause for this. The debate we are having about campaign finance reform, while we are not going to adopt public financing for congressional races despite the fact there is a lot of merit going that route in terms of dealing with the constitutional problems that exist in the absence of having some public financing, there is an underlying reason I think contributes to that declining statistic, and that is the people are disillusioned with the whole process.

I do not think it is people's lack of patriotism that is the lack of understanding how important it is to contribute to strengthening our democracy. People are getting fed up. Witness that last year despite the overwhelming amount of attention and advertising on a national Presidential race, the included Falstaff beer and the Green Party, there was Pat Buchanan and the Reform Party, the Democratic candidate, Al Gore, and his running mate from my home State, Joe Lieberman; President Bush and Richard Cheney. Out of 200 million eligible voters in this country, only 100 million participated. One out of every two adults in this country said they were not going to participate. I know some may have had legitimate excuses, but I suspect a significant majority of those who did not participate knew it was election day and have some overriding family matter that caused them to miss voting. I think they made a conscious decision not to vote. I think they decided they were not going to show up, and I cannot express in our native language adequately the deep, deep concern I have over that fact and what appears to be a growing number of people.

I hear it particularly among younger people. I visit a lot of high schools in my home State of Connecticut. I get a sense that too many of our younger people are embracing the notions held by one out of every two adult Americans in the last election, that they are not going to participate by showing up to choose the leader of our country. I suspect that a good part of the reason is that people are just disgusted by what they see and how elections are run when they see this mindless adver- tising, these 30-second spots, the ad- tack ads that go after each other as if this was somehow an athletic contest rather than a debate of ideas where we are talking about the future of our country and what the priorities of a nation should be.

I, too, am very concerned with the declining statistics that my friend from Kentucky has identified, but I think it is more a poll not about public financing. I think it is a poll we ought to pay attention to, what the American people are saying, at least in the majority of cases, I believe: We think the system is not working very well. We think the system is out of control. We think there is too much money in politics; that our voices do not get heard; that we cannot afford to participate in these contests where contributions of $1,000, now $2,000 per individual, that people who write $57,500 if this McCain-Feingold bill is adopted.

Last year—I said this over and over in the past week and a half—there were only 1,200 people in this country who wrote the maximum check of $25,000; 1,200 people out of 280 million Americans. We now have raised that because this hasn't been enough. We are told you can't finance these campaigns with maximum contributions of $25,000 in Federal elections. We are raising it to $37,500. That is per individual, per year. Double that for a primary election. That gets you to $75,000. Of course, if it is a husband and wife, it is $150,000. We had to debate that. I commend my colleague from California who negotiated that number.

Those who wanted that number higher wanted $100,000 per individual, $200,000 for a husband and wife. We are told the system is financially bankrupt. We don't have enough money in politics, we are told.

That has more to do with these declining numbers of people voluntarily checking off for some of their tax dollars to be used to publicly finance the Presidential races in America. I am hopeful the adoption of the McCain-Feingold bill, if it is adopted, will at least turn people's opinion in a direction that says at least we are beginning to do something about these elections.

For those reasons, I commend, again, the principal authors of this bill and those who are supporting it. But I don't think it is enough. People are still turned off, to put it mildly, on how the races are conducted, on how the politics is conducted. There will always be some; I am not suggesting we will get 100-per-cent participation. I oppose any laws that require people to vote as some countries do. We better do a lot better job in convincing more than just one out of two adult Americans they ought to participate in choosing the leaders of our Nation than we presently are.

If those numbers continue to decline and we trawl the rest of the world as we lecture them about democracy and the importance of participating, I will say again, you put this country in peril and these institutions that have survived for more than 200 years, and the public support for them will decline. That, more than anything else, is what ought to preoccupy the attention of each and every one of us, regardless of our views on the particular aspects of amendment. Every single one of us is privileged to serve in this Chamber, who have a voice and vote on how we might conduct the political debate in this Nation, needs to take notice of what the American public is saying when they go to the polls or don't go to the polls on election day and exercise their right that people have spilled blood for, for over two centuries, not only in our first great revolution but in a civil war that threatened to divide and destroy this country, those wars, wars in the 20th century and other such contests in which Americans, in countless numbers, lost their lives to protect and defend.

We are not asked to put our lives on the line. We voluntarily seek these positions. If we are fortunate enough to be chosen by our constituents to be here, we bear a very high degree of responsibility during the brief amount of time the Good Lord gives us to represent the constituents that have chosen us to do what is right, not only for our own time but that future generations will inherit, as we have inherited, from the sacrifices of those who came before us, the privilege of being here to see to it that this wonderful ideal and vision of democracy is perpetuated throughout this country for, hopefully, centuries to come.

For those reasons, I hope while this amendment may be debated, we could find more common ground between Democrats and Republicans on how to restore the public's confidence in the electoral process in this country. That is at the heart of what McCain-Fein- gold is all about. He debates about various minutiae in the bill or ideas to be added to it. Our sol- emn responsibility, in addition to dealing with the issues of the day, is to see to it the process by which we choose the leaders of this country through two world wars, two eligible voters in this country, only 100 million participated. One out of every two adults in this country said they were not going to participate. I know some may have had legitimate excuses, but I suspect a significant majority of those who did not participate knew it was election day and have some overriding family matter that caused them to miss voting. I think they made a conscious decision not to vote. I think they decided they were not going to show up, and I cannot express in our native language adequately the deep, deep concern I have over that fact and what appears to be a growing number of people.

I hear it particularly among younger people. I visit a lot of high schools in my home State of Connecticut. I get a sense that too many of our younger people are embracing the notions held by one out of every two adult Americans in the last election, that they are
being offered by my friend and colleague from Iowa, Senator HARKIN. Earlier this week, Senator KERRY and I offered a similar amendment that called for voluntary spending limits and partial public financing. Senator HARKIN's amendment does not have such respect to the proposal that we offered, but it still seeks to alleviate the same problem: How can we reduce the obscene amount of special interest money that is being spent in Senate campaigns today? And while I know that Senator HARKIN's amendment will not pass, I nevertheless believe that it is truly needed to reform our campaign financing system.

Since 1976, while the general cost of living has tripled, total spending on congressional campaigns has gone up eightfold. For the winning candidates, the average House race went from $387,000 to $3,166,000 in 2000. And here on the Senate side, winners spent an average of $7 million in 2000, but last year that average shot up to $7 million.

The FEC estimates that last year more than $1.8 billion in federally regulated money was spent on federal campaigns, almost all of which doesn't even count the huge amount of soft money that went into attempts to influence federal elections. That has been roughly estimated to reach as high as nearly another $700 million.

I have been calling for public financing of congressional campaigns for a very long time: since 1973, my first year in this body. And, as my colleagues who have been here for a while know, I have taken to this floor again and again over the years to urge us to solve the public's crisis in confidence and do the right thing.

To be clear, I would prefer full public financing of campaigns that would reduce spending and completely eliminate the link between special interest money and candidates. I have long held that such a system is the only true, comprehensive reform that would help restore the American people's faith in our democracy and allow candidates to compete on an equal footing where the merits of their ideas outweigh the size of their pocketbook.

But as the problems in our system have escalated in recent years, so too has my despair over our failure to see real reforms enacted, not just debated. That is why I am here again to see that we take at least a step toward achieving these much needed reforms. Senator HARKIN's amendment is one such step, and urge my colleagues to support it.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 155. The clerk will call the roll.

The legislative clerk called the roll. Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii (Mr. AKAKA) would vote "aye."

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

The roll was announced—yeas 32, nays 67, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—32

Bayh Dayton Levin
Biden Durbin Reed
Bingaman Duran Nolan (FL)
Boxer Feingold Reed
Byrd Graham Reid
Carper Harkin Sarbanes
Clinton Hollings Stabenow
Conrad Inouye Torricelli
Cournoyer Kennedy Wellstone
Daschle Leahy Wyden

NAYS—67

Allard Fitzgerald Miller
Allen Fritz Markowitz
Baucus Gramm Nelson (NE)
Bennett Grassley Nickles
Bond Gregz Roberts
Breaux Hagel Rockefeller
Brownback Helms Santorum
Burns Huffman Sessions
Campbell Inhofe Shelby
Carnahan Jeffords Smith (NH)
Chafee Cleland Smith (OH)
Chacos Johanns Snow
Cochran Krey Stevens
Collins Kyl Torrey
Collins Kyl Torrey
Craig Landrieu Thomas
DeWine Lincoln Thompson
Domenici Lunz Thornam
Edwards Lugar Voynovich
Risch McCain Warner
Enzi McConnell Wyden
Feinstein Mikulski

NOT VOTING—1

Akaka

The amendment was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I ask unanimous consent that the Senator from Delaware be added as a cosponsor of the Harkin amendment.

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

Mr. LOTT. Mr. President, we have been prepared for 2 months now to have this full debate and votes on amendments, and to actually get to a conclusion. Senator MCCAIN and I have talked, and Senator MCCONNELL and I have talked, and the agreement all along was that we would have amendments, full debate, and votes prepared for 2 weeks, and then we would go to a conclusion.

I assure the Senate that we are going to do that. We can do it tonight at a reasonable hour, we can do it at midnight, or Friday, Saturday, or Sunday. But I think we have a responsibility to complete action on this bill.

I hope the concern I have now that maybe amendments are going to start multiplying when, in fact, there are no more than two amendments that really are still critical that are out there to be offered and debated and voted on—maybe there are more. And I don't want to demean any Senator's amendment, but we have been on this now for the agreed-to almost 2 weeks. Anybody who thinks that by just beginning to drag this out and coming up with more amendments, we will carry it over until next week, that is not going to be the case.

Everybody has labored—sometimes with difficulty—to be fair with each other and give this thing a full airing and get some results, and you can debate about whether they are good or bad as long as you want to. At some point, we have to vote and move on.

We have very serious problems in this country. We need to address them. We have to pass a budget resolution. We have to take into consideration the needs of the country in terms of funding for programs, whether it is education, agriculture, defense, health care. We need to take whatever actions we can to provide confidence and a boost in job security and the economy. We have an energy crisis that will not go away. We need to get on to those issues.

Again, not to demean this issue at all—it is very important—but we will have done what we promised to do, and now it is time we begin to look for the conclusion and be prepared to move on to other issues next week. I just wanted to remind Senators on both sides of our discussion and my commitment to follow up with the agreement.

Mr. MCCAIN. Will the majority leader yield?

Mr. LOTT. Yes.

Mr. MCCAIN. I thank the majority leader, and I thank Senator MCCONNELL and Senator DODD, who have managed this bill, I think, with efficiency and, I believe, in a total environment of cooperation.

But as we said all during last week, a couple times when we only had two or three amendments, we intended to be done by tonight or the end of this week. We have disposed of some. We have done what we promised to do, and now it is time we begin to look for the conclusion and be prepared to move on to other issues next week. I just want to remind Senators on both sides of our discussion and my commitment to follow up with the agreement.

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But as we said all during last week, a couple times when we only had two or three amendments, we intended to be done by tonight or the end of this week. We have disposed of some. We will have an amendment that I think is very important that is about to be addressed soon. After that, there are not any major issues. We should finalize this bill so that we can move forward and none of us has to stay here over the weekend.

I want to say the majority leader is correct. We all agreed that we could get this thing done in 2 weeks if we allowed the 2 weeks. So there is no reason whatsoever that we should not be able to move to some specific amendments and a time for a final vote on this amendment.

Mr. LOTT. I thank Senator MCCAIN. That discussion was not just between Senator MCCAIN and me, but also with the Democratic leader, Senator FEINGOLD—we were all in the loop. We all had an understanding of how we would bring this to an eventual conclusion.

Mr. MCCONNELL. Will the leader yield to the floor?

Mr. LOTT. I am glad to yield to Senator MCCONNELL.

Mr. MCCONNELL. I say to the distinguished majority leader, nobody more
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passionately opposes this bill than I do, but I am prepared to move to final passage today. There is one important amendment left on nonseverability, which is about to be the pending business before the Senate. 

I say to my friend from Arizona, we may have a few sort of cats-and-dogs amendments, as Senator Dole used to call them, but we are basically through on this side.

Mr. LOTT. Can I inquire of Senator Dodd, does he have any idea what might be outstanding and when we can move to a conclusion on this legislation?

Mr. DODD. I will be happy to, Mr. President. First of all, the past week and a half has been a rather remarkable week and a half in the Senate. We have had very few quorum calls. I do not know the total number of amendments we have considered, but they have been extensive, back and forth.

I find it somewhat amusing that someone else's amendment is a cat or a dog, but if it is your amendment, it is a profoundly significant proposal.

We do not rely with the opposition's efforts to raise the hard number limits, and now a severability amendment from the opposition. Those are fundamentally important amendments but amendments that may try to enhance and strengthen the bill from those who support the legislation are a cat or a dog.

Our list has not expanded, I say to the majority leader. The list of amendments is about the same as it has been. There are about 12 or 13 amendments. There is a list of 21, which has been the consistent number for the past week. We just dealt with one of them—Senator Harkin's—this morning. It was laid down last night. Senator Bingham and Senator Dorgan, and Senator Levin come to mind immediately. I think Senator Clinton as well. These do not require much time.

We are prepared to move forward, I say to the majority leader, and if it takes going into tonight, going into tomorrow to finish it up, Saturday, or Sunday, whatever it takes, because I know we want to finish the bill, we fully respect that. I support that.

I have an obligation—if I can complete this thought. There are those on this side who support McCain-Feingold, and have for years, who have ideas they think will enhance and strengthen this legislation. While this is an important amendment, one of the ones we are about to consider, there are other amendments that should be heard.

I hope my colleagues will respect the rights of Members to offer amendments and be heard on them. There certainly is no need to delay the Senate at all. We will stay here however long, I am told by the leadership. Unfortunately, the Democratic leader cannot be here at this moment, but I am told he takes the position that if it takes being on the floor, we will be here all weekend to complete it.

Mr. LOTT. I want everybody to understand that I am prepared to do that, too. Instead of that being a threat, it is a promise. No. 1, but No. 2, it is to urge Senators to work with the managers to identify the amendments we are going to have to consider, and if it can be done by voice vote, let us get time agreements on them. We should be prepared to move to table, if that is what is required, too.

We have an opportunity to make progress and complete this bill. We are going to do that. I want to make sure everybody understands it, so everybody needs to start making plans. We are going to have to stay here Friday and Saturday, and take actions to allow that to happen.

Mr. DODD. A point, if I can, Mr. President. I am informed that we have dealt with 24 amendments about equally divided; 24 left, I am sorry, both Democratic and Republican amendments.

I know, for instance, Senator Lieberman and Senator Thompson have an outstanding number of amendments. Maybe it can be worked out. Senator Bingham has one that has been worked out. It is important to note there is a good-faith effort obviously to complete this work, but I do not want to put in a position now, having considered a lot of these amendments, that we are going to start telling people who have had amendments pending—Senator Durbin has been on me and talking to me for the past 10 days about when can he bring his amendment up; also Senator Harkin and Senator Levin.

I have been trying to orchestrate this the best I can, but I do not want them put in the position of all of a sudden because we completed the amendments the opponents of the legislation care the most about, that we are going to deny or curtail in some way the right of other Senators who care just as deeply about their proposals and not provide adequate time for them to be heard.

We are prepared to go forward. I know the next amendment is from Senator Frist on severability. I have a number of requests, I say to the majority leader, from people who want to be heard on this amendment. I know the proponents of the amendment do as well.

Mr. REID. Before the majority leader leaves the floor——

Mr. LOTT. I will be glad to yield to Senator Reid.

Mr. REID. I said this morning, I have been working trying to help Senator Dodd. One of my assignments has been to work with individual Senators. We have had people, as Senator Dodd indicated, who have been sitting the entire 9 days we have been on this floor to offer amendments. They come to me and Senator Dodd a couple times a day.

Looking at simple mathematics, I say to the majority leader, it is going to be really hard to do this. If we cut down the time by two-thirds, it is still going to get us into sometime tomor-
(c) JUDICIAL REVIEW.—

(1) EXPEDITED REVIEW.—Any Member of Congress, candidate, national committee of a political party, or any person adversely affected by the enactment of, or an amendment made by, this Act, or the application of such a provision or amendment to any person or circumstance, 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.

(2) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia granting or denying an injunction regarding, or finally disposing of, an action brought under paragraph (1) shall be appealable 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 is entered; and the jurisdictional statement shall be filed within 30 calendar days after such order is entered.

(3) 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 paragraph (1).

(4) APPLICABILITY.—This subsection shall apply only with respect to any action filed under this subsection no later than 30 days after the effective date of this Act.

Mr. DODD. Mr. President, can I have a copy of the amendment? We have not seen the amendment.

The PRESIDING OFFICER. It is on its way to the desk from Senator Breaux.

Mr. FRIST. Mr. President, I rise to speak to the amendment which has been offered by myself and Senator Breaux that I believe gives us the opportunity—and I encourage my colleagues to pay attention to the debate over the next 2 or 3 hours because it gives us the opportunity to assess where we are today in the bill, as amended, and to understand the implications for us, for people who are interested in participating in the political process both today and also for years to come.

I am going to refer back, again, to set the picture and then update my colleagues, to a diagram that I believe is important. It is simple, but sometimes when we look at all these lines, it is confusing, and that is the nature of the whole campaign finance apparatus. This chart summarizes that when you pull or push in one area, it has effects throughout the system. It is very important because the issue we are addressing is what is called the nonsolvability by appeal directly to the severability clause in the underlying McCain-Feingold bill.

Money flows into the system from the top of my chart down to the bottom. This is the political process. At the top of the chart is where money comes from, and it is all these blue lines. My colleagues do not need to focus on what these blue lines are right now, but I do want them to focus on the fact that I am taking blue lines. All this money is collected and where it goes.

As I said before, there are seven funnels, when one looks at all the political money that comes in and where it goes to affect free speech, political voice.

We have the individual candidate who can receive money from individuals, and we will talk about what we did yesterday in increasing what I call the contribution limits in terms of the hard dollars, the Federal dollars.

There have been changes to the underlying McCain-Feingold bill that are very positive. What angers people the most is that the individual candidate is losing this option. It might be a challenge; it might be an incumbent. Over time, because of the erosion from inflation on the one hand, without any adjustments in the Federal dollars of the hard dollars, but also the increasing influence, this is what angers the American people, the influence issue groups, special interest groups have on the system, all of which, if it grows too much, will overshadow and overwhelm the voice of the individual candidate.

They might be talking education, Medicare reform, military defense of the country, but the issue group, the unions, the corporations right now that have to disclose very little, because very little is regulated in this arena, are increasingly powerful at the expense of the individual candidate who is out there doing his or her best, traveling across Tennessee or across any State in this country with a voice that no longer is being heard.

I say that because of the relative balance that has gotten out of kilter. Members on both sides of the aisle have been doing their best to address this over the last 2 weeks. Political action committees, we talked a little bit about that, as long as we understand that corporations, unions, issue groups can all channel money, political action groups, to the individual candidates.

The Democratic Party and the Republican Party have had a role in this, and we have the system. We have had good amendments today. We have had amendments that have been debated in a very thoughtful way. We saw the earlier chart with the funnels still on the chart.

With the underlying McCain-Feingold and the amendments that have passed, we have the following:

Yesterday, we increased the contribution limits. We already had contributions defined historically but we increased the hard dollar limits for the individual candidates. We argued yesterday. Some people were for, some people were against, and a compromise was reached. We have to point out the fact of what the values of the original contribution limits, even in what was approved yesterday, is not the same value we gave it in 1974 because it does not meet a correction for inflation. That was increased yesterday. That helps a little bit. Again, it is not up to 1974 standards, but it helps to make sure that the individual candidate. That is why that is important. That is why you had the people who feel strongest about reform coming forward saying, absolutely, on both sides of the aisle, we have to increase these limits that individual candidates can receive.

Second, the underlying McCain-Feingold bill does something very important. I am spending time with this because we have to see that the compromise achieved in McCain-Feingold has resulted in a balance. We have to be very careful not to disrupt. Not us in the Senate. We have spoken on it through an amendment earlier this morning, but we had the careful balance disrupted by the courts, resulting in a detrimental impact on the overall system, which does the opposite of what we as elected officials want or the American people want—making the system worse.

No. 2, McCain-Feingold, as amended today, increased contribution limits but takes out party soft money from individuals, through corporations, unions, issue groups through sponsorships. All the soft money that comes to the party today is gone, and it wipes out 50 percent of what the Republican Party, say, of the Senate, has, along with the impact it can have. So it diminishes our voice perhaps 20 percent, perhaps 50 percent, perhaps 60 percent. Whatever our voice is now, which, again, is fully disclosed, highly regulated, where we can be held accountable, aimed at giving voice to the individual candidate, it today, if McCain-Feingold passed, now is gone. Why? Because we have eliminated the soft money that gives PACs, and individual candidates—has very little disclosure by corporations, unions, issue groups—very little in terms of accountability or regulation.

What have we done? This is where we are today having not passed the underlying bill as yet. We have not done it in the last 10 days of the discussion? We have had good amendments today that have been debated in a very thoughtful way. We saw the earlier chart with the funnels still on the chart.

The third key point applying to our amendment, you can see we are wiping out the party soft money which gives
voice to the individual candidate. The balancing act achieved in the under-lying McCain-Feingold bill is that, since we restricted speech, or we ratified political discourse, or we have in some way put restrictions on the use of resources after speech, perhaps better do it out here as well. If you don’t, I guarantee the money will keep coming to the system, and the money instead of coming here will all flow to the area of least resistance. That is, the special interest groups, the unions, corporations.

It is not any more complicated than that, but I am building up to be able to answer why you have the nonseverability.

Now I have dollar signs indicated on this chart and I will come back to that. They don’t mean anything in terms of overall quantity. Qualitatively, you can see the individual candidate spends money, the party spends money, the party soft money is gone under McCain-Feingold. The restrictions in for constitutional reasons are the Snowe-Jeffords amendment; we voted on it earlier today.

Put restrictions on speech party soft money here, and you counterbalance that opportunity of raising money during or after speech or basically saying 60 days before an election you can’t engage fully in political speech under the Jef-fords-Snowe provision.

Achieve balance by eliminating party soft money is gone under McCain-Feingold. We have eliminated the party. As I have said, if you take the restriction on speech, the Snowe-Jeffords restriction on speech, off, the money is going to still come into the system and it can’t go this way. It can’t go to individual candidates because we have limits there, the hard money limits. It has nowhere to go but to the area of least resistance, and the area of least resistance is corporations, unions, issue groups that all of a su-den have unregulated, no-limits, no-caps on the spending. And you can see the dollar signs. Ultimately, we do exactly what we don’t want to do. We increase the interest and the role and the power of the special interests versus the Indi-vidual candidates and the parties.

That is the impact. That is the big picture. I think that linkage is criti-cally important.

As to the specifics of the amendment, first of all, it strikes at the heart of this balance. Second, it is narrow, it is targeted, and it is focused. The media has been saying this is a poison pill because if you strike down one part of McCain-Feingold the whole bill falls. That is wrong. That is false. This is narrow and tar-geted. It does not apply to the whole bill. It links just the two provisions, the Snowe-Jeffords provision with the ban on soft money—nothing else. The linkage is for a good reason. It is be-cause the impact on one has an impact on the other. They are intertwined. That is why that nonseverability is absolutely critical to prevent the possibility of this happen-ing.

The nonseverability clause ties to-gether just those two provisions and nothing else. When I say it is narrowly tailored, a narrowly tailored nonseverability clause, it is basically because everything else will stand. If the Snowe-Jeffords provision is ruled to be unconstitutional and therefore the cap is released, the party soft money elimi-nation will be invalid; again, coming back to the original balance. Other provisions in the bill stand. It is just those two. The other provisions, which will not be affected by this nonsever-ability clause, are provisions such as the increased disclosure for party com-mittees, the provision clarifying that the ban on foreign contributions in-cludes soft money, the clarification of the ban on raising political money on Federal property. All of those things have stayed. We are talking about just these two provisions to which I have spoken.

The provisions on independent versus coordinated expenditures by political parties are unaffected by this amend-ment. The coordination provisions of the bill, the portions of the bill such as tightening the definition of inde-pendent expenditures, provisions for increasing reporting of inde-pendent expenditures—again, all of these provisions of the McCain-Fein-gold bill are not excluded as a part of our amendment today. It has to be one or the other two provisions to which I have spoken.

Another point I want to mention, and it will probably be talked about over the next couple of hours, is the fact that this narrowly targeted nonsever-ability clause also provides a process for expedited judicial review of any court challenges to these two provi-sions. The purpose of that clearly is that challenges—we don’t want to be held up in court with a lot of indecision over the years.

All this does, as part of this non-severability clause, its purpose, is to provide that if the provisions of this legislation that restrict the ever-louder voice of the issue ads—which, again, are poorly disclosed and poorly regu-lated—are declared unconstitutional, just the Snowe-Jeffords provisions, then the provision that weakens the voice of the individual candidate and of the party would not be enforceable.

Simply put, sort of boiling it down: The person running for public office will not be left out here defenseless, without any voice, if our effort in McCain-Feingold as the Snowe-Jeffords provision falls, if the courts say no, we are going to take this cap off here— which clearly, just looking at the dol-lar signs, would put the individual can-cidates again at a point where they are almost helpless as they are trying to make their point.

The history of severability legisla-tion I am sure we will go to. I will not address that.

Let me answer one question because we were talking as if this were a poison pill because people bring in editorials saying this is a poison pill. It is clear, a poison pill, to me, is if you give somebody a pill and they drop dead and they are gone. We are not adding a new entity or provision to the bill. All we are doing is linking two provisions that are already in the bill. They are in the underlying McCain-Feingold bill. They are not amendments that have been added that are trying to poison the bill.

The only thing we are doing is working with two underlying provisions that are already in the bill, saying they are inextricably linked and have and exact one or the other.

Proponents of the bill—we heard it a lot this morning—told us time and time again that this is constitutional, Snowe-Jeffords is constitutional, the ban on party soft money is constitu-tional. If people really believe that, I think proponents of the bill have noth-ing to fear by this linkage in our non-severability proposal.
As we look at what I have presented, we should take this opportunity to look realistically at what is happening in campaigns and campaign finance reform. The sources of money, how it is being spent, whether or not it is disclosed and where the money is going. In all things in life, you are sure we do not muffle the voices and diminish that role of the individual candidates out there while increasing the role of the special interests or the unions or the corporations.

I hope our colleagues will study this particular amendment, will carefully consider this balanced and narrowly tailored amendment that addresses what I believe is a critical, critical issue.

Mr. DODD. Mr. President, I yield 15 minutes to the senior Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 15 minutes.

Mr. THOMPSON. Mr. President, I thank my colleague from Tennessee, Senator Frist, who has done his usual excellent job in laying out his case. I think the concern that is being expressed is a valid concern, in that we need to find and the total context of things, that it is all not exactly as if Snowe-Jeffords were some kind of a major happening in the system as we are addressing this issue.

That is one of the things that makes me feel good about what happened yesterday, because I think that is exactly what we were doing.

If you have ever lost Snowe-Jeffords somewhere along the way and just had a soft money ban without any increases in the hard money limit, I think the potential problem that my colleague expressed would really have been a significant one. I do not think that practical problem exists nearly as much as we feared, because even under a worst case scenario, if the disclosure and other provisions of the Snowe-Jeffords even were to fail and we lost soft money in the system—which I think would be a good happening—we have increases in the hard money limit. We have now doubled, under the original bill—we have doubled the amount of money the candidate can have for his own campaign, $1,000 to $2,000; $4,000 in a primary, $4,000 in a general election. We have also increased the amount of money that can go to parties.

We did not increase it as much as I would like, but we increased it. We also increased the aggregate amount. We also increased the aggregate amount that parties can give to the candidates.

We indexed all of it.

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It is not that we are not in the same position we were when McCain-Feingold started. We have taken some significant steps in order to get some legitimate, controlled, limited, hard money into the hands of candidates and into the hands of parties that they didn’t have when this debate began.

The problem that is being addressed today is not one of the very kinds of things we were trying to address yesterday. I think this body effectively and overwhelmingly addressed it in the congressional record, which more likely than not will contain several provisions, you can have some parts of it that are constitutional and maybe one part that is not. Strike the unconstitutional part, says the Court, and leave the rest intact.

That is the concept of judicial restraint. We have recognized in this country for a long time—and courts have recognized for a long time—that they should exercise judicial restraint and make constitutional rulings only when necessary. The courts have adopted their own rulings that mitigate in that direction and cause them not to go off and even consider constitutional issues unless they really have to. It is for the reasons that I explained: Because of the concept of restraint and the benefit we get as a country and that the judiciary adopts judicial restraint, not reaching out to take on more than it should and look for opportunities to strike down laws when they are not even really directly presented to them, and so forth.

In the Regan case the Court said it very well in the case of Regan v. Time, Inc., with the Supreme Court plurality decision in 1984. This is a little long, but I think it is important because it gets to the heart of what I am saying.

The Court said:

In exercising its power to review the constitutionality of a legislative act, a Federal court should act cautiously. A ruling of unconstitutionality frustrates the intent of the elected representatives of people. Therefore, a court should refrain from invalidating more of the statute than is necessary. As this court has observed, whenever an act of Congress contains unobjectionable provisions separable from those found to be unconstitutional, it is the duty of this court to so declare and maintain the act insofar as it is valid. Thus, this court has upheld the constitutionality of some provisions of a statute even though other provisions of a statute were unconstitutional. For the same reasons, we have often refused to resolve the constitutionality of a particular provision of a statute when the constitutionality of a separate controlling provision has been upheld.

I think that states it very well. In summary, I think it has been the law and the practice of the United States for many years. It is a valid one. I think we would all agree that it is a valid one.

I believe the circumstances. No. 1, the extreme rarity of the situation; No. 2, these longstanding principles that our judiciary has. Those are the foundation blocks as we approach this issue this time as a Congress.

What will be the legal effects of a nonseverability clause? Not only has Congress not legislated a nonseverability clause once in the last 12 years, but there are no cases ever in the history of the country where Federal courts have been called upon to construe a nonseverability clause.

We really are in uncharted waters here in terms of how such a clause
might be interpreted. I fear we are getting into an area of unknown consequences, and potential perverse results that we don't fully appreciate.

What will be the probable result? As you think it through, you can see situations very readily that are going to produce perplexities, shall we say, that maybe we can resolve here on the floor—I don't know—and determine what intent the proponents have with regard to this amendment.

Art II of the Constitution says there must be a case in controversy before a person can bring a lawsuit, have it upheld. Any law professors out there, forgive me for my shorthand as I go through this. I want to touch on the general principles, and I hope I get them right.

If you are a litigant, someone challenging this act, you have to have standing. There is a criminal aspect to this statute: if you are a criminal and you are convicted, you have standing. As far as the civil aspects of it are concerned, in any kind of a situation, you have to have a case in controversy, and you have to have standing.

That means you have to be injured directly by the provision you are dealing with, and you are convicted of. If the statute is in force, you will be injured, if you sustained injury or you face imminent injury, something like that, not just a general public kind of a potential injury. There was a case back in 1960 where concerned citizens got together and sued the CIA because they were not disclosing their budget. The courts held that your interests are not any different from any other citizen. You have no standing in this lawsuit.

That little background has relevance because someone challenging these two provisions will refer to them as the soft money provision and the Snowe-Jeffords provision of the McCain-Feingold bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THOMPSON. I request an additional 10 minutes.

Mr. FEINGOLD. Mr. President, I yield an additional 10 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator is recognized for an additional 10 minutes.

Mr. THOMPSON. It has to do with how the cases would come up. If someone, let's say, was convicted under the soft money provision—in other words, somebody sent some soft money to somebody they weren't supposed to after this law was passed, and they got caught doing that and they got charged with and got convicted of, if you had severability, then that person would clearly have standing with regard to the soft money provision they were convicted of. That is all that would be at issue.

Presumably, if you had nonseverability the way that the proponents of this amendment would suggest, that person who is affected by the soft money provision that he is convicted of, presumably he could also challenge the Snowe-Jeffords part of the bill that has no relevance to him. If so, are we telling the Court, by means of this amendment, to give standing to this person, who is not affected by the Snowe-Jeffords when they are not affected by Snowe-Jeffords? If so, we are running afoul of article III because the Court cannot give people substantive jurisdiction or grant constitutional standing for anyone such as that. If you are trying to do that, we certainly would not be exercising judicial restraint.

During the course of this debate, I hope we can agree on what we are trying to do by means of this amendment. Do we want to be able to allow someone who is affected by one provision to be able to challenge the other provision? That is the question. If the answer to that is, yes, then we can talk about the constitutional implications of that. If that is, no, that they can only challenge the provision they are affected by, then what about a fellow who is convicted under the soft money provisions, which is held to be constitutional? He goes to jail. Another person comes along, he is affected by the soft money provisions, and he is affected by the Snowe-Jeffords provision. That is held to be unconstitutional, which wipes out the entire legislation, under this amendment.

So you have the first individual sitting in jail for a period of time under one of the provisions and another individual under the other provision. That is held to be unconstitutional, which wipes out the entire legislation, under this amendment.

For reasons set forth in Lujan v. Defenders of Wildlife, a 1992 Supreme Court case, the Court made this statement:

'Whether the courts were to act on their own or at the invitation of Congress in ignoring the concrete injury requirement described in our cases, they would be disregarding a principal fundamental to the separate and distinct constitutional role of the third branch. One of the essential elements that characterizes these cases in controversy is that they are the business of the courts rather than the political branches.'

In other words, Congress, you can't tell us what is a case in controversy. You can't tell us that there is a case in controversy just there or that a person has standing in a case when he really doesn't. That is for us to decide. If you are attempting to intrude, you are violating the doctrine of separation of powers.

I hope my colleagues will not view this amendment favorably. It would be not only a reflection on us, but it wouldn't do the judiciary any good. We would be telling the Court, by means of this amendment, in one fell swoop, of doing something that would be hurtful to two branches of our Government: the legislative branch and the judicial branch—the legislative branch, us, because after all these years, after 25 years we finally get around to addressing this issue, after going through and agreeing or disagreeing, but let's say agreeing on some fundamental principles that we believe ought to be passed, at the same time, in some cases supporting amendments which, in my estimation, pretty clearly have constitutional problems. I don't think that reflects well on us in what we ought to be doing and how we ought to be doing it. It doesn't reflect well on us when we threaten a judicial independence or judicial restraint.

There are some broader principles involved. Those principles are involved here. So while I appreciate the concern that has been expressed in terms of balancing the interest, that is, the balance of enforcing the law versus the need to have a fair and just system, perhaps it is a question of whether we have been taking the correct approach. We and we saw part of that yesterday—the portion of Snowe-Jeffords that deals with money is a fairly limited segment: Never done this before; trying in uncharted waters; trying to accomplish things we probably cannot, in the end, do.

For all those reasons, I will respectfully urge defeat of the amendment.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I will turn to my colleague from Utah in a minute. First, I will take a moment to respond on our time to at least two of the comments made. It will take just a second.

I appreciate the comments that have been made. The first statement made was about the relative importance of the Snowe-Jeffords amendment. I think it is important because my whole argument is based on this balance of the linkage, the tie between the two. How important is Snowe-Jeffords—the significance of not being able to go on the air 60 days prior to an election. We should not underestimate that because, really, it is the balance between giving the candidate voice and the special interest voice.

Our whole argument is if you are going to take voice away from one, you ought to take voice away from the other. If you are going to give one voice, give the other voice. I point out that Snowe-Jeffords is very important, and that is why we are targeting it in this narrowly targeted amendment. If you just look at special interests, which is in red on this chart, versus parties, the issue is ads, I think, disagree a lot of people. I point out all of these ads were in the last 60 days, but anybody who has watched campaign ads knows it is really in the last 2
weeks of most of these campaigns, not 3 weeks, 4 weeks, 6 weeks, 8 weeks. The Snowe-Jeffords provision is 60 days. This is just to show that Snowe-Jeffords is critically important, and if we disrupt Snowe-Jeffords, get rid of that limitation, then we have an infusion of money even greater than today. The special interest ads—again, the ads that Snowe-Jeffords is directed at—amounted to about $347 million in the campaigns we just finished.

The party ad money, which is predominately soft money, non-Federal money, was only $162 million. What we are basically saying is that if you are going to take off the restriction of Snowe-Jeffords and you are going to allow this money to come flowing into the system, the least we can do for the candidate out there is to allow the party to participate without unilaterally being challenged and overrun by special interests. So Snowe-Jeffords is critically important.

No, 2—and other people will comment on this—nonseverability may be rare, I guess, in the big scheme of things, but it has been done a lot—in fact, three times on campaign finance reform, where you do bring people together and you have this rich interaction. Three times we voted for nonseverability clauses on this floor.

Mr. MCCONNELL. Will the Senator yield for an observation?

Mr. FRIST. Yes.

Mr. MCCONNELL. Not only is the Senator correct that the last three campaign finance reform bills that cleared the Senate had nonseverability clauses in them, the amendment we voted on a few moments ago—the Harkin amendment, which was supported by 31 colleagues on the other side of the aisle—had a nonseverability clause in it. In fact, the Senator from Tennessee is entirely correct.

When the subject turns to the first amendment and to the constitutional rights of Americans in these kinds of bills, it is the exception not to have a nonseverability clause in it. I am sure the other Senator from Tennessee was not suggesting that nobody would have standing to bring a case affecting so many different people's constitutional rights. I am confident, I say to my friend, the junior Senator from Tennessee, there will be some Americans who will have standing to bring a suit against this case. I will be leading them. I thank the Senator from Tennessee.

Mr. FRIST. I thank the distinguished Senator from Kentucky for his comments.

I yield 15 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I was interested to hear Senator THOMPSON say we are in uncharted waters, facing unknown results that we don't fully appreciate. That is the theme of my comments.

I go back to another philosopher, Mark Twain. I can't quote him exactly, but he has been quoted as saying something to the effect that "prophecy is a very iffy profession, particularly with respect to the future." That is where we are. We are all trying to divine what is going to happen in the future if McCain-Feingold passes. I expect it will, and I would be signally surprised if it were not upheld by the Supreme Court. What would we face?

Well, I read in the popular press that on the Democratic side, one of their leading campaign attorneys is telling them if McCain-Feingold passes, the Democrats can kiss goodbye any chance of gaining control in the Senate in the 2002 election. That should cause everybody on this side of the aisle to stampede and vote for it. However, there is an equally qualified observer who has spoken to our Members and has said if McCain-Feingold passes, the Republican Party will go into the minority and stay there for 25 years.

Now, of the other two of these has to be wrong in terms of what is going to happen at the election. But neither one of these observers is an unqualified observer. The reason they have come to these two differing conclusions is that each one is looking at this issue through the prism of his own self-interest. If the Democratic campaign lawyer sees the destruction of the Democratic Party and the Republican campaign consultant sees the destruction of the Republican Party, I submit to you a crystal ball may be, the chances are that are both right—that we are going to see, as a result of the passage of this bill, not the destruction of the party—I won't go to that extent, but certainly a dramatic diminution of party influence in politics in this country.

One very practical example that we can expect is the scaling down, if not the elimination, of party conventions because party conventions now are financed with cash, which, under this bill, would become illegal. So we may see party conventions disappear altogether, or we may see them become very truncated affairs, which the media may decide is not worth covering. This would be good news for an incumbent President. This would be bad news for a challenger trying to prevent a President from seeking a second term. He would be denied the opportunity of exposure that comes from a party convention.

One of the things we will not see as a result of the passage of McCain-Feingold is the elimination of corruption in politics. Corruption comes from the heart of the receiver, not the wallet of the giver. If an individual is corrupt, he is going to stay corrupt, whether or not the "speech police" are watching him. He is going to find some way to remain corrupt and to game the system to his advantage. The person of integrity is going to remain a person of integrity, regardless of how people come waving bills at him to try to get him to change his position solely on the basis of money.

Integrity and corruption does not come as a result of participation in the political process. Integrity and corruption come from the way you were raised, from the way you make your decisions, from the hard commitments you make along the way in life. That is the one prediction of which I can be confident. On these others, we are guessing.

I let my imagination run. If the political conventions disappear or become seriously truncated as a result of the passage of this bill, and if I were a special interest group with an unlimited wallet, I would anticipate holding a series of conventions and invite certain favored speakers. I would gear it in such a way as to get maximum media attention, and those speakers could then get media attention that would come out of attending these conventions.

I do believe that we are going to see an increase in political spending of soft dollars on the part of special interest groups in different and inventive ways that we at the moment cannot anticipate. I say to our friends on K Street are already figuring out ways to get around McCain-Feingold and use our soft dollars in a fashion to influence the political situation.

We are going to see, I am sure, an increase in Harry and Louise kind of advertising. Those of us who were on the floor through the debate on President Clinton's health care plan know how powerful those soft dollars can be. We know how many those soft dollars were, and we know how totally outside the ambit of McCain-Feingold those soft dollars were. If McCain-Feingold says you cannot give those soft dollars to a party to pay its light bill, well, OK, we will give the soft dollars to Madison Avenue to influence politics in other ways.

One of the other ways the parties are going to be seriously disadvantaged by the passage of this bill is in campaign committee. Senator Frist is the chairman of the Republican Senatorial Campaign Committee. When he goes out and tries to convince a reluctant candidate to challenge a Democratic incumbent, one of the first things that candidate says is: If I do this, will you be there for me? Senator Frist can say now: Yes, we will commit X amount of activity in your behalf. Please, come do this. Do this for the party. Do this for your country. Come do it, and we will be behind you.
amount of money that would be available to the senatorial committee if we had nothing but hard dollars based on actual experience. As Senator Frist goes out to recruit candidates, or as Senator Murray goes out to recruit candidates, other side is going to find her ability to attract candidates into this situation will be severely reduced.

The ultimate answer is: We want you to run, but when it comes to financial support of your own, you are not going to get any significant help from the national party in any way because we simply cannot do it. We have to use our hard dollars for things for which we used to use soft money. We simply are not going to have the resources that we would like to have to help you. We will see many outstanding candidates decide they do not want to run under those circumstances.

Make no mistake about it, those in the press gallery who have been talking about the present system being an incumbent protection act, wait until we pass McCain-Feingold and I guarantee you an incumbent will really have to foul his nest in order to lose. This law essentially guarantees that no challenger of any consequence will be able to raise the money and produce the organization to take on an entrenched incumbent because the restrictions are so severe that they will not be able to do that.

What does this have to do with the amendment? Simply this: At least as a result of the Wellstone amendment for which I voted, there is a degree of equal damage to the special interest groups. With the Wellstone amendment in the bill, the bill does not unilaterally damage parties and leave special interest groups totally free. Oh, it does leave special interest groups huge loopholes, but it at least, on the advertising grounds, the special interest groups have the same kinds of problems as the parties.

People said to me: Why in the world did you vote for the Wellstone amendment when it is clearly unconstitutional? I voted for it with my eyes wide open. I believe it is unconstitutional. I believe the other parts of the bill that it seeks equality for are equally unconstitutional. But I thought if the time should come, through some dark miracle, McCain-Feingold survives the White House, the Supreme Court, and gets into the public stream, I do not want the loophole that the Wellstone amendment closed to stay open. If they are going to find some of it unconstitutional, I want them to find all of it unconstitutional. I want that loophole plugged.

If, indeed, we have the circumstance before the Court where the Court says the Wellstone amendment is unconstitutional, so the special interest groups are off the hook, but all of the corresponding pressures on parties are constitutional so that parties are under this kind of restriction, we are going to see a distortion in the political world that none of us is going to like.

I am supporting this amendment that says if the Supreme Court says, OK, we are going to strike down the Wellstone amendment as unconstitutional, as I hope they do, then we are going to strike down all the rest of it as unconstitutional because it all goes together; it fits together; it is a legitimate pattern.

I happen to think it is a total pattern of the violation of the first amendment. I have said before I think if James Madison were alive, he would be appalled at the debate, let alone the outcome. I have been ridiculed for that by members of the press who somehow think it is kind of funny to talk about the Founding Fathers, but I still believe the Federalist Papers are the best guide we can have as to how we make public policy and are here.

As we look into our crystal balls, murky as they may be, we have to try to understand what the consequences will be if this bill passes and becomes law. I think consequences are as I have stated: Parties will be seriously disadvantaged, special interest groups will be advantaged. But I do not want that to be done by the Supreme Court. I want the Supreme Court to tell us, all or nothing.

If the Supreme Court says an intrusion on first amendment rights is legitimate when you are dealing with political parties, then that intrusion ought to be legitimate when you are dealing with interest groups. If on the other hand, they say, no, the first amendment is so precious that we are going to leave it alone as far as special interest groups are concerned, why should they not then be required to do the same thing we did?

If the Supreme Court says an intrusion on first amendment rights is legitimate when you are dealing with political parties, then that intrusion ought to be legitimate when you are dealing with interest groups. If on the other hand, they say, no, the first amendment is so precious that we are going to leave it alone as far as special interest groups are concerned, why should they not then be required to do the same thing we did?

Since when did the Constitution make a difference between the way people assemble themselves in their right of assembly and their right to petition and say: If you assemble yourselves in your right of assembly and right to petition in a political party, we are going to treat you one way, but if you assemble yourselves in your right to assemble and right to petition in a special interest group, we are going to treat you a different way?

The possibility exists that might happen if this amendment is adopted. If this amendment is adopted, then the Supreme Court will have to make the fundamental decision: Are they going to amend the first amendment by upholding McCain-Feingold, or are they not?

If they decide they are not, then they are not across the board. They cannot do it selectively. To me, that is the kind of outcome with which Hamilton, Madison, and John Jay would all agree. I make no apologies for calling them to this argument because I think this argument fundamentally is about the preservation of their hallmark which all of us in this Chamber have taken an oath to uphold and defend.

I do not take that oath lightly. I know my fellow Senators do not take that oath lightly. We should talk about it in those terms. I plead with my colleagues to think in those terms and, therefore, to support this amendment.

The PRESIDING OFFICER. The Senator from Illinois...

Mr. REID. Mr. President, I yield 15 minutes to the Senator from Illinois, Mr. Durbin.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. I thank the Chair.

Mr. President, the American people have had an incredible civics lesson these past few months. No novelist, no playwright, no movie director—not even the creator of the X-Files—could have dreamed up a more intricate, a more convoluted, or more fantastic plot than the one played out in our national political arena in last year’s Presidential election.

For weeks on end it seemed there was only one topic of conversation: Who won the election? And that conversation focused on some of the most arcane aspects of constitutional law.

What if Florida cannot send a slate of electors to the electoral college? What if they send two slates? Are contested elections a State or a national issue? Or for that matter, a county by county issue? Who ultimately decides the results of a disputed election? Congress? The Florida Supreme Court? Federal district court? The Supreme Court? What about the vote of the people? Doesn’t that count?

Woven through every one of these questions is a crucial feature of our American style of democracy—the separation of powers. This is perhaps our Nation’s most critical feature, our backbone, if you will.

For without a clear cut separation of powers—a separation between the Federal branches of Government, and between the Federal Government and the States—our system of Government founders and falls.

Prior to the creation of the Federal courts, Alexander Hamilton envisioned in Federalist No. 78 that “the judiciary is beyond comparison the weakest of the three departments of power.” Given the recent role the Supreme Court played in last November’s Presidential election, Alexander Hamilton’s vision was wrong.

If legislative balance of power has tipped in favor of nine justices that have the power to legislate from the bench and have now elevated the Court as the most powerful of the three “departments of power.”

Concerning the Supreme Court’s role in picking the President, Laurence Tribe noted that the Justices were “driven by something other than what was visible on the face of the opinions.”

We will continue to ponder whether the Court’s decision was derived from established legal and constitutional principles. Or whether the Court was “results oriented” and searched for a
rationale to substantiate a decision more political than legal.

In our Government this question of the separation of powers never goes away. It is here before us today, in this bill, with this amendment, with the issue of campaign finance reform. Specifically, it confronts us with the issues of severability and nonseverability.

When the Congress of the United States creates a new law of the land, how difficult should it be for another branch of Government to strike it down?

For the executive branch of Government, the answer has always been clear. The President can veto any law we pass. Congress can override a Presidential veto with a two-thirds majority in each house. The balance of power between Congress and the executive branch is part of our national strength.

But what of the balance of power between the Judiciary?

Federal courts have the authority to decide on the constitutional legitimacy of the laws passed by Congress, and to dispose of any provisions of the laws they find unconstitutional. It is an ultimate authority dating back to Marbury v. Madison. If the Supreme Court declares a provision of law to be unconstitutional, it is conclusive.

Short of changing the Constitution itself, a step we have taken only 17 times since the passage of the Bill of Rights, there are no options. A finding of unconstitutionality by the Supreme Court effectively voids congressional and Presidential action. This, too, is a vital part of the balance of powers. And I respect it.

The nonseverability amendment would alter, even if only slightly, the balance of power between the legislature and the judiciary. Is this a wise change to make?

I have been grappling with this question these past few days. And grappling, as well, with some of the profound and, I must say, unsettling changes that have occurred at the Supreme Court in recent years.

My perception and I confess this is my own, of where the Court is today, and the direction in which it is heading, will carry great weight in my ultimate decision about the nonseverability issue.

A law professor at New York University wrote an interesting article on this very topic a few weeks back in the New York Times. The author’s name is Larry Kramer, and his article, which could hardly be more to the point, was titled “The Supreme Court v. Balance of Power.”

His main point, which I think he makes quite convincingly, is that: the current Supreme Court has a definite political agenda—one devoted chiefly to reallocation of governmental power in ways that suit the views of its conservative majority.

For nearly a decade, the court’s five conservative justices have steadily usurped the power Congress and sent the law across the desk. They are. . . the disabled.

Many of the Supreme Court’s recent decisions have indeed been made by the conservative majority. Decisions are often carried on the basis of a single vote, and on the basis of the “strict scrutiny” test. One vote—five to four. Warrantless police searches—five to four. Tax limits under the Constitution—five to four. And of course, the selection of the 49th President of the United States—five to four.

Justice John Paul Stevens, in his dissenting opinion to this last decision, said:

Although we may never know with complete certainty the identity of the winner of this year’s Presidential election, the identity of the loser is perfectly clear. It is the nation’s confidence in the judge as an impartial guardian of the law.

This is my own starting point for reflecting on the nonseverability question. I agree with Justice Stevens. My confidence in the impartiality of the Supreme Court on this has been shaken. The Americanjudiciary has been increasingly politicized. Politicized by the unseemly rejection by the Senate of qualified nominees to the Federal bench. Politicized by the recent decision by the White House to have the half empty envirosuit of the American Bar Association in reviewing the qualifications of potential nominees to the Federal bench—a tradition that dates back to the Eisenhower administration.

With that as context—recognizing that for many the impartiality of the Supreme Court is being called into question—I return to the question of nonseverability. Is this a Supreme Court to whom we want to hand over the authority to rewrite what campaign finance reform measure ultimately is enacted by Congress?

I am not enamored by the idea of granting to the Court—particularly this Court—such authority. Maintaining severability denies them the opportunity to sink the entire law on the basis of the constitutionality of one provision.

At the same time, I am not enamored by the prospect of allowing this Supreme Court to selectively dismantle our campaign finance reform measures, picking and choosing among the different provisions to find ones that suit their visions of reform, and rejecting the rest.

The last time we tried this in Congress and sent the law across the street, it had a pretty disastrous outcome. The Supreme Court at that time decided they would limit how we raise money, at four. And then they would not limit, as Congress wanted to, the ultimate amount of money spent on campaigns, and they did. And then they just went in there with a decision in Buckley v. Valeo in 1976 and said, incidentally, millionaires in America, when it comes to campaign financing, are above the law. Now that preposterous outcome was rationalized by them and has been capitalized on by candidates since.

Campaign finance activist Ben Nighthorse Campbell of Colorado compared the Buckley decision by the Court relating to campaign finance reform to that of a large tree in the middle of a ball field. The game can still be played, he says, but it has to be played around the tree.

Despite my serious misgivings about this Supreme Court, the opportunity to require severability will give it move beyond the role of constitutional arbiter, to actually craft their vision of campaign finance reform.

First, for the good of our Nation, the strength of our Government, and the future of this Court, I must still retain the faith and the hope that the Supreme Court will rise above any political consideration to judge this law on its constitutional merits.

Second, taking my misgivings about the distribution of the power of the Courts to their logical conclusion, Congress would have to raise this matter on every legislative issue we face. That would invite confrontation and chaos that would not serve our Nation.

Third and finally, I have supported McCain-Feingold and campaign finance reform from the start. I am prepared to set aside my heartfelt concerns over the issue of severability rather than jeopardize this good effort to clean up the tawdry campaign climate in America.

I support the severability provision in this bill and oppose the Frist amendment.

I yield the floor.

Mr. REID. Mr. President, before the Senator from Illinois leaves the floor, I express my personal appreciation for his speech. I say that, recognizing that he and I have been in Congress the same length of time. We came together to the House of Representatives. During that period of time, I have gotten to know him well and I recognize his history as being a real legislator, a parliamentarian as he was in the State of Illinois.

This debate has been a very good debate. During the past couple of weeks, we have had some very fine presentations made. But when we look back on the presentations made, there will not be any better than the one just made by the Senator from Illinois. Not only did he deliver it well, as he always does, but the Senator from Illinois has no peer, in my estimation, as someone able to present facts. But here, not only did he do a great job in his delivery, the substance of what he said is really meaningful.

For someone such as me who struggled with this issue of severability, he certainly laid the foundation, in effect poured the cement. I have no question the Senator from Illinois is right on this issue. I am personally very grateful for having the opportunity to listen to this brilliant presentation.

The PRESIDING OFFICER. Who yields time?
Mr. REID. I yield to the Senator from Wisconsin for 15 minutes.

Mr. FEINGOLD. Mr. President, let me begin by joining in the comments the Senator from Nevada made about the presentation of the Senator from Illinois. I know the Senator is skilled and has a good argument. I would like to opine on this. I am grateful, not only for his decision on this but also for the rationale and presentation he made. I thank him for it.

I appreciate very much the way the Senator from Tennessee, Senator THOMPSON, kicked off the debate on our side. He made some very powerful points about how this issue of severability and nonseverability relates to the separation of powers and issues of judicial restraint. What I would like to do is use my time to talk about what this means for our effort to do something about the campaign financing system in our country.

Mr. President, the Senate is being asked to pass an amendment that would make two provisions of this bill “nonseverable” from one another. What does “nonseverable” mean? What does it mean for this bill? And what does this vote mean for the cause of reform?

My friend JOHN McCAIN has said that nonseverability is French for “kill campaign finance reform.” That is a pretty good short definition. But in simple legal and practical terms, the addition of this kind of nonseverability clause, the Soft Money Amendment of the Snowe-Jeffords provision, title I and title II of the bill, would become a single integrated unit for purposes of constitutional scrutiny, that its many separate sections would all stand or fall together if any part of it is challenged in court on constitutional grounds. So, if this amendment passes, and the bill passes into law in a form that includes this amendment, and some time later a federal court finds one provision of either the soft money ban or the Snowe-Jeffords provision to be unconstitutional, then both of those provisions will be struck down, and it will be as if we had never passed a campaign finance reform bill at all.

Our bill contains an explicit severability clause, added only for emphasis. We pass hundreds of bills in each Congress, and each of them is deemed implicitly to be comprised of severable parts, unless it contains “nonseverable” language. Two weeks ago we passed a bankruptcy bill that ran on for hundreds of pages. I thought it was a bad bill, I wish we were not about to become law. Still, I understand that if some part of its hundreds of pages is struck down on constitutional grounds, the rest of the bill is true of nearly every bill we have passed or will in the future pass in this body. In fact, I am informed that during the last 12 years only 10 bills have been introduced, let alone passed, that contain a nonseverability clause. It is incredibly unusual.

The Supreme Court has repeatedly held that even without a severability clause, the presumption is that Congress intends for each provision of a bill to be evaluated on its own merits and severed from the bill if it is found to be unconstitutional. In Alaska Airlines v. Brock, for example, the Court said:

A court should refrain from invalidating more of the statute than is necessary . . . Whenever an act of Congress contains unobjectionable provisions separable from those found unconstitutional, it is the duty of the court to so declare, and to maintain the act in so far as it is valid.

That is the general rule. In order to overcome that presumption there has to be specific evidence that Congress intended for each provision of a constitutional provisions without the unconstitutional provisions.

Senator McCAIN and I have drafted a bill that we believe is constitutionally sound. My record is not the record of a legislator who is casual about the first amendment, or about the belief of the people, seeking strategic advantage in their effort to kill reform, have raised first amendment questions about the Snowe-Jeffords provisions of the bill, and some others of the provisions on the use corporate and union treasury of phony issue ads run on radio or TV within 60 days of general election. Similar questions have been raised about the Wellstone amendment that extends the Snowe-Jeffords restrictions to issue ads run by independent groups.

We knew that our bill would face this scrutiny and we drafted the Snowe-Jeffords provision with care and respect for the right to political speech, but if we, or the author of a successful amendment to our bill, has missed the constitutional mark, there are federal courts to rule on the question. Ultimately, under our system of government, there is a Supreme Court to give the final word on the constitutionality of any part of our bill that may be challenged. And if the Supreme Court says that some piece of our bill is unconstitutional, that’s the last word, and we would have to accept that.

But this amendment goes much farther. It would mean that if the Supreme Court finds a defect in the Snowe-Jeffords provision, and strikes it down, then the soft money ban will be invalidated as well. This makes no sense. It is a fundamental change of the role of the Court, the proper role of the Court, and the proper role of the Congress. We have a Congress to pass laws, in this case a set of laws. We have a Supreme Court to tell us when the Congress has failed, and we have to accept that.

I made this clear in the last few days. I believe this is the vote. This vote is the ultimate test for all of those who are engaged in this debate on campaign finance reform. It might be called the campaign finance reform test. The American people are standing by, waiting to see whether this body will pass or fail that test. Do not let them down my colleagues. There are no makeup exams.

This is the vote that will decide if we are going to be able to get rid of this awful soft money system—too easily get rid of it, not just pass a bill in the Senate, not just pass a bill in the House, not just have the President sign it, but actually have it survive a court challenge and become the law of the land.

Before yielding the floor, I ask unanimous consent a letter sent to our Democratic colleagues of the Senate by Representative MEZEN and Representative FRANK of the other body on March 22 be printed in the RECORD:

There being no objection, the letter was ordered to be printed in the RECORD, as follows:
Dear Senate Democratic Colleague:

We are writing to urge you to oppose any amendment to the bipartisan campaign finance reform legislation introduced by Senators John McCain and Russ Feingold—amendments that would prevent all non-severability provisions of the bills from being invalidated by the courts.

The House confronted amendments of this nature during the similar Snowe-Meehan campaign finance reform legislation in 1998 and 1999. These amendments were soundly defeated—indeed, only 24 and 25 Democrats voted to invalidate 167 of 254 and 194 of 258 House Democrats voted against a non-severability amendment in 1998, and 202 out of 210 House Democrats voted against this amendment in 1999.

The pro-reform majority in the House rightly perceived non-severability to be lacking in public policy justification and precedent. This amendment cedes enormous power to the courts to undo Congress’s work in instances where that work is of unquestionable constitutional, public policy, and prudential merit.

The inclusion of non-severability provisions in enacted legislation is extremely rare. At the time the House considered the Brady Bill—indeed, only three bills had passed in the last decade that had non-severability clauses. Indeed, Congress has often inserted severability clauses in legislation to ensure that constitutional provisions remain in effect. For example Telecommunications Act of 1996 contained a severability clause. If Congress had instead inserted a non-severability clause in the Act, the entire Act would have been invalidated when the U.S. Supreme Court unanimously struck down its so-called “Communications Decency Act” provision.

Finally, non-severability is an unjustified threat to brand all efforts to clean up our campaign finance system. We believe that soft money contributions to the national political parties should be banned and that campaign ads masquerading as issue discussion should be subject to the same laws governing uncoordinated campaign ads. Moreover, we believe that both of these elements of the McCain-Feingold bill pass constitutional muster. We do not believe, however, that tying the fate of one to a court’s view of the other—or tying either’s fate to a court’s view of even other provisions of McCain-Feingold—is justified. Soft money contributions at a minimum give rise to an appearance of corruption. That will be the case whether or not other provisions of McCain-Feingold ultimately survive judicial review. Accordingly, the public policy merits weigh strongly in favor of clearing up as much of our disgraceful campaign finance system as possible. Non-severability may compromise our ability to do so, as well as create an incentive for opponents of reform to offer patently unconstantly irrelevant amendments in the hope of poisoning the prospects for reform and survival in the courts.

Thank you for your consideration.

Sincerely,

Marty Meehan
Member of Congress

S3096

WASHINGTON, DC, March 22, 2001

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

Mr. MCCONNELL. Mr. President, how much time remains on the Frist amendment?

The PRESIDING OFFICER (Mr. FITZGERALD). The proponents have 53 minutes and the opponents have 44 minutes.

Mr. MCCONNELL. Mr. President, I have been listening carefully to the speeches on the other side of this issue. With all due respect, they are somewhat misleading.

The last two campaign finance reform bills that passed out of the Senate included nonseverability clauses—in 1990, 1992, and 1993. Members of the Senate who voted for that include 23 current Members who supported the bill with a nonseverability clause in it; and 28 of the current Members supported the bill in 1993 with a nonseverability clause in it.

It is wholly unclear whether most bills do or don’t have nonseverability clauses. What we are talking about is campaign finance reform bills which are fraught with first amendment constitutional principles, and it has been almost always the rule rather than the exception that they include nonseverability clauses in them.

It is so common that the Harkin amendment we just voted on and was supported by 31 Members of the Senate on that side of the aisle had a nonseverability provision in it tied to Snowe-Jeffords; also, the amendment we just voted on and was supported by 31 Members of the Senate on the other side supported.

So this notion that somehow it is inappropriate and unwise to have a nonseverability clause in a campaign finance bill is utterly and totally baseless and without merit. In fact, that is exactly what we are seeking to have.

I say to my friends who support the underlying bill, what are you afraid of? There have been numerous discussions and hearings about how constitutional Snowe-Jeffords is. We have had lengthy discussion on the floor by various Members of the Senate.

Senator SNOWE, of Snowe-Jeffords fame, says it is constitutional. It is common sense. It is not speech rationing but informational, and so on. Senator Snowe deferred to 70, she put it, constitutional experts.

Senator JEFFORDS says: My focus will be on reassuring you that Snowe-Jeffords is constitutional. He says they took great care in drafting their language.

Senator MCCAIN is, likewise, totally confident that Snowe-Jeffords is constitutional. Senator THOMPSON, the same.

Senator EDWARDS is on the floor now. He said he is totally confident that Snowe-Jeffords is carefully crafted to meet the constitutional test of Buckley v. Valeo.

Senator DEWINE offered an amendment to take Snowe-Jeffords out earlier today. That was defeated. It is a part of the bill.

Those who want to keep that in the bill are totally confident that it is constitutional.

What are they afraid of? As the author of the amendment, Senator Frist pointed out that there is a rationale for linking Snowe-Jeffords and the soft money ban. And it is this, I want to ask my friend from North Carolina: What if I am right and they are wrong, and Snowe-Jeffords is struck down, the Democratic Senatorial Committee loses 35 percent of its budget, and the Democratic National Committee loses 40 percent of its budget? If candidates are under attack by conservative groups from outside, who is going to rush to their defense?

The party is the only entity in America that will certainly support the candidates that bear its label. There is no body else you can totally depend on to be there to defend you when you are under assault.

There is a rationale for linking Snowe-Jeffords and the party soft money ban; that is, if we eliminate it, and the party is the backbone of the Senate majority, including the Senator from North Carolina, that it is constitutional are wrong, every group in America—conservative, liberal, vegetarian, and libertarian—will all have a right to come after our candidates and our parties will be largely defenseless.

I asked consent later this afternoon to have some time at 4 o’clock to describe to the Members of the Senate the impact of McCain-Feingold on our political parties. I am going to take the opportunity to do that at 4 o’clock.

It will be chilling to learn what will happen to our parties under this underlying bill.

Let me sum up because I see the co-author of the amendment is on the floor.

I don’t think this is in any way inappropriate. In fact, it is common. If the proponents of Snowe-Jeffords are confident it will be upheld, I don’t know what they are afraid of. We will need the political parties to defend our candidates if Snowe-Jeffords is struck down.

I yield the floor. I see the Senator from Louisiana is here.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Who yields time to the Senator?

Mr. FRIST. Mr. President, I yield 15 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I thank the author of the bill, the Senator from Tennessee, for yielding time to me.

We have just heard a good explanation of the situation from the Senator from Kentucky about the concern of the so-called severability. Imagine most people in America scratching their heads and asking: What in the
world is the Senate talking about—non-severability, severability, and everything else? When we talk about severability, back in Louisiana they think someone lost an arm or a finger. They get very confused when we start talking about severability in legislation as an integral part of a bill.

We have learned the mistake we make when we craft a carefully constructed compromise that people are allowed to vote for because it is carefully crafted with amendments through the legislative process and we then have that legislation go to a court which says that one part of this bill we will take out and we are going to leave everything else, or the court will say they will take out half of it and leave everything else. We tried that in 1971 when we wrote the landmark Federal elections law. I was running for Congress then and was watching it very carefully, not knowing what in the world the results would be. But I looked at that time and thought we helped write it, as a carefully crafted compromise. It did not have a non-severability clause in that legislation. When it went to the Supreme Court, in its wisdom, said: Well, this can stand and this can't stand; we are going to eliminate this and we are going to keep that. In essence, what they did was replace the role of the Congress in writing the legislation as they thought in their final words what was legitimate and what was constitutional.

Guess what. We ended up for all of those amendments which we are trying to add in this legislation, when it got to the Supreme Court, in its wisdom, said: Well, this can stand and this can't stand; we are going to eliminate this and we are going to keep that. In essence, what they did was replace the role of the Congress in writing the legislation as they thought in their final words what was legitimate and what was constitutional.

As the Senator from Kentucky pointed out, we considered campaign finance legislation in subsequent Congresses, we didn't make that mistake. We considered it in the 97th Congress, the 102d Congress, and the 103d Congress. And in every one of those Congresses we did not make the same mistake that we made in 1971. We took that position in those acts of the Congress that the carefully crafted compromise was going to have to be accepted or rejected; the Court could not piecemeal it. They could not rewrite it. They could not decide in their wisdom what they thought was legitimate and keep that and throw out what they thought was unconstitutional. We did not make the mistake in the previous Congresses that we did the first time.

I hope whatever we do to also recognize that we should say that this carefully crafted compromise, the ban on soft money to parties plus the restrictions on outside groups running sham ads 60 days before an election, are intricately tied together. They are all part of that compromise. I cannot say: Well, I am going to knock out one, break the deal. Without this amendment, we will have perhaps only half of the deal being enacted into law and the other half disappearing because of a Court decision.

That is not what the role of legislators should be. We should be putting together comprehensive packages with intricate amendments and compromises woven together to create a package.

There are people who would not be for this legislation, I dare say, if they thought the Snowe-Jeffords legislation on money being spent on sham ads right before the election were not restricted in this bill. What do we say to those people? They are not of Snowe-Jeffords being part of it: That somehow it may not be there in the end? They would not have voted for the legislation.

It is so significant that we have this nonseverability clause. It is very restrictive, and I want to expand it. I will ask unanimous consent to offer an amendment to the Frist-Breaux amendment which will include the soft money ban plus the Snowe-Jeffords amendment which increased the hard dollar contributions, that if any one of those three would be found to be unconstitutional, all three would fail.

It makes no sense, I agree, to have the ban on soft dollars to be declared unconstitutional, which it probably is not, but if it should be, then you would be left with a hard dollar increase. It makes no sense to say that, well, we could ban or declare unconstitutional the Snowe-Jeffords prohibition but yet still have the hard dollar increase. All three are integral parts of this compromise. I think the Frist-Breaux amendment should be amended to say that if either of those three essential ingredients is knocked out, the whole package. Therefore, all three of them would fall. That would be the right thing to do.

That doesn't mean the whole bill fails. Everything else is still there: The millionaire's amendment, the lowest unit rate for television would still be there, the ban on foreign contributions, the ban on solicitations. Those are all still improvements in the current system.

When I try to explain nonseverability to people, it gets very confusing. I am probably as confused as anyone trying to explain it to our colleagues and to the press, and to the general public, who have to cover all of this. I try to use the analogy of ANWR which I think makes sense. The question of whether we drill for oil in the Arctic National Wildlife Refuge is a very controversial and contentious issue. Suppose we came to the floor of the Senate and someone said: I am willing to allow for drilling in ANWR if you double the environmental requirements that would apply to that part of the United States. That amendment is adopted. People say: Well, with that amendment, the ban on drilling for oil in ANWR because we have an amendment that doubles the environmental protections in that part of the world only.

But then that bill goes to the Supreme Court and the Supreme Court says: Oops, sorry, you are all wrong, you can't double the environmental protections in only one part of the country. That part of the bill is unconstitutional. But the drilling for oil is OK.

How would that treat all the Members of Congress who said: Well, I can vote for the carefully crafted compromise because at the same time we have doubled the environmental protections and therefore it is a comprehensive package and therefore it makes sense? To have the Court strike down the environmental protections while leaving the right to drill would be a sham on the Members of Congress who voted for the carefully crafted compromise.

The same is true with regard to this controversial, complicated, emotional issue of how we handle campaigns in this country. All of the ingredients are essential to the compromise. To allow the Court to knock out one or two and leave the rest is to put into effect through law something that was never intended by the people who voted on it to ever occur. When you vote for all of the parts of the bill, you have the right to expect that all of the parts will survive.

Someone said: Maybe we should do that for every piece of legislation. I say: Well, it may not be a bad idea, but certainly not a bad idea for things that are complicated and carefully crafted and subjected to numerous compromises that are part of the package.

I am extremely concerned that we have a situation where somehow there are these two political parties and somehow leave all of these groups and organizations that are running ads, special interest groups, basically single-interest groups, who will be able to continue to use all of the soft money they want to attack candidates for 2 years prior to our elections. None of these groups represents, I argue, the more moderate parts of both parties; they tend to be more extreme. Not all of them, some of them are moderate, but single-issue, one-issue groups that generally run only negative advertising against candidates.
Addressing this with the Snowe-Jeffords amendment, saying that corporate and union contributions cannot fund any of these groups within 60 days of an election, is an important step. If we don’t have the nonseverability and Snowe-Jeffords is voted for because it is a carefully crafted compromise to recognize that without the Frist-Breaux amendment, that carefully crafted compromise could cease to exist. What we have done is to abdicate our responsibility to legislate in a package, not with blinders on, and not looking at reality.

I strongly support the nonseverability amendment. I plan at the appropriate time to ask that the amendment be modified. I would like to add a third category in addition to the soft money prohibition to parties and the Snowe-Jeffords amendment. I would add the Thompson amendment reflecting the increase in hard dollars, that any one of those three being declared unconstitutional would bring down all three of those.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BREAUX. Mr. President, if it is all right, I will hand a copy to my colleagues, since he is managing the bill, and allow him the chance to review it.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, if I may, Senators have the right to modify their amendment. I thank my colleague. Mr. President, I am prepared to yield 5 minutes to my colleague from North Carolina, Senator Edwards.

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

Mr. EDWARDS. Mr. President, let me speak in opposition to this amendment. I’ll talk briefly about why I oppose the amendment, and respond to the comment by the Senator from Kentucky and the Senator from Louisiana, who has just modified his amendment.

First, it is very important for my colleagues who aren’t on the floor, in looking at the precise language of these amendments, to recognize there are really only three provisions, with the modification, that are covered by this amendment. The soft money ban is number one; the Snowe-Jeffords ban on broad-based corporate contributions and corporation treasury funds 60 days before the election is number two; number three is the raising of the hard money limit.

No one who has looked closely at this question would argue that either the soft money ban or the hard money limit increase is subject to serious constitutional challenge. The only thing the soft money ban has to do under the Buckley case is for the Court to find that there was a compelling State interest to support that ban. The Court, in fact, has already found in Buckley there is such an interest. So as these other Senators have recognized during the process of this debate, and I don’t have the ads here, there is no serious question about the soft money ban. The soft money ban—if it passes from this Chamber, and is signed by the President and passed by the House—is going to become law.

The raising of the dollar limit also is not subject to any serious constitutional challenge.

So what we are talking about is Snowe-Jeffords.

Now my friend from Kentucky points out that during the course of this debate I have argued that Snowe-Jeffords is constitutional. I don’t want to repeat that argument, but I, in fact, believe that Snowe-Jeffords is constitutional. But I want my colleagues to understand, and I will, that in the morass of this debate, that there is only one issue raised by this amendment as modified, and that is if Snowe-Jeffords were found to be unconstitutional by a Court at a later time, does the amendment, who I know are well intentioned, and I don’t doubt that, I just think we have a fundamental difference.

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

Mr. EDWARDS. I will yield for a question now.

Mr. BREAUX. I take it the Senator from North Carolina, who supports Snowe-Jeffords, which would prohibit all these groups on this chart from using corporate dollars to attack candidates—those single-issue special interest groups—is that not a unconstitutional amendment, that it were to be declared unconstitutional, the rest of the bill would go into effect? Does this not bother the Senator that without the Snowe-Jeffords amendment all of these groups would be able to continue to use corporate dollars to attack candidates with no ability for the parties to defend them?

Mr. EDWARDS. My answer to that question is, first, what we do, even without Snowe-Jeffords, is we prohibit corporate contributions in the election system in this country. It is difficult for me to understand how removing these huge soft money contributions doesn’t contribute to the restoring of that integrity. It obviously does. It may be that if one of these provisions—I think the only one in play is Snowe-Jeffords—is found to be unconstitutional, somewhere down the road there is a strategic imbalance. That may be true. But clearly this law is not about us. It is not about what is good for Democrats, it is not about what is good for Republicans, and it is not about what is good for incumbent Senators; it is about the American people. I do not know whether their voice is going to be heard and whether they believe they have some ownership in their Government; or, instead, whether we continue to perpetuate a system where huge amounts of money flow, unregulated, into the campaign process and ordinary people feel as if their vote makes no difference anymore. Senator Dodd made an eloquent and passionate presentation yesterday, or the day before, on this very subject.

My point is this: The disagreement I have with my colleague from Kentucky—and it is a fundamental disagreement—is why we are trying to enact campaign finance reform. I don’t think we ought to be focused on ourselves, or focused on how we are going to combat a particular ad that may or may not be run against us. I am as practical as anybody else. I understand the way the system works. All of us have lived with it. But the baseline for this debate, and what I hope all of my colleagues will use as their touchstone, is not what is good for us, not what is good for Republicans, not what is good for Democrats, but what is good for the American people.

I have great respect for all of my Senate colleagues, including the Senator who have authored this amendment, who I know are well intentioned, and I don’t doubt that. I just think we have a fundamental difference.
If our focus is on restoring integrity to the process and the public’s perception of ourselves, then getting us out of the process of raising soft money dollars, getting soft money, period, out of the system is a positive thing. And my view is to restore integrity.

Mr. BREAUX. Does the Senator think that the Health Insurance Association of America, or the National Rifle Association really needs any help from Members of Congress in raising corporate money to run those types of ads? That these groups don’t need Members of Congress to help them raise money to do the Flo ads, and the Harry and Louise ads. Those are corporate dollars. The pharmacy industry doesn’t need Members of Congress to raise money to pay for ads attacking everybody in Congress.

Mr. EDWARDS. Mr. President, claiming my time, my answer is the very answer I just gave the Senator from Louisiana. We can’t stop these entities from running ads. What we can do, is stop Members of Congress from raising huge amounts of money and creating a public perception that we are involved in what is wrong with the system. You are absolutely right. As a matter of strategic balance, that there is the possibility there will be a strategic imbalance, I would not argue for a minute about that. But that is not what campaign finance reform is about.

What campaign finance reform is about is restoring integrity to the system and causing the American people to believe, once again, that the system has integrity, that it works, and this democracy belongs to them, and that it is their Government. That is the fundamental difference. Anything we do, I strongly suspect, with or without Snowe-Jeffords, or any of these other provisions, as we have learned from experience, may turn out a year, 5 years, 10 years from now to create some result we didn’t expect. I think that is just realistic.

But the one thing we know for certain is that the public believes this system is awash in money. These huge, unregulated contributions are being made to political campaigns are wrong, and we need to make a clear and unequivocal statement that we will not allow that to happen.

This debate is not about us. It is about the American people. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I will take a couple of minutes, if I may, I think the Senator from North Carolina has eloquently framed what the present amendment would do and what the consequences are, should the Frist-Breaux amendment be adopted—and I am not sure it has been offered yet—even if you accept the modification that Senator from Tennessee and colleague from Louisiana has pointed out where there may be some imbalances created here—we are all very much aware of this. My colleague from Utah spoke eloquently about the fact that we can say with any certainty exactly where all of this is going to end up. If you took McCain-Feingold as modified up to now and it became the law of the land tomorrow, there is some uncertainty, except this: The certainty that soft money, the unregulated millions of dollars—billions of dollars now have been pouring into campaigns—is going to be stopped.

No one is suggesting the ban on soft money is unconstitutional, and that would be a major achievement. We may end up coming back at some future date, less than 30 years down the road, because we discovered we had been unintended consequences in this legislation. Let’s not lose sight of the fact that the ban on soft money and the Snowe-Jeffords provisions—assuming they survive—are worthy of this body’s support. The issue of saying they both fall, the ban on soft money and the price we paid for it, as well, if Snowe-Jeffords falls is an unequal trade off. I urge my colleagues to reject it.

Lastly, I say to my friend from Kentucky, there are differences of opinion on how we voted on two previous campaign finance reform bills. There was tied severability in those two other bills. It was not nonseverability. We linked those provisions. If one fell, then the other would fall as well. It was, if you will, a partial severability in those two bills for which 23 of us, who are still here, voted. We did not vote for nonseverability. That is a semantic game in a sense. We voted for tied severability, partial severability. That is a side question.

The basic issue is my colleagues fought with, with all due respect, reject the Frist-Breaux amendment if they believe, as I think a majority of us do, that the ban on soft money and Snowe-Jeffords are truly reforms. We fought too long and too hard not to succeed with those and to link severability is a mistake.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, listening carefully to the Senator from Connecticut trying to explain the previous nonseverability clauses that passed in 1992 and 1993, those nonseverability clauses included the whole bill, so that if any little portion of the bill that cleared the Senate in 1990, cleared the Senate in 1992, cleared the Senate in 1993, if any little portion of that bill was unconstitutional, the whole bill fell.

I understand the amendment of the Senator from Tennessee and the Senator from Louisiana, the whole bill does not fall. It carefully tied the two relevant parts of the amendment, the Snowe-Jeffords language and the party soft money ban. The Senator from Louisiana has pointed out where those two are relevant and important. He has his whole list of people who are going to be attacking our candidates, and our parties are going to have no funds—none—to protect them from attack from outside groups.

Mr. President, I yield the floor.

Mr. BREAUX. Parliamentary inquiry, Mr. President.
Mr. BREAUX. I ask the Presiding Officer whether it would be appropriate for me now—I have two requests. First, would it be appropriate for me to now ask unanimous consent for a modification to the Frist-Breaux amendment? The PRESIDING OFFICER. That would be appropriate.

Mr. BREAUX. Further parliamentary inquiry: If there is an objection to the unanimous consent request to modify the Frist-Breaux amendment, would it not be in order at a later date to reoffer a Frist-Breaux amendment with that modification?

The PRESIDING OFFICER. That would be in order under this agreement.

Mr. BREAUX. Mr. President, I ask unanimous consent that the modification to the Frist-Breaux amendment that is pending at the desk be offered.

Mr. THOMPSON. Reserving the right to object.

The PRESIDING OFFICER. Objection is heard.

Mr. THOMPSON. Reserving the right to object, and I do intend to object. I know my friend can bring this after—if this amendment survives a motion to strike, or some unobjectionable portion of the bill were struck down, then the Thompson-Feinstein amendment language would fall also at that time. For that reason, I object.

Mr. FEINGOLD. Will the Senator withdraw his objection?

Mr. THOMPSON. Yes.

The PRESIDING OFFICER. The Senator from Louisiana still has the floor. Mr. FEINGOLD addressed the Chair.

Mr. BREAUX. I yield.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, was the objection finalized or did the Senator withhold?

Mr. THOMPSON. I will withhold momentarily.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Who yields the floor?

Mr. DODD. I yield to my colleague from Tennessee 1 minute.

Mr. THOMPSON. Mr. President, I withdraw my objection.

AMENDMENT NO. 156, AS MODIFIED

Mr. MCCONNELL. I renew the consent request of the Senator from Louisiana that his amendment and the amendment of Senate FRIST be modified.

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

The amendment, as modified, is as follows:

On page 37, strike lines 18 through 24 and insert the following:

(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 the 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 CERTAIN PROVISIONS.—

(1) in GENERAL.—If one of the provisions of, or amendments made by, this Act that is described in paragraph (2), or if the application of any such provision or amendment to any person or circumstance, is held to be unconstitutional, the provisions of all the remaining provisions of this Act and amendments made by this Act, and the application of such provisions or amendments to any person or circumstance, shall be invalid.

(2) NONSEVERABLE PROVISIONS.—A provision or amendment described in this paragraph is a provision or amendment contained in any of the following sections:

(A) Section 101, except for section 323(d) of the Federal Election Campaign Act of 1971, as added by such section.

(B) Section 103(b).

(C) Section 201.

(D) Section 333.

(E) Section 334.

(c) JUDICIAL REVIEW.—

(1) EXPEDITED REVIEW.—Any Member of Congress, any committee or subcommittee of a political party, or any person adversely affected by any provision of, or amendment made by, this Act, or the application of such provision or amendment to any person or circumstance, 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.

(2) APPEAL TO SUPREME COURT.—Notwithstanding section 223 of this Act, any order of the United States District Court for the District of Columbia granting or denying an injunction regarding, or finally disposing of, an action brought under paragraph (1) 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 30 calendar days after such order is entered; and the jurisdictional statement shall be filed within 30 calendar days after such order is entered.

(3) 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 paragraph (1).

Mr. THOMPSON. 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. FRIST. 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. FRIST. Mr. President, I yield 15 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I thank the Senator from Tennessee for yielding.

For nearly 2 weeks, the Senate has been engaged in an exhaustive but illuminating debate on reforming the campaign finance system of the Nation, the foundation of the rules by which a free people choose their government. The consequences could not be more enormous.

I believe the Senate has met the best expectations of the American people in this debate. It has been thoughtful, civil, and far reaching. Indeed, rather than simply engaging in a narrow changing of the rules, what has emerged from the Senate is genuinely comprehensive campaign finance reform. It may not have been our intention, I don't believe it was planned, but in the best traditions of the Senate, Members from both political parties, with good ideas, took some basic reform legislation and made it into a workable, comprehensive system.

That is what brings this question before the Senate. If these were simply individual changes in the campaign finance system, where some were enacted and some failed, it would be interesting but not of overriding consequence. That is not what the Senate has done. This is a series of reforms inextricably dependent on each other. If one or more is removed, the Nation will have a radically different campaign finance system and our system of choosing candidates, and even the people whom we elect, will be altered.

I understand in the rush to judgment there are some who are prone to reform legislation and make it into a workable, comprehensive system. But the truth is, the campaign finance system of the Nation is changed only once in a generation. These rules will last, not simply for us but for those who follow us, not just in this decade but in decades to come.

The fact that we have seized this opportunity in these 2 weeks to write comprehensive changes, far-reaching in nature, is not only to the credit of the Senate but it is a genuine contribution to the country.
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some ways it is the most profound question because ultimately the question is whether we have simply decided on a series of ideas that will be thrown out to the American people to challenge in the courts where others will make the decision or whether we have really crafted a campaign finance system in the Senate, where it is our responsibility.

It is important to look at how each of these provisions is linked because, as one Senator, the Democratic or the Republican Party who would have voted not a member of the Democratic or Republican Party would have received no votes. There is no series, I think, of provisions that are all related. We eliminate soft money for the political parties. We also eliminate it from outside interest groups. But we do not want to deny the American people political debate, so we raise the hard money limits. We want to end the monopoly on candidates’ time and the growing expense of campaigns, so we lower the cost of television advertising. Those are all related.

My colleagues, what is to happen if the Supreme Court of the United States decides the Senate has decided upon six interrelated provisions but we do not like one—or two? Then the Senate is left forever writing campaign finance reform; we simply made a few suggestions, enacted them into law, and we will let someone else write them. This would not be so perplexing to this Member of the Senate, that we might be yielding in our responsibilities on the question of severability, if not for the fact that the Senate has been at this moment before. This is exactly what happened in 1974. If you do not like the campaign system now in the United States of America, if you object to what has happened in public confidence, the rising expense, the dominance of powerful interests, the rise of soft money expenditures, then you have the ability to act. If these provisions are inseparable, or the Supreme Court will write this law just as they did in 1974.

Here is the most remarkable thing about the campaign finance system in the United States: No one ever proposed it, no one ever wrote it, and no one ever voted for it. Because the Supreme Court of the United States created it, and that is exactly where we are going again.

In 1974—a year in which I did not serve in government, but I remember the debate, and some of my colleagues were here—had the Senate been presented with the following proposition: We will limit contributions to $1,000 but we will allow unlimited soft money to political parties and we will allow outside groups to spend their money and we will allow wealthy candidates to spend unlimited amounts of money—if anyone had come to the floor of the Senate with that bill, it would not have had no votes. There is not a member of the Democratic or Republican Party who would have voted to limit themselves to $1,000 contributions while wealthy individuals could spend unlimited money and outside groups had no restrictions at all, with no control on expenditures. No one would vote for such a system. But that is the law of the United States of America. It has governed our country for 25 years. It will continue to govern our country.

That has created all this outrage, and that is the product of not having a nonseverability clause. That was an attempt from the beginning. But when the Court ruled provisions unconstitutional, rather than meeting our responsibilities, returning to the floor of the Senate to rewrite the legislation consistent with constitutional guidelines, ensuring it was comprehensive and we have met our national objectives, the Senate failed to meet its responsibilities and this problem was created.

By what logic do we solve this problem now by returning to the same rules, the same yielding of responsibility, knowing the Supreme Court will write this law just as it did in 1974? I ask my colleagues to think of the system that may not evolve from McCain-Feingold as we have voted upon it but which might evolve from a reasonable action by the U.S. Supreme Court.

I believe every provision we have agreed to in this Senate, absent possibly the Wellstone amendment, is constitutional. It is noteworthy the Senate did not put the Wellstone amendment in his nonseverability amendment and he offers the Senate at this moment, I believe the remainder is constitutional.

But if I am wrong, and the U.S. Supreme Court decides that Snowe-Jeffords amendment controlling expenditures by independent groups by the use of unlimited soft money is unconstitutional, mark my words, the system we are creating in the United States of America is a radical change in how we govern this country and, for all practical purposes, it is the end of the two-party system financing national elections as we have known them in our lifetime. That is because under a McCain-Feingold bill that no one in this Senate voted for—and I suspect no one really supports—the system enacted in the United States will be the Democratic and Republican Parties will be limited to hard money expenditures. Only outside groups will spend unlimited money with no restrictions on controls. Of all the thousands of organizations in America, civic and corporate and labor, of all the thousands of organizations, we will have chosen for these restrictions: The Democratic Party and the Republican Party.

In the practical world in which we live, let’s consider what this will look like. I, as a candidate, may choose to run for office on a progressive platform wanting to describe my own views. And good allies that I believe in, such as organized labor or environmental groups or women’s rights groups or civil rights groups, may decide to support me. But they will run my ads. They will decide what I am for, describe my positions, and run my advertising.

My Republican opponent will be in a similar position. The Chamber of Commerce or a business group, a gun advocacy group, will run advertising with soft money, saying what I am against. America politics will be fought over these heads of the commercial warfare with the Democratic and Republican Parties in the trenches simply firing at each other. The real battle will be fought by surrogates, and political candidates in the Democratic and Republican Parties will be nothing but spectators in American politics.

This is not the system anyone here wants. Were I to offer it now, no one would vote for it. It sounds like 1974, doesn’t it? It is. And we can have exactly the same result.

My colleagues, the Senator from Tennessee has offered an important, in some respects the most important, amendment in campaign finance reform.

It is the difference between a few ad hoc ideas to reform the campaign finance system and ensuring that this is comprehensive and fundamentally changes the entire system. Each becomes dependent on the other.

I asked the Senator from Tennessee to change his amendment in one more respect. I do not want my intentions questioned on the Senate floor. I have voted for campaign finance reform as one as any Member of Congress in the last 20 years—as many times as Senator McCain, as many times as Senator Feingold, I will keep voting for reform.

My intention to ensure that this is constitutional and comprehensive is not because I oppose reform but because I want it to be genuine and complete. It is because of that that I asked the Senator from Tennessee to adjust his amendment. Under his amendment, not only are these provisions nonseverable, but there would be immediate Federal court review.

Upon action of the district court finding any provision of this legislation unconstitutional, there would be immediate appeal to the U.S. Supreme Court to ensure that this Senate had guidance immediately so we could return to session and correct any constitutional defects.

This, my colleagues, is exactly what this Senate has done in dealing with other legislation that was of questionable constitutional compliance. It is what the Senate and House of Representatives did in dealing only a few years ago with the Religious Land Use Institutionalized Persons Act. We ensured that the provisions would have to stand together, and that there would be immediate court review if they did not return to the Senate.

I ask the Senate to do what it did to correct what it did wrong in 1974 and did correctly on those three previous occasions to ensure constitutionality and
that the responsibility for writing this legislation remains here. I do not understand, my colleagues, in fact, if we vote differently. The lessons of 1974 were learned in a very hard way. The American people lost confidence in this Government, and the campaign finance system evolved which took Members of the Congress away from their responsibilities and dispirited us and our constituents. It is not a system worthy of a good and great country—but it is the law—because we allowed others to write it. It evolved. It was not thought through or properly conceived.

I thought we learned that lesson in 1974 because on the last three occasions that we reviewed campaign finance legislation in this Congress, we ensured that there was no nonseverability clause. What Senator FRIST does today, on three previous occasions this Congress has assumed it. It is severable legislation. What he does is not the exception. It has been the rule, specifically because of what we learned in 1974. Now Senator FRIST brings it to the Senate again.

I urge my colleagues to act with caution. This vote has meaning, and it will last. It will change the complexity of this entire Congress as the years pass because the access to financing and how we govern this campaign finance system evolves, rules, who wins and who loses, and what issues come before their institution. It could not be more profound.

I urge my colleagues, no matter how they have viewed this question of severability in the past, to think carefully—not reform for reform sake, not a slogan, not a campaign statement, but a careful review of how this law will evolve and what it means to this Senate and to this country.

I commend the Senator from Tennessee for offering it. I urge my colleagues to adopt it. I yield the floor.

Mr. DODD. Mr. President, I yield 5 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, it continues to be such an excellent debate. I am proud to be a part of it. I commend my colleagues on both sides of the issue.

I believe it is fair to say that putting nonseverability clauses into bills is not at all unusual. Congress passing a bill with a nonseverability clause in it is very usual.

Let's make sure we are not comparing apples with oranges.

Are campaign finance laws so different from anything else that it should be looked upon differently? Because in everything else, severability is the norm. Nonseverability is very unusual. So we say we continually do it in these bills that we don't ever make into law? Will we help them? We allowed others to write it. It evolved. It was not thought through or properly conceived.

I urge my colleagues, no matter how they have viewed this question of severability in the past, to think carefully—not reform for reform sake, not a slogan, not a campaign statement, but a careful review of how this law will evolve and what it means to this Senate and to this country.

I commend the Senator from Tennessee for offering it. I urge my colleagues to adopt it. I yield the floor.

Mr. MCCONNELL. Mr. President, because of what we learned in 1974. It has been the rule, specifically because of what we learned in 1974. Now Senator FRIST brings it to the Senate again.

I urge my colleagues to act with caution. This vote has meaning, and it will last. It will change the complexity of this entire Congress as the years pass because the access to financing and how we govern this campaign finance system evolves, rules, who wins and who loses, and what issues come before their institution. It could not be more profound.

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I commend the Senator from Tennessee for offering it. I urge my colleagues to adopt it. I yield the floor.

Mr. THOMPSON. We are in as much equilibrium now probably as we will ever be. Behavior changes. The reason we are so soft money oriented now is because we have neglected the hard money. The small dollars, for some time. I think both parties have. If we raise the hard money limits, as we have, and do away with soft money, you will see the concentration back toward the time—way of raising money. It will raise the small amounts, legitimate, limited amounts—that we had since 1974.

Don't treat the legislation that was passed that year as a total abomination. The fact is, until the mid-1990s, the 1974 law worked pretty well. We didn't have any Presidential scandals. The money spent on each side was about the same. Sometimes the challenger won. Sometimes an incumbent won. We didn't like it now because some people in the 1990s showed us some ways to get some whole new money into the process.

That is what we are reacting to now. It is not that law. It is what has been
Mr. DODD. Mr. President, I commend my colleague from Tennessee. He made a very important point at the outset on the nonseverability issue and precedence. We went back the other day and looked at legislation over the last 10 or 15 years. We are told that of the hundreds, thousands of bills that passed the Congress, there are about 10 or 11 examples where limited severability was involved, the point the Senator was making.

With that, let me turn to my colleagues who seek recognition. Senator WELLSTONE has been around all afternoon.

Mr. WELLSTONE. I ask unanimous consent that I follow Senator SCHUMER.

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

Mr. SCHUMER. Mr. President, I rise in opposition to the nonseverability amendment. At the outset, let us be very clear about the unmistakable goal of this amendment. It has been signed, sealed, and delivered primarily by opponents of the bill for one and only one purpose: as a poison pill.

Of all the prescriptions for all of the poison pills that our friends on the other side of this issue have diligently mixed over the last 2 weeks, this one is the most lethal.

Why do I say that? Because it is aimed straight at the soft money ban, which is the heart and soul of this bill and has been at the core of cleaning up our campaigns since at least 1988. Banning soft money finally ends the prac- tice, an anachronism in a democracy whereby the wealthiest few poun- tions and millions into our campaigns with no restriction at all and sometimes no disclosure, as long as the money is given to a State party.

The debate over how much advocacy groups can do is simply a sideshow. Only those who don't believe that banning soft money is key let it override the dominant purpose of this bill, to ban soft money once and for all. Banning soft money is the forest of this ef- fort. It is far more important to the vi- ability of our campaigns to ban soft money than regulate sham issue ads. There is no compelling reason to force the former to live or die based on the latter.

In medicine, it would be like killing the patient when all he has is a head- ache. In warfare, we would destroy the village in order to save it. In legisla- tion, it is just plain bad policy.

The better policy, obviously, is to see what Senator Dodd does. Just as Senator Dodd does, I am not self-righteousness intended, consistent with the principle of improving this bill, not in any way to undermine or or, form trying to jeopardize this bill, I don't even know how I am going to vote on final passage. But I certainly am op- posed to this nonseverability.

You see why I wanted to have more time than 3 minutes? I have a lot to say.

Mr. DODD. The distinguished Senator is always eloquent.

I yield to my colleague from Massa- chusetts 3 minutes.

Mr. KERRY. Mr. President, it seems pretty clear to me that the Senate that we are sort of reaching a critical moment where we decide whether we are for campaign reform or we are not. At the bottom line, that is really what the severability issue is about, even though the severability has been limited now to a major compo- nent of the bill: Issue ads, i.e., Snowe-Jeffords, versus soft money. The soft money falls, the prohibition on it, only if the Court finds that Snowe-Jeffords is unseverable.

I say to my colleagues that the whole purpose of this reform is to get rid of the largest component of money that
most taints the political process, which is soft money. One of the reasons people have doubts about their ability to be able to counter issue ads, if indeed that prohibition were to fall, is that they haven’t been raising hard money, because what they can go to solicit is for $50,000, $100,000, $500,000, why bother going after the smaller sum of money? So it seems to me what is ignored in this argument is, if indeed you don’t have soft money, and if indeed the prohibition were to fall, you are not defenseless at all, you still have the capacity to spend unlimited amounts of hard money in defense.

One of the reasons Senator WELLSTONE, Senator BIDEN, and others are so concerned about the McCain-Feingold bill in the end, though we support it, is that it ultimately only reduces a portion of the money that is in American politics. It still leaves us in a situation, in a place where huge sums of money are still indebted to interests, still asking for defense.

I happen to believe very deeply that this is the test. This is the test of our willingness to do that. I know Senators MCCAIN and FEINGOLD would love to go further if they could.

So, colleagues, this vote on severability is really a simple vote about whether or not we are prepared to take the risk of getting rid of the extraordinary amounts of hard money, cavioturing around the country, still indebted to interests, still asking for large sums of money. We are still going to do that. I know Senators MCCAIN and FEINGOLD would love to go further if they could.

I urge a vote in favor of the tabling motion that will be proposed by Senator THOMPSON of Tennessee. Mr. DODD. Mr. President, let me also commend our colleague. This has been a good debate, one we can be proud of in this body. It has been a very active in this debate and participated with us through e-mail, phone calls, and through all communications. Without their support, we would not be where we are today.

This vote on this amendment will determine whether this terribly unfortunate situation remains. I ask my colleagues to take the risk of getting rid of the extraor-
dinary amounts of hard money and ask for $50,000, $100,000, $500,000, and $1 million contributions where they are clearly tainting the political process, which is soft money.

I say to you, Mr. President, that is really what this vote is about. Although some will say it is about money, it is the freedom of speech, and that is the freedom of speech.
We have raised the hard money limit for us. I am for that. I think that is a very important step in the right direction.

We lowered the broadcast discount so we can buy time cheaper. I voted for that.

We tried to protect ourselves against being criticized by outside groups through the adoption of the Wellstone amendment and the Snowe-Jeffords language.

We even adopted the Schumer amendment which would make it difficult for parties to use coordinated expenditures over and above the current limit if the Supreme Court in fact strikes down the coordinated expenditure limit as unconstitutional, which is the case currently before the Supreme Court.

We have also defeated the non-severability clause, so that now if the Court strikes down our efforts to limit the ability of outside groups to criticize us in prohibited ways to take advantage, and we are unable through the charting of new turf, new ground, to convince a court that the federalization of our parties is unconstitutional—and no one really knows; there is no case law on that—those parties will not be able to support their candidates against attacks by outside groups. By the way, I want you to know that I will be the plaintiff in the case. We will be meeting with the other people who are likely to be the co-plaintiffs in this case in my office next week.

But we are left now with the possibility of being saved by the House or being saved by the President, who says he is going to sign this bill.

If none of those things happens, you are looking at the plaintiff. I have no idea what the chances are of getting a Federal district court, or the U.S. Supreme Court, for that matter, on appeal, to tell us whether parties have a right of free association and a right of speech somewhat similar to individuals. That is really uncharted turf. We do know this: What we can calculate is what happens to the parties in a 100-percent hard money world.

I hope by now some of you have gotten—I don’t see that any of you have gotten—where are our pages with additional copies? I guess they thought you all wouldn’t be interested in this. I don’t know why. Could the pages please deliver those over to the Democratic side? This won’t be used.

I took a look at the 2000 cycle, the cycle just completed. You will see in the chart before you that the chart depicts the net Federal dollars available to the three national party committees.

Under current law, on the left—if I could call your attention to the column on the left, and for those in the gallery, this column is called "Actual." This was the last cycle, net hard dollars.

The Republican National Committee had net hard dollars to spend on candidates of 75 million; the Democratic National Committee, 48 million net dollars to spend on candidates.

The Republican Senatorial Committee, net hard dollars to spend on candidates, 14 million; the Democratic Senatorial Committee, net hard dollars to spend on candidates, 6 million.

The Republican Congressional Committee, $22 million; the Democratic Congressional Committee, minus 7 million in the whole cycle, net party dollars.

Now let’s take a look at what the 2000 cycle would have looked like under McCain-Feingold in a 100-percent hard money world. That is the column over here on the right. You see the Republican National Committee would have gone from 75 million net hard dollars down to 37 million net hard dollars; the Democratic National Committee, from 48 million net hard dollars down to 20 million net hard dollars; the Republican Senatorial Committee, from 14 million net hard dollars down to 1 million. That wouldn’t even cover the coordinated in New York. The Democratic Senatorial Committee, 6 million net hard dollars down to 800,000.

Welcome to the new world, a battle of billionaires over the political dollar.

There has been a lot of discussion about who wins and who loses. We both lose. This is mutually assured destruction of the political parties.

I don’t think any of you believes seriously that Jeffords, or Wellstone, or Snowe-Jeffords are going to be upheld in court. This is an area of the law I knew a little bit about. So the chances are pretty good that either the parties who are being saved by the President or the Court of Appeals, or Senator BREAUX was describing that Senator BREAUX was describing are going to be out there on both the right and the left pounding away.

Maybe your friends in organized labor will be able to help you, or the Sierra Club. Or maybe the NRA will come save some of our people. But under this bill, I promise you, if McCain-Feingold becomes law, there won’t be one penny less spent on politics—a penny less will be spent on politics. It just won’t be spent by the parties. Even with the increase in hard money, which I think is a good idea and I voted for, there is no way that will ever make up for the soft dollars lost.

So what have we done? We haven’t taken any money out of politics. We have only taken the parties out of politics—mutual assured destruction.

Was this news this day is this day supposed to be like without parties? Here was a full-page ad in the paper 2 days ago by a billionaire named Jerome Kohlberg. He happens to mostly like you all, but we have some billionaires, too. They have a perfect right to spend their money like they want to spend their money.

These billionaires are the people who are underwriting the reform movement with lavish salaries for these people who are hanging around off the side of the Senate telling us that we ought to spend the money in the same way. Welcome to the new world, a battle of billionaires over the political discourse in this country while we have
made the political parties impotent; impotent in order to satisfy who? The New York Times, the biggest corporate soft money operation in America? The Washington Post, the second biggest corporate soft money operation in America? How do you all like them because they are sympathetic to you, but there are people on our side, too.

This is a massive transfer of speech away from the two great political parties to the press, to academia, to Hollywood, to billionaires in order to satisfy who? I have often said that this issue ranks right up there with static cling as a matter of concern to the American people.

This is a stunningly stupid thing to do, my colleagues. Don’t think there is anybody out there to save us from this. I am not going to embarrass anybody, but I had a lot of frantic discussions over the course of the last 2 weeks with my friends on the other side of the aisle, hoping somebody, somewhere, somebody to keep this from happening. There is nobody to come to the rescue. This train is moving down the track.

This is my main point, in asking for your attention—and I thank you for being here today—this is a candid appraisal. This is not a partisan observation. This is a candid and realistic appraisal of life after McCain-Feingold. I am sure there are very few of you who will believe this is going to improve the political system in America.

This bill is going to pass later tonight. If I were a betting man, I would bet it is going to be signed into law. I just wanted to welcome you, my friends, to a 100-percent hard money world.

I thank the Chair and yield the floor.

Mr. DODD. Mr. President, may I inquire, I believe there was a similar request made to respond to the unanimous consent request of the Senator from Kentucky. I respect the Senator and meet with constituents, there to take a drastically different view on effects of this legislation than the Senator from Kentucky. I realize that one of us who doesn’t start with confidence and their respect for the political process in this country.

Yes, it is a new world. I think it is a better world. I yield 5 minutes to my colleague from Massachusetts and then reserve the remainder for Senator FEINGOLD or Senator McCain.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I listened carefully to the comments of the Senator from Kentucky, I respect the Senator, I am proud that other ways to do this. I am proud that under this reform, the national parties don’t have to increase their reliance on a handful of wealthy donors. No, it isn’t one of us who doesn’t start with the natural advantage, even under McCain-Feingold.

So I suggest respectfully that this is a world the American people are asking us to live by, and countless business people across this country are sick and tired of spending the time and the money, the $150,000 or I need $500,000 for my party. They look at the committee you serve and they feel pressured, whether they say it or not, it is an appearance.

So I say to colleagues, this is a world we can survive in just fine. With 6 years of incumbency, with all of the power of the incumbent, with all of the times you can return home as a Senator and meet with constituents, there to take a drastically different view on effects of this legislation than the Senator from Kentucky. I realize that change can be difficult, and even a little scary, but I think it is a mistake to try to scare Members out of voting for this legislation. This reform is about increasing the public’s faith in our work. This bill doesn’t destroy the political parties; it strengthens them by ending their reliance on a handful of wealthy donors.

As my colleagues might imagine, I take a drastically different view on effects of this legislation than the Senator from Kentucky. I realize that change can be difficult, and even a little scary, but I think it is a mistake to try to scare Members out of voting for this legislation. This reform is about increasing the public’s faith in our work. This bill doesn’t destroy the political parties; it strengthens them by ending their reliance on a handful of wealthy donors.

Mr. FEINGOLD. Mr. President, I thank the Senator from Kentucky for ensuring that the Senate has a moment to evaluate this legislation today, having gotten elected a different way.

In 1996, the Governor of our State and I mutually agreed to limit the amount of money we would spend—he, a fervent Republican; me, an ardent Democrat. We both agreed to spend the same amount of money. We both agreed that each of us would subtract from our total the amount of money that any independent expenditure ran in favor of the other person or that our parties spent on behalf of the other. With a race that was absolutely free from soft money, from party money, we had nine 1-hour televised debates, and the public knew us both, probably better than they wanted to, and made a decision.

We can all run that way. There is adequate capacity in this new world to raise countless amounts of hard dollars. Under McCain-Feingold, we have raised the total amounts of money up to about $75,000 over 2 years to party and to individual.

Nothing stops one Senator from going out and raising as much hard money as they care to carry it in a 6-year term, in amounts that have now been raised to $2,000 a person, which means you can visit one couple, a husband and wife, and you can walk out with $8,000. All of us know that one-half of 1 percent of the people in America even contribute $1,000 contributions.

So this is not a dire new world, a brave new world. This is a world the American people are asking us to live by, and countless business people across this country are sick and tired of spending the time and the money, the $150,000 or I need $500,000 for my party. They look at the committee you serve and they feel pressured, whether they say it or not, it is an appearance.

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Parties need money to operate, and under this reform, the national parties will be able to raise hard money, just as they have for many years. What they won’t be able to do is raise the unlimited amounts of soft money. Just like the parties didn’t have much, if any, soft money for much of the 1970s and 1980s.

Soft money isn’t some magic bullet that the parties need to increase voter
turnout or voter participation in the democratic process. Throughout much of the 1970s and 1980s, soft money was mostly absent from party fundraising. The parties raised hard money, and ran their parties on hard money. It is easy to forget if we look at fundraising today. I know, but it is important to remember as we consider this bill. We didn’t need soft money then, and we don’t need it now; that is a myth that has been perpetuated, frankly, on both sides of the aisle, and it is time to put that myth to rest once and for all.

Neither party can thrive when they are beholden to the wealthy few. Soft money doesn’t strengthen the parties, it undermines the spirit that keeps our parties strong. We all know that people, not soft money, are the heart and soul of our political parties.

With the soft money system, the parties have been operating outside the spirit of the law, and outside the public trust, for too many years. With this bill, we can return the parties to the people who built them in the first place. Our democracy demands vibrant political parties. No one believes that more than I do. But soft money has, ironically, cheapened our parties. I feel more strongly over the past few years that money is setting the agenda that began to speak on the Senate floor during debates on substantive legislation about the money flowing from companies and groups interested in the political parties. I have called this the “Calling of the Bankroll,” and since I started this practice in June of 1999, I have called the bankroll 30 times. I think it is important for us to acknowledge that millions of dollars are given in an attempt to influence us, what we call the “appearance of corruption” is rampant in our system.

I have called the bankroll on mining on public lands, the gun show loophole, the defense industry’s support of the Super Hornets and the $22 billion Y-2 K Liability Act, the Passengers’ Bill of Rights, MFN for China, PNTR for China, and the tobacco industry. I have talked about agriculture interests lobbying on an agriculture appropriations bill, telecommunications interests lobbying on a tower-sitting bill, and railroad interests lobbying on a transportation appropriations bill. I’ve talked about contributions surrounding the Financial Services Modernization Act, nuclear waste policy, the Arctic National Wildlife Refuge, and the ergonomics issue. I have also called the bankroll on the Patients’ Bill of Rights, twice, the Africa trade bill, twice, the oil royalties amendment to the fiscal year 2000 Interior Appropriations bill, twice, and I have Called the Bankroll on three tax bills, and four separate times on bankruptcy reform legislation.

I think it is safe to say that the public doesn’t think much of the current system of soft money, or that soft money pays a big part in the public’s lack of faith in us and the work we do.

One of the most important ways I think this bill can change the fundraising culture is not just by stopping soft money fundraising, but by stopping soft money fundraising by Members of Congress. Soft money fundraising is something that many Members of this body haven’t faced gone home to face the deep skepticism of their constituents on a given issue, when people felt like they or their party have been “bought off” by a wealthy interest.

Soft money, like perhaps no other abuse of our system in history, creates an appearance of corruption. To demonstrate that, I want to put in the record two items of interest. The first are the results of a poll conducted just last week by ABC News and The Washington Post. This poll found that 74 percent of the public now support stricter laws controlling the way political campaigns raise and spend money.

That is an 8 percent increase from just a year ago. The poll had a margin of error of plus or minus 3 percent. More important, however, the same poll found that 80 percent of the public thinks that politicians do special favors for people and groups who give them campaign contributions. And 67 percent consider this a big problem. Seventy-four percent of those who believe that politicians do special favors for donors said they think these favors are unethical.

This is the appearance of corruption. The assumption that politicians are on the take, and that money purchases favors. The “Coin-Operated Congress,” as Pat Schroeder used to say.

I have felt so strongly over the past few years that money is setting the agenda that began to speak on the Senate floor during debates on substantive legislation about the money flowing from companies and groups interested in the political parties. I have called this the “Calling of the Bankroll,” and since I started this practice in June of 1999, I have called the bankroll 30 times. I think it is important for us to acknowledge that millions of dollars are given in an attempt to influence us. I think it undermines the spirit that keeps our democracy strong. We all know that people, not soft money, are the heart and soul of our political parties. No one believes that soft money doesn’t strengthen the parties, or that our parties are beholden to the wealthy few. Soft money has, for too many years. With this bill, we don’t have to face the accusations that our parties have been bought off by soft money. We won’t have to read about million dollar donations or getaways for hundred thousand dollar donors with party leaders. We won’t have to face the accusations that soft money will our constituents. And that will do something to improve the public’s attitude toward us, and I think it will improve our own feeling about the work that we do. All of us take pride in our work, and in this institution. But we all face nagging accusations that unlimited money plays a role in the legislative process in which all of us play a part. Today we have a rare chance to change that, and I believe we will.

I stand here today before my colleagues to say that soft money isn’t good for politics. It is time to stop protecting soft money, or defending it as something that strengthens our parties, or the political life of the nation. Soft money removes people of average means from the political process, and returns them to the realm of wealthy interests. So to say that soft money is good for parties is to say that people, the party faithful who should be the lifeblood of a political party, don’t really count anymore. That in the quest for unlimited contributions, the parties are willing to forgo the trust of the people they purport to serve. I don’t accept that point of view.

And I don’t think that most of my colleagues do either. Soft money does a disservice to the work of this Senate, it does a disservice to our parties, and most of all, it does a grave disservice to the American people. So let us come together to end the soft money system, and dispel the tired myth that soft money is good for democracy once and for all.

I seek unanimous consent that a chart detailing the times I have called the bankroll be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:
During the last election cycle, managed care companies and their affiliated groups spent more than $3.4 million dollars in soft money, PAC, and individual contributions—roughly double what they gave during the last mid-term election cycle.

The pharmaceutical and medical supplies industry gave more than $4 million dollars in PAC contributions and more than $225,000 in soft money contributions in 1997 and 1998. The AMA made more than $2.4 million dollars in contributions in the last election cycle ($2.3 million in PAC money, approximately $177,000 in soft money—both of which were unregulated). The SMMPA gave more than $2 million dollars in soft money in 1997 and 1998. The American Dental Association gave more than $625,000 in soft money contributions.

During the 1997–1998 election cycle, insurance companies that favor managed care gave more than $1 million dollars in PAC money contributions and more than $1.5 million dollars in soft money contributions. The NAHB gave more than $525,000 in soft money and $150,000 in PAC money; the managed care industry’s chief lobby, the American Association of Health Plans, has given nearly $60,000 in soft money money to the political parties in the last election cycle.

Some examples of soft money “double givers” in the agriculture industry during the last election cycle include the Archer Daniels Midland Company, which gave both $251,000 to the Democratic Party and $251,000 to the Republicans; United States Cotton, which gave $157,500 to the Democrats and almost $250,000 to the Republicans; and Ocean Spray Cranberries, which donated $136,000 to the Democrats and $137,000 to the Republicans. None of these top agribusiness soft money givers to the Democrats, except producer-consumer Cornco, all gave $425,000, to all Democratic party committees. Davey Field Company gave more than $200,000 in soft money in 1997 and 1998 to all Republican party committees.

An agribusiness donor that shares my position against the extension of the Northeast Dairy Compact. The International Dairy Foods Association, which gave more than $71,000 in soft money during 1997 and 1998 all to the Republican party committees.

The railroad companies are backing up their point of view with almost $4 million dollars in PAC and soft money contributions in 1997 and 1998. The railroads spent more than $3 million in soft money to influence the debate over the railroad safety provisions. The Rail Association, which gave more than $6 million dollars in soft money contributions, PAC, and individual contributions—roughly double what they spent during the last mid-term elections.

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The nation’s tobacco companies are some of the most generous political donors around today, including Philip Morris, which spent more than $425,000 in soft money during the 1997–1998 election cycle. The tobacco companies spent more than $1 million dollars in soft money and $150,000 in PAC money; the managed care industry’s chief lobby, the American Association of Health Plans, has given nearly $60,000 in soft money contributions.
The lobbying effort for so-called financial services modernization combined the clout of three industries that on their own are giants in the campaign finance system, particularly the soft money system.

One of these industries, the securities and investment industry is a legendary soft money donor. Merrill Lynch, its subsidiaries and executives gave more than $311,000 in soft money during the 1998 election cycle. Morgan Stanley Dean Witter gave more than $250,000 in soft money in 1997 and 1998. The Washington Post reported that the company's chairman and chief executive officer, Robert L. Raines, personally offered to make a $1 million gift to Citizens Group, it's executives and subsidiaries in just two and a half years. The powerful banking interest, BankAmerica, its executives and subsidiaries also in the same amount of money in soft money in the 1998 election cycle, and more than $400,000 already in the current election cycle.

The insurance industry was also well-represented. For instance there is the Chubb Corp and its subsidiaries, which gave nearly $440,000 in soft money in 1997 and 1998, and has given more than 100,000 votes to members of the Senate Banking Committee, and the insurance industry lobby group the American Council of Life Insurance, which also gave heavily to the parties with more than $315,000 in soft money during the period. MBNA Corporation gave a $200,000 soft money contribution to the National Republican Senatorial Committee. PAC contributions from Citigroup and it's Poster child for the 'Calling of the Bankroll.' In the last election cycle, the members of the National Consumer Bankruptcy Coalition, an industry lobbying group made up of the major credit card companies such as Visa and MasterCard and associations representing the Nation's big banks and retailers, gave nearly 45,000 votes to members of Congress and the Senate. It is very hard to argue that the financial largesse of this industry has nothing to do with its interest in our consideration of bankruptcy legislation. For example, on the very day that the House passed the conference report last year and sent it to the Senate, MBNA Corp gave $5,500 in soft money to the Republican Party committees, while Visa Inc gave $10,000. During the first 6 months of 1999, the Democratic party committees took in more than four times as much from banks and lenders as they did during the first 6 months of the last presidential election cycle in 1995.

The Nuclear Energy Institute, which is the chief lobbyist on behalf of companies that operate nuclear power plants in the U.S. and has the clout for the nuclear waste legislation, gave more than $70,000 in soft money to candidates in the 1998 election cycle. In addition to NEI, a number of utilities which operate nuclear plants also gave soft money to candidates in the '96 cycle, including, CalEnergy, Commonwealth Edison which gave $10,000 in soft money and more than $166,000 in PAC money, and Florida Power & Light, which gave nearly $300,000 in soft money to candidates in the last cycle.

Then there is the Food Marketing Institute, which represents supermarkets. Through June 1st of this election cycle, the Food Marketing Institute has given more than $241,000 in PAC donations to candidates, after it made more than a half million in PAC money contributions in 1997 and 1998, and more than $960,000 in soft money during the period. That's a full 20 months before the next election. March 1999 was a month during which the Judiciary Committees of both the House and the Senate were considering the bill. Members of the coalition gave nearly $1.2 million in PAC and soft money contributions in the first 6 months of 1999. During that time period, MBNA Corp. gave $5,500 in soft money to the Republican Party committees, while Visa Inc gave $10,000. During the first 6 months of 1999, the Democratic Party committees took in more than four times as much from banks and lenders as they did during the first 6 months of the last presidential election cycle in 1995.

The software company Oracle and its executives have given more than $536,000 in soft money during the period, and its PAC more than $1 million in soft money through the first 15 months of this election cycle, according to Center for Responsive Politics. That is on top of the incredible $1.2 million in PAC contributions NFIB dated out during the 1997-1998 election cycle. NFIB has also given soft money during the first 18 months of the current election cycle—just over $10,000 a week.

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Many unions are lobbying against the H–1B bill, including the Communication Workers of America, which gave $1.9 million in soft money during the period, including two $100,000 contributions of a quarter of a million dollars each year. And before the House passed the conference report last year and sent it to the Senate, the AFL–CIO and its affiliates, which have campaigned hard for the PNTR, have given $60,000 in soft money through the first 15 months of this election cycle. In particular, the AFL–CIO and its affiliates, which have campaigned hard for the PNTR, have given $60,000 in soft money through the first 15 months of this election cycle. In particular, the AFL–CIO and its affiliates, which have campaigned hard for the PNTR, have given $60,000 in soft money through the first 15 months of this election cycle. In particular, the AFL–CIO and its affiliates, which have campaigned hard for the PNTR, have given $60,000 in soft money through the first 15 months of this election cycle. In particular, the AFL–CIO and its affiliates, which have campaigned hard for the PNTR, have given $60,000 in soft money through the first 15 months of this election cycle.

The American Bank for Legal Immigration, a coalition which formed to fight for an increase in H–1B visas, offers a glimpse of the interest in our consideration of bankruptcy legislation. For example, on the very day that the House passed the conference report last year and sent it to the Senate, MBNA Corp gave $5,500 in soft money to the Republican Party committees, while Visa Inc gave $10,000. During the first 6 months of 1999, the Democratic party committees took in more than four times as much from banks and lenders as they did during the first 6 months of the last presidential election cycle in 1995.
Mr. DODD. Mr. President, I will re-
serve the remainder of that time. Let me turn to my colleague from New Mexico, Senator Bingaman, for the pur-
pose of offering an amendment.

Mr. MCCONNELL. Mr. President, be-
fore that, I believe Senator Specter’s amendment is pending. He expects to have the next Republican amendment.

I ask unanimous consent that the Specter amendment be temporarily laid aside so we can go to Senator Bingaman. Senator Specter will come after that.

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

Mr. Bingaman. I thank my col-
leagues very much. I have two amend-
ments, the first of which I believe is ac-
ceptable to the managers of the bill.

Mr. DODD. That is correct.

AMENDMENT NO. 157

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. Binga-
man] proposes an amendment numbered 157.

Mr. Bingaman. 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 reads as follows:

(Purpose: To require the Presidential Inau-
gural Committee to disclose donations and prohibit foreign nationals from making don-
ations to such Committee)

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

SEC. 510. DISCLOSURE OF AND PROHIBITION ON CERTAIN DONATIONS.

(a) IN GENERAL.—A committee shall not be consid-
ered to be the Inaugural Committee for purposes of this chapter unless the com-
mmittee agrees to, and meets, the require-
ments of subsections (b) and (c).

(b) DISCLOSURE.—

(1) IN GENERAL.—Not later than the date
that is 90 days before the date of the Presi-
dential inaugural ceremony, the com-
mittee shall file a report with the Federal Election Commission disclosing any donation of money or anything of value made to the committee in an aggregate amount equal to or greater than $200.

(b) RECORDS MADE AVAILABLE BY FEC.—Sec-
tion 301 of the Federal Election Campa-
ign Act of 1971 (2 U.S.C. 441a(b)), as amended by sections 108 and 201, is amended by adding at the end the following:

(c) LIMITATION.—The committee shall not accept any donation if a limitation (as defined in section 319(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441(b))).

The Federal Election Committee shall make any report filed by an Inaugural Committee under section 510 of title 36, United States Code, accessible to the public at the offices of the Commission and on the Internet not later than 48 hours after the re-
port is received by the Commission."

Mr. Bingaman. Mr. President, this is a noncontroversial amendment that would simply require that contribu-
tions made to a Presidential inaugural committee be publicly disclosed, and also I would require that the same rules that govern foreign contributions to our political campaigns be applied as well to inaugural events.

Mr. Bingaman. 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 reads as follows:

(Sec.

(b) RECORDS MADE AVAILABLE BY FEC.—Sec-
section 301 of the Federal Election Campa-

(c) LIMITATION.—The committee shall not accept any donation if a limita-
tion (as defined in section 319(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441(b))).

The Federal Election Committee shall make any report filed by an Inaugural Committee under section 510 of title 36, United States Code, accessible to the public at the offices of the Commission and on the Internet not later than 48 hours after the re-
port is received by the Commission."

Mr. Bingaman. Mr. President, this is a noncontroversial amendment that would simply require that contribu-
tions made to a Presidential inaugural committee be publicly disclosed, and also I would require that the same rules that govern foreign contributions to our political campaigns be applied as well to inaugural events.
As I understand it, this is an acceptable amendment. At this time, I believe we are prepared to go ahead and vote on this by voice vote.

The PRESIDING OFFICER. Is all time yielded back on the amendment?

Mr. McCONNELL. We yield back our time.

The PRESIDING OFFICER. Does the Senator from Kentucky yield back his time?

Mr. McCONNELL. Mr. President, this amendment is acceptable to us. I yield back the time on this side.

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

The amendment (No. 157) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BINGAMAN. Mr. President, the Senator from Virginia has asked that he be given permission to speak for 4 or 5 minutes before I offer this amendment. I am certainly pleased to do that. I will yield the floor to him at this point.

The PRESIDING OFFICER. The Senator from Virginia, Mr. WARNER, is recognized.

(The remarks of Mr. WARNER, Mr. ALLEN, and Mrs. BOXER, are located in today’s RECORD under ‘‘Morning Business.’’)

AMENDMENT NO. 158

Mr. BINGAMAN. Mr. President, I rise to offer another amendment. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the Specter amendment is set aside. The clerk will report.

The bill clerk reads as follows: The Senator from New Mexico (Mr. BINGAMAN) proposes an amendment numbered 158.

Mr. BINGAMAN. 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 provide candidates for election to Federal office with the opportunity to respond to negative political advertisements sponsored by noncandidates)

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

SEC. 104. OPPORTUNITY OF CANDIDATES TO RESPOND TO NEGATIVE POLITICAL ADVERTISEMENTS SPONSORED BY NONCANDIDATES.

Section 315 of the Communications Act of 1934 (47 U.S.C. 315), as amended by this Act, is amended—

(1) by redesignating subsections (b), (c), (d), (e), and (f) as subsections (c), (d), (e), (f), and (g), respectively; and

(2) by inserting after subsection (a) the following:

‘‘(b) POLITICAL ADVERTISEMENTS OF NONCANDIDATES.—

‘‘(1) IN GENERAL.—If any licensee permits a person, other than a legally qualified candidate, to use a broadcasting station during the period described in paragraph (2) to attack or oppose (as defined in paragraph (3)) a clearly identified candidate (as defined in section 301 of the Federal Election Campaign Act of 1971) for Federal office on the broadcasting station, such person shall, within a reasonable period of time, make available to such candidate the opportunity to use the broadcasting station, without charge, for the same amount of time during the same period of the day and week as was used by such person.

‘‘(2) PERIOD DESCRIBED.—The period described in this paragraph is—

‘‘(A) with respect to a general, special, or runoff election for such Federal office, the 30-day period preceding such election; or

‘‘(B) with respect to a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate for such Federal office, the 30-day period preceding such election, convention, or caucus.

‘‘(3) ATTACK OR OPPOSE DEFINED.—The term ‘attack or oppose’ means, with respect to a clearly identified candidate—

‘‘(A) any expression of unmistakable and unambiguous opposition to the candidate; or

‘‘(B) any communication that contains a phrase such as ‘defeat’, ‘defeat’, ‘reject’, or ‘reject’, or a campaign slogan or words that, when taken as a whole, and with limited reference to external events (such as proximity to an election) can have no reasonable meaning other than to advocate the defeat of one or more clearly identified candidates, regardless of whether or not the communication expressly advocates a vote against the candidate.”

The PRESIDING OFFICER. The Senator from Virginia, Mr. WARNER, is recognized.

Mr. BINGAMAN. Mr. President, I am here for two reasons: First, to express my strong support for the bill we have been considering this week and last; this bipartisan campaign finance reform bill which we have come to refer to as the McCain-Feingold bill; second, I am here to offer this amendment which I believe will further improve the bill.

Our colleague from Kentucky said, as he gave his short statement a few minutes ago, now that all the important amendments have already been offered and dealt with, he wanted to go ahead with his statement. I feel with him on that conclusion, that all the important amendments have been offered. This amendment I am offering today I believe is very important, and I believe it will substantially improve this legislation. It will help to address the increasingly negative nature of today’s campaign advertising, and it will assist those candidates, whether they are challengers or incumbents, in responding to that negative advertising.

The debate on this issue is long overdue. Congress has not revised its campaign finance laws in any meaningful fashion since the Congress in 1983. The last significant reform of campaign finance laws was in 1974. Nearly everything about campaigns has changed radically since 1974, from the tremendous amount of money that has been spent on campaigns to the technologies and methods used to communicate with voters.

I congratulate Senator MCCAIN, my colleague from Arizona, and I congratulate Senator FEINGOLD, my colleague from Wisconsin, on their determination in finally bringing this bill to the Senate floor. I can think of no two individuals in recent memory who have worked harder on a bipartisan basis in pursuit of basic reform than these two Senators.

They have traveled the country, one of them, of course, for the time he was running for President. They have taken the campaign finance reform message to every corner of this country. We all in this Senate, in my view, owe them a debt of gratitude. I hope our effort is worthy of their significant effort. It has been a true labor of genuine reform in the interest of better and cleaner democracy, and I am very pleased to cosponsor this legislation.

Mr. President, turning to the amendment I have offered, it is a relatively simple amendment. It proposes to accomplish a central goal, and that is to provide candidates for Federal office who are confronted with sham negative issue ads the opportunity to respond to those ads.

This amendment states that if a broadcast station, whether it is a television station or radio station, permits any person or group to broadcast material opposing or attacking a legally qualified candidate for Federal office, then that station, within a reasonable period of time, must provide, at no charge to the candidate who has been attacked, an equal opportunity to respond to those attacks.

This requirement would apply in this same period that has been discussed in the legislation pending before us in the so-called Snowe-Jeffords language; that is, 60 days prior to a general election, 30 days prior to a primary election. It is in those two periods of time that the requirements apply.

All of us who have run for Federal office in recent years have been in the situation about which I am concerned. As a candidate, you are out on the hustings; you are conducting a campaign that you hope is addressing the issues voters care about; you are trying to give people in your State, or the people in your congressional district, the best vision you can for where this country should go, what should be done in the State; and you turn on the television in your hotel room and see an ad attacking you for some issue on some basis that you probably did not anticipate. You ask yourself the questions: Who is paying for the ad? Who is this group? Who do they represent? Where did they get the information that they are using in this attack?

The process leaves the candidate, more often than not, unfairly accused of a position. It leaves voters increasingly cynical about the growing negative nature of our campaigns.

Unfortunately, this is the new world of campaigns in which we live. This is true whether you are Republican, whether you are Democrat, whatever your party affiliation, regardless if you are a challenger or incumbent.

Through the loopholes in our current campaign finance laws, outside interest groups and political parties are funding
hundreds of thousands of dollars worth of political ads in many of our States. Most of those are very negative and have minimal issue content. Most of those ads flood our airwaves right before the election when they will have the biggest impact on the minds of the voters.

As noted, congressional authority Norm Ornstein said these ads often dominate and drown our candidate communications, particularly in the last few weeks of a campaign. While the ads are often effective in a raw and practical sense, they are incredibly corrosive; they are frequently unfair; they are sometimes very personal in the attacks they make; and they breed voter cynicism and voter apathy toward the electoral process.

We know all too well the gross aspects of the advertising, but now, thanks to a number of dedicated reform-minded groups and academicians, we have some real data to back up what we have all known as a matter of common sense for some time. The Brennan Center for Justice at NYU, New York University, and the University of Wisconsin at Madison have teamed up to develop a national database of political advertising messages that are running ads from the 2000 election. They monitored political advertising in the Nation’s top 75 media markets, and researchers, through that monitoring, have documented the frequency, the content of television ads, in the 2000 election, which duplicates a similar study they conducted in 1996.

The findings are stunning. Let me give a brief summary of what they found. First, the independent groups alone spent, conservatively estimated, about $98 million on media buys for political TV commercials in the year 2000. That is roughly a sixfold increase from what they spent 2 years before. This is not an inflationary increase; this is a significant increase in spending by the independent groups on these ads.

Second, in the 2000 Presidential election, voters received the largest share of political advertising messages from independent groups and party committees, not from the candidates themselves or from the candidate’s committees.

Third, while all of the unregulated issue ads produced by the parties and independent groups are supposed to be less negative and more issue-oriented, since they do not contain these so-called magic words that there has been a lot of discussion about on the Senate floor in the last 2 weeks, the words “noted by the Supreme Court in the Buckley decision,” the public does not see those as issue ads. Virtually all ads sponsored by party committees are viewed as electioneering ads. Within 60 days of the election, 86 percent of the ads produced by independent groups are viewed by voters as electioneering. They are not seen as issue ads.

Fourth, the chart from the Brennan Center dramatically makes the point I am trying to make; the shame issue ads that are run by these groups become increasingly negative in tone as election day approaches. Issue ads by independent groups are far more likely than candidate ads or even party ads to attack candidates. Fully 72 percent of the issue group ads aired in Federal races last year directly attacked one of the candidates in the race in which they were run.

This chart is entitled “Growth of Negative Tone of Electioneering Issue Ads.”

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This chart is entitled “Growth of Negative Tone of Electioneering Issue Ads.”

The dramatic thing about the chart, which covers the period from January to the beginning of November of the year 2000, the negative ads are virtually nonexistent, very low level negative ads, until June; and then in the last couple of months of the campaign, the negative ads overwhelm the rest of the advertising. These are the negative ads that are being run almost exclusively by the independent groups—not by the candidate. The candidates do not want to be associated with negative ads, so they stay out of this and let the independent groups run the very negative ads.

I believe this study I have referred to provides the hard data to back up what we have all known for some time. That is, that the attacks on candidates are increasing, sevenfold each election. They are casting a negative and personal tone to campaigns and are particularly effective and dominant in the last few weeks before election day. There is not a voter in any one of our States who would not validate these findings from their personal experience of watching television or listening to the radio. I heard this refrain from people in my State of New Mexico constantly during the last election. They thought the airwaves were clogged with ads and that the majority of them were too negative. The complaint is constant by the public. It is well justified.

That brings me back to the amendment I am offering. Again, the amendment is straightforward. Let me make it very clear to people what the amendment does not do. First of all, the amendment does not in any way restrict the ability of any candidate to run any ad they want. It does not put any prohibition against running attack ads by the candidate. The candidates do not want to be associated with negative ads, so they stay out of this and let the independent groups run the very negative ads.

The amendment does not affect ads sponsored by the candidate or the candidate’s committee.

Second, the amendment does nothing to restrict either the candidate or a party or an independent group from running any and all ads they want that are positive or even contrast ads. On the chart, the green lines are contrast ads and the blue line is for ads that promote the candidate. We are in no way talking about those in this amendment. We are saying to broadcasters to take any action with regard to those. They can take those ads sponsored by anybody they want without incurring any obligation.

In the case of an independent group or a party that wants to run attack ads, which they are free to do, there is no prohibition against running attack ads, if they want to run attack ads. The broadcasters who run those ads then have an obligation to provide the candidate who is attacked with an opportunity to respond. It is a very level playing field kind of amendment. We are saying to broadcasters, if you want to accept these attack ads during these short periods of time, 30 days prior to a primary, 60 days prior to a general election, you are not required to, of course; there is no obligation under the Constitution or anything else that you accept ads from noncandidates; but if you want to accept these ads, fine, just provide an opportunity for the candidate who is attacked to respond.

That is what the amendment does. I think it is a straightforward amendment. The reason I am offering it is because I believe it will help improve this bill in a very dramatic way.

It will say to all candidates, whether they are challengers or whether they are incumbents in the office, that there will be an opportunity for them to respond when they are unfairly attacked.

The Brennan Center report—let me quote from that report:

Candidate ads are much more inclined than group sponsored ads to promote candidates or to compare and contrast candidates on issues. Conversely, issue ads that are sponsored by groups tend to attack candidates and attempt to denigrate their character. These ads tend to be very negative in tone. They do not dispute substantive issues and frequently they focus on personal histories of the candidate. As election day nears, electioneering issue ads become increasingly negative and personal in tone.

The graph demonstrates. That is why this red line goes up and up and up as you get closer to the election.

I hope very much we can agree to this amendment. While McCain-Feingold’s legislation goes to the very heart of the issue that plagues us today, the soft money loophole that has allowed sham issue ads to proliferate, I believe outside groups will continue to run those ads and this brand of negative issue advocacy is, unfortunately, here to stay. In that environment, I believe it is essential we provide a way to hold outside groups accountable for the content of the ads.

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they run by providing the opportunity for candidates who are the targets of the ads to respond no matter how poorly or how well their campaigns may be funded.

That is what the amendment does. I commend to the consideration of my colleagues. I think it will substantially improve the legislation before us. I hope it will be favorably voted on.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BINGAMAN. Mr. President, I reserve the remainder of my time and yield the floor.

Mr. DODD. Mr. President, let me thank our colleague from New Mexico for proposing this amendment. All of us here, and those who pay any attention at all to politics in this country and with this, as most Americans are, if you look at this chart by the Senator from New Mexico, particularly in that August, September, October period of an election year, it is hard not to be confronted with the assault—that is the only way to describe ads on television from one end of the country to the next, on every imaginable radio station, television station, now cable stations—this bombardment that occurs.

What the Senator from New Mexico has graphically demonstrated with his chart is that the overwhelming majority of these ads are the so-called attack ads. Usually, they are very vicious, designed not to promote one’s ideas nor one’s vision, one’s agenda—if they are elected to Congress or the Senate or the Presidency or some other office— but merely to try to convince the rest of us why you ought to be against someone; not why you ought to be for me but why you ought to be against my opponent.

The least enlightening part of a campaign is the proliferation of these ads. They do nothing, in my view, to contribute to the education, the awareness of the American people. We have seen an explosion of them over the past few years. I suspect this has probably been in the last 6 or 7 years, with the explosion of soft money that the McCain-Feingold bill seeks to shut down.

As I understand it, what the Senator from New Mexico attempts to do is address these issue-based ads, ads not from a specified opponent but, rather, from one of these amorphous organizations that, up to now, have had unlimited sources of revenue to come in and destroy a reputation without having any fingerprints. You can’t find out who contributes the money; you can’t find out where they come from; usually, they are nothing more than they did about them; in many cases the opponent will hold a press conference to disavow that ad and say I deplore that kind of advertising, while simultaneously winking and allowing this process to continue, distorting the political process.

The Senator from New Mexico makes a very valid point in his amendment. It is something we are getting further and further away from, by the way, the idea that the airwaves belong to the American public. We give people the privilege to utilize those airwaves for the benefit of the American public. It is not a right; it is a privilege. It is a limited privilege, based on your sense of responsibility. That privilege or that license can be removed if you abuse it.

There are numerous examples, almost on a daily basis, where that happens. What the Senator from New Mexico, as I understand it, is suggesting is that if in your own radio station or television station, you decide to tolerate this kind of political advertising, knowing full well how damaging it can be, then we have the right to say to that station that you must extend to that candidate an opportunity to respond to that kind of garbage.

I think this has value. It will have the net effect of ending these issue-based ads that destroy people’s reputations and one’s country belong to the American public. We give people the privilege to utilize those airwaves for the benefit of the American public. It is not a right; it is a privilege. It is a limited privilege, based on your sense of responsibility. That privilege or that license can be removed if you abuse it.

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times—and ask him or her to save Social Security a negative ad or a positive ad?

I don’t know who makes this determination as to what is indeed a negative ad. Is it the argument of every candidate that someone knows that wasn’t a negative ad? I was trying to inform the people of my district or State about the fact that my challenger is a baby killer?

It is very difficult to define what a negative ad is. Suppose we had some organization that could determine that this is a negative ad. What if a broadcaster had already sold all their television time? It is the last week of the campaign. It is certainly not unusual that a broadcaster has sold all their television time in the last 2 or 3 weeks. Do they have to pull ads off the air and replace them with the ads that are mandated by this legislation? I am not sure how you do that either, especially in a Presidential election year. That is time already sold.

So the night before the election or 3 days before the election, I say: Wait a minute. My opponent is running attack ads. Now you have to run three times that many on my behalf or against them already sold. They say: I am sorry. We have sold all of our time.

What is your option then? Suppose they had some television time. What is fair ad placement? Runs of “Gilligan’s Island” at 2 a.m., or is it the evening news? I don’t know exactly. One station maybe has a higher rating than the other station. You are going to give me the local channel 365 versus the CBS, ABC, NBC, or FOX Network.

This is very difficult to work out. I am a little surprised that the Senator from Connecticut didn’t look at some of these problems.

I want to repeat. I am for free television time for candidates. I detest the negative advertising. I think it is one of the things that has caused terms to be elected in American politics, that we have these unnamed, unknown groups calling themselves by some attractive name and buy millions of dollars of advertising, and they basically viciously attack their opponents.

Who decides that?

Many years ago, I reminded the Senator from Connecticut they had a board in Hollywood that used to make decisions as to what was acceptable and not acceptable. They had problems. I don’t know who is going to be doing that.

I want to work with the Senator from New Mexico. I think we have to do something about these negative ads. I tell you the best way is to dry up their money and what you don’t dry up fully disclose.

I want to work with the Senator from New Mexico. I would like to sit down and see how we could work this out. But in its present form, I am just not sure how this amendment can possibly be workable.

Finally, I want to say that we just had a major vote, as we all know. We have amendments that are still outstanding.

I know Senator MCCONNELL, the Senator from Kentucky, will be back fairly soon. I understand they have a minimal number of amendments. I still think we can get that done in a relatively short period of time.

I hope all Senators who have amendments will come over so we can start putting these amendments in order and so we can get time agreements, and perhaps not just time agreements but agreements that are satisfactory to both sides so we can wind up all of this.

It is not that I am getting fatigued, but it is that we are sort of at a point now where we should bring this to a closure, and I hope we can do that. Reluctantly, at the appropriate time I will be moving to table the Bingaman amendment.

I yield the remainder of my time.

Mr. FEINGOLD. Thank you, Mr. President.

Not only is this amendment well-intentioned, but aided by somebody who anyone in the Senate knows is not only one of the most decent but one of the best Members of this body.

Since I have been here, no one has been easier to work with and kinder to me than the Senator from New Mexico. I really appreciate the time which he had for me and Senator MCCAIN. He has been a totally stalwart supporter of reform every year, and has been there on every key vote in this debate. I thank him also for the amendment which we have adopted, which requires disclosure of Presidential inaugural funds. That is exactly the kind of thing we are trying to accomplish in this effort so the public can be fully informed of what is going on with all of these venues where large amounts of money can have a negative impact on some of our most sacred public traditions.

That was an important addition to the bill and will result in more information being available to the public of who is giving large sums of money to the inaugural events.

Reluctantly, I will oppose this amendment.

The bill addresses a number of problems with our system which the Senator from Connecticut correctly pointed out must be addressed. It is a problem that deserves more study. I don’t think this particular approach is one that I am quite ready to accept. I am willing to look at it some more.

So I will be taking the same position as the Senator from Arizona, but with a willingness and desire to continue to work on this issue and this idea in the future.
my opponent, they should be able to do that.

If they want to run ads that contrast my opponent’s position with my position, that would be those ads that are reflected by the green line on the chart, it is entirely appropriate, no obligation on the part of broadcasters. This amendment only deals with advertisements which attack or oppose a legally qualified candidate.

The question has been raised by the Senator from Arizona, who will decide whether this is a negative ad, whether this is an ad that attacks or opposes a candidate for public office. My initial reaction is to refer to Justice Stewart’s great comment when he was told that he could not define “pornography.” He said: I may not be able to define it, but I know it when I see it. Government can regulate pornography because of that. The American people know a negative television ad or a negative radio ad when they see or hear it. Government should be fair to the candidates in the sense that we run in this country. It would be fair to the candidates if the candidate wants to push the issue, the judge will decide whether the candidate should have the right to respond on that station.

A second objection that was raised is, what if a station in question has already sold all their time. If they have sold all their time, and some of it, of course, to the organization that is running the attack ads, they would have to make room for the candidate to respond during the time period between them and the election on a basis that would be considered equal. He asked: What is fair in ad placement? And we have used general language here that the candidate would be entitled to respond for the same amount of time during the same period of the day and week as used by the person who is doing the attack.

I am sure there are details of this that will be debated and discussed, if this becomes law, as there always is in everything that we do. It is pretty clear what we are talking about. We are talking about a limited time period, 30 days before a primary, 60 days before a general election. We are talking about ads that involve attack, opposing or opposing a candidate for the Federal office, and we are providing a pretty precise definition of what “attack” or “oppose” means for purposes of this statute applying.

I believe this would be an enforceable provision. It would be an understandable provision. I think it would add greatly to the quality of the campaigns that we run in this country. It would be fair to the candidates in the sense that they would have the opportunity to respond. This is not a fairness doctrine, but this is the same basic concept.

When a candidate has been qualified to run for Federal office, clearly that candidate is fair game for any attack that the candidate’s opponent or opponents want to make. There is no obligation on any broadcaster who wants to take those ads by opponents of that candidate. But if the candidate is attacked or opposed by people who are not in the race, by organizations that are not part of the campaign, then that is where the candidate should, once again, be given a chance to respond.

I believe it is a good amendment. I hope all candidates, regardless of whether or not the communication expressly advocates a vote against the candidate.

If it could have no reasonable meaning other than to advocate the defeat of the candidate, then it is an advertisement that would entitle the candidate who is being attacked or being opposed the opportunity to respond. That is, we have given a tight definition. It would be up to the candidate to decide whether, for instance, if he fixed in fact of all, to notify that such an ad is running, and then they would presumably go to the broadcast station and say: Look, this is what this advertisement is. I should get equal time to respond.

Of course, the broadcast station at that point has to either say yes or no. If they say no, then of course it goes, as all other matters in our society, to some court. If the candidate wants to push the issue, the judge will decide whether the candidate should have the right to respond on that station.

The amendment only deals with advertisements which attack or oppose a legally qualified candidate.
time." That led to the demise of the fairness doctrine.

If someone runs an ad and says, "I oppose Senator McCain," I don't think that should necessarily trigger free television commercial time for me.

Let's discuss the amendment. The Senator said this is not unlike the ability of the State to control pornography. The reason the Court decided that we had a right, as far as child pornography is concerned, is that it was a compelling State interest. I don't think you can make the same argument in respect to television time or attack ads.

Part B says:

Any communication that contains a phrase such as "vote against," "defeat," or "reject—"

Boy, we better get out the dictionary because there is a great deal of ambiguity here. I think we have been involved so long and so engaged in these issues that words do have meaning, and this amendment is very vague.

Who decides that? The Senator says you go to the station and get free time and, if not, you go to a judge. You are asking a judge to look at every commercial, or you are asking the broadcast station to look at every commercial and make some decision as to whether it is an attack ad or not. I will tell you what. I was on the subway, I would say never mind; why should I take a risk when I am not sure this ad is an attack ad or not.

This is the problem we had when we have government over here. We have an unclear issue. How do you stop these attack ads without infringing on freedom of speech and not being so vague that it is very difficult to stand constitutional muster? The difference between Snowe-Jeffords and this amendment is that Snowe-Jeffords draws a very bright line and it says:

Show the likeness or mention the name of a candidate.

That is a very bright line. This is a campaign slogan or words that, when taken as a whole and with limited reference to external events, such as "proximity to an election"—these words—I admit to the Senator from New Mexico, I am not a lawyer, but I have been involved so long and so engaged in these issues that words do have meaning, and this amendment is very vague.

I am sure we can make a judgment on a lot of ads we have seen and the same ads the Senator and I find disgusting and distasteful and should be rejected. But at the same time, I don't know how we can say, OK, if this station doesn't run my ad, I am going to go to a judge and have the judge make them run it. It just is something that would be very difficult.

I would love to work with the Senator from New Mexico. He has been a steadfast stalwart for campaign finance reform. I would love to work with him to try to achieve this goal. Frankly, after going around and around on this issue, identifying who paid for the ad, full disclosure and, frankly, not allowing corporations and unions to run for these things in the last 60, 90 days, which is part of our legislation, is about the only constitutional way that we thought we could address the issue.

I thank the Senator from New Mexico. He has identified a very serious issue that has demeaned and degraded all of us because people don't think very much of you when they see the kinds of attack ads that are broadcast on a routine basis.

As the Senator pointed out, they are dramatically on the increase. I will tell you what. You cut off the soft money, you are going to see a lot less of that. Prohibit unions and corporations, and you will see a lot less of that. If you define the ad, those who pay for those ads, you are going to see a lot less of that because people who can remain anonymous or organizations that can remain anonymous are obviously much more likely to be a lot looser with the facts than those whose names and identity have to be fully disclosed to the people once a certain level of investment is made.

I thank the Senator and I regret having to oppose his amendment. I yield the floor.

Mr. BINGAMAN. Mr. President, I thank the Senator from Arizona for his comments. I understand the concerns he has raised. Let me make one thing very clear. Snowe-Jeffords is a prohibition against certain acts by certain groups. Now, that is a very different kettle of fish than what I am proposing.

My amendment does not in any way prohibit anyone from running ads. All my amendment says is that if an independent group wants to run an ad that attacks or opposes a candidate, then the candidate is entitled to an opportunity to respond to the ad.

That is a very different thing than saying, during certain periods of time, groups cannot run ads. So I think the constitutional problem that people have raised with regard to Snowe-Jeffords is much less of a concern than the kind of amendment that I have proposed.

This amendment is designed to deal with a particular type of advertisement run by groups other than the candidate and the candidate's committee during certain periods of time. I think we have clearly defined what we are talking about. There are many advertisements that would not fall within the definition of attacking or opposing a candidate. Certainly, there is nothing here that would in any way obligate broadcasters, when they take those kinds of ads, that they are running ads that do attack or oppose a candidate, then they would be under an obligation to provide an opportunity to respond. I think that is eminently fair, constitutional, and consistent with the general obligation that I believe broadcast stations ought to have to present both sides of an issue during a campaign when a candidate has become qualified for a Federal office. For that reason, I urge my colleagues to support the amendment.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, unless the Senator from Arizona has more time, I suggest the absence of a quorum.

Mr. MCCAIN. Mr. President, may I be recognized?

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, again I thank the Senator from New Mexico. He has identified a very serious issue. I want to work with him on this issue. It is important because his graph dramatically illustrates the magnitude of the problem.

The Senator from New Mexico is trying to address one of the most serious issues that affects American politics today and makes us much diminished in the eyes of our constituents and the people around the country.

I really do applaud the Senator from New Mexico on this issue. At the appropriate time, I will move to table the amendment.

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

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

Mr. DODD. Mr. President, without objection, it is so ordered.

Mr. DODD. Mr. President, if I may have the attention of my colleagues from Arizona and Senator McCain, we are in the process of hotlining the vote. If it is all right with my friend from Arizona, the vote on or in relation to the Bingaman amendment can begin at 5 of 6. A couple of people are having meals, and this will give them a chance to get online.

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

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

Mr. MCCAIN. Mr. President, I move to table the amendment, to take place at 5:55 p.m.

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

Mr. DODD. Mr. President, may we ask for the yeas and nays at this time? Is it an appropriate request?

The ACTING PRESIDENT pro tempore. It is an appropriate request.

Mr. DODD. I ask for the yeas and nays on the motion to table commencing at 5 of 6.

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

There appears to be a sufficient second.
The yeas and nays were ordered.

Mr. REID. I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. The quorum call is ordered.

The legislative clerk called the roll.

Mr. MCCAIN. May we ask unanimous consent to engage in a colloquy?

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

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I speak as a member of the Senate to introduce an amendment that I believe will correct an inequtiy in the law we passed last year that required State and local candidates to file with the IRS as a 527 political organization. I think the purpose of this was not to affect State and local candidates who have no involvement in a Federal election. I think we are ready to complete action on this legislation. We have no more than four amendments on our side, and we think we could be prepared to work through those very quickly. I am not sure exactly what remains on the Democratic side, but I believe that the opponents and proponents are ready to vote on this bill. We have not moved toward a filibuster or cloture on either side. Although, in talking to Senator MCCAIN a moment ago, he was saying that, if it were necessary, he hopes that I would file a motion on this bill. Can you believe those words came from his mouth? If I had to, of course, the cloture would ripen on Saturday. I don't think we should end this process this way. We do need to keep going. I know some Senators have commitments tonight they would like to go to. Some Senators have commitments they would like not to have to go to. I have heard—more of the latter, yes. I would not answer a unanimous consent request. I haven't precleared this with Senator DASCHLE. He looked over it. We talked about it. I am not exactly sure what his thinking is. I would not be able to consider other business if somebody has a good idea about how we can complete it. This is the fairest way.

I ask unanimous consent that all remaining amendments in order to S. 27 be limited to 30 minutes equally divided and all other provisions of the consent agreement of February 6, 2001, remain in order.

Mr. MCCAIN. Mr. President, I object.

The PRESIDENT. Objection is heard.

Mr. MCCAIN. Mr. President, I inquire of the managers, how do we wish to proceed? I yield to Senator DASCHLE.

Mr. DASCHLE. Mr. President, I have had a chance yet to consult with our colleagues. We have 10 remaining amendments on this side. I know Senator SPECTER has been waiting patiently to offer his amendment. Throughout the week, I have promised our colleagues that if they played by the rules and waited patiently for their opportunity to offer their amendments, we would accord them the same opportunity other Senators have had throughout the duration of this debate, as the majority leader indicated.

This has been a very good debate. No one has talked about the need to file a cloture. I hope we do not have any reason to do that in the future. I believe Senators ought to have an opportunity to have their amendments considered and have a vote. So until I have had the opportunity to consult more carefully with those colleagues who still have outstanding amendments, I have to object.

Mr. MCCAIN. Mr. President, then, let me say to colleagues, we will continue on into the night. We will be having votes. If necessary, to accommodate those votes in the remaining period of time, we will move to table them. But we will continue as long as it takes to get this bill done.
When we know more about what we could agree to, we will let you know. You should expect a vote within the next couple of hours.

Mr. GRAHAM. If the majority leader will yield.

Mr. LOTT. I yield.

Mr. GRAHAM. For those who do want to make commitments, would it be possible to have a window of a couple of hours with assurance that we not vote within that window?

Mr. LOTT. I think the majority of those who had talked to me were hoping we would not have a window. I think we need to keep our nose to the grindstone and try to complete this legislation. I am not saying it won’t happen. I don’t think we should make a commitment of a window. My wife will be waiting for me to come home and have supper. When we complete our work, I will go home and have supper with her. She may be hungry, but she will wait.

Mr. GRAHAM. That commitment is important above all.

Mr. LEAHY. If the leader will yield, I will be safe to say that in the next hour or so those who show up on the floor with a tuxedo or evening dress are those who want to fulfill their commitments, and those who are not would like to keep voting?

Mr. LOTT. Those who show up with a tuxedo, that will count as having fulfilled their commitment to the dinner because it would show intent to be there, but a higher calling prevented your presence. You might want to don your evening attire and come to the floor and wait for an opportunity to vote.

Mr. LEAHY. I will change within the hour.

Mr. LOTT. I yield the floor.

AMENDMENT NO. 140, AS MODIFIED

Mr. SPECTER. I send an amendment to the floor.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 7, line 24, strike “and,” and insert the following: “or

(iv) alternatively, if (iii) is held to be constitutionally insufficient by itself to support the regulation provided herein, which also is suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate, or an attack or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate) and which also is suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate.”

On page 2, after the matter preceding line 1, insert:

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In the twenty years since the 1976 Supreme Court decision in Buckley v. Valeo, the number and frequency of advertisements increased dramatically which clearly advocated for or against a candidate for Federal office without magic words such as “vote for” or “vote against” as prescribed in the Buckley decision.

(2) The absence of the magic words from the Buckley decision has allowed these advertisements to be viewed as issue advertisements, despite their clear advocacy for or against the election of a specific candidate for Federal office.

(3) By avoiding the use of such terms as “vote for” and “vote against,” special interest groups promote their views and issue positions in reference to particular elected officials without triggering the disclosure and source restrictions of the Federal Election Campaign Act.

(4) In 1996, an estimated $135 million was spent on such issue advertisements; the estimate ranged from $275–$340 million; and, for the 2000 election the estimate for spending on such advertisements exceeded $340 million.

(5) If left unchecked, the explosive growth in the number and frequency of advertisements that are clearly intended to influence the outcome of Federal elections yet are masked as issue advertisements has the potential to undermine the integrity of the electoral process.

(6) The Supreme Court in Buckley reviewed the legislative history and purpose of the Federal Election Campaign Act and found that the authorized or requested standard of the Federal Election Campaign Act operated to undermine cooperation with or with the consent of a candidate, an authorized agent of the candidate, or an authorized committee of the candidate as contributions subject to the limitations set forth in the Act.

(7) During the 1996 Presidential primary campaign, candidates of both major parties spent millions of dollars in excess of their overall Presidential primary spending limit that applied to each of their campaigns, and are doing so solely in so-called “soft” money contributions that could not legally be used directly to support a Presidential campaign.

(8) These candidates made these campaign expenditures through their respective national political party committees, using these party committees as conduits to run multi-million dollar television ad campaigns to support their candidacies.

(9) These television ad campaigns were in each case prepared, directed, and controlled by the campaign committees of these candidates.

(10) The television ads by campaign committees forcefully advocated for or against candidates; however, in the absence of a specific statement to “vote for” or “vote against,” these television ads were deemed issue ads and not advocacy ads under Buckley v. Valeo.

(11) Television ads were coordinated between the candidate committees and the relevant national party committees.

(12) Agents of the candidate committees raised the money used to pay for these so-called issue ads supporting their respective candidates.

(13) These television advertising campaigns, run in the guise of being national party issue ads campaigns, were in fact Clinton and Dole ad campaigns, and accordingly should have been subject to the contribution and spending limits that apply to Presidential campaigns.

(14) After reviewing spending in the 1996 Presidential election campaign, auditors for the Federal Election Commission recommended that both the Democratic and Republican committees repay millions of dollars because the national political parties had closely coordinated their soft money issue ads with the respective presidential committees and, accordingly, the expenditures would be counted against the candidates’ spending limits.

(15) On December 10, 1998, in a 6-0 vote, the Federal Election Commission rejected its auditors’ recommendations that either of these campaigns repay the money.

(16) The pattern of close coordination between candidates’ campaign committees and national party committees continued in the 2000 Presidential election.

(17) The television ads by the 2000 presidential campaigns forcefully advocated for or against candidates; however, in the absence of a specific statement to “vote for” or “vote against,” these television ads were deemed issue ads and not advocacy ads under Buckley v. Valeo.

(18) Television ads in the 2000 presidential election were coordinated between the candidate committees and the relevant national party committees.

(19) On January 21, 2000, the Supreme Court in Nixon v. Shrink Missouri Government PAC noted, “In speaking of ‘improper influence’ or ‘opportunities’ and additional ‘quid pro quo arrangements,’ we recognized a concern to the broader threat from politicians too compliant with the wishes of large contributors.”

(20) The details of corruption and the public perception of the appearance of corruption have been documented in a flood of books, newspaper and public documents.

Mr. MCCONNELL. It is my understanding that the Senator from Pennsylvania believes he might be able to wrap up his remarks in 15 minutes or so?

Mr. SPECTER. Mr. President, it is my hope to be able to do it within a brief period of time—perhaps as little as 15 minutes, in that range.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this amendment, as modified, seeks to accomplish two objectives. One objective is set forth finding a factual basis to uphold the constitutionality of the statute, and the second objective is to insert a definition so that the bill will survive constitutional challenge under the Buckley v. Valeo decision, which has language that required specifically saying “vote for,” “vote against,” with ads being deemed to be issue advertisements where the obvious intent is to extol the virtues of one candidate and to comment extensively on the deficiencies of another candidate and notwithstanding the clear purpose of these ads in the 1996 Presidential election and the Presidential election of 2000, those ads were deemed
to be issue ads and, therefore, could be paid for with soft money.

The bill as presently written endeavors to provide a bright-line test with the provision of identifying a specific candidate. The reason I am able to abbreviate the argument this evening, or the one made this evening, is that we had about 2 hours of debate last Thursday.

The critical language in the bill is the reference to a clearly identified candidate for Federal office. Now this may or may not be a sufficiently bright line to satisfy the requirements of Buckley v. Valeo, or in fact it may not be because it does not deal with the kind of specific urging of a candidate to "vote for" or "support," which Buckley has talked about.

In Buckley, in a very lengthy opinion, the Supreme Court of the United States said that in order to avoid the constitutional challenge for vagueness, those specific words of support—"vote for" and "support"—had to be used in order to avoid the vagueness standard of the due process clause of the Fifth Amendment.

What this amendment seeks to do is to provide an alternative test, which is derived from the decision of the court of appeals for the Ninth Circuit in the Furgatch case, and this definition is really Furgatch streamlined. The original amendment that was offered provided that the context of the advertisement was "unmistakable," "unambiguous," and suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate.

In our debate last Thursday, there were arguments made that the language of "unmistakable" and "unambiguous" left latitude for a challenge.

In the amendment which has been modified, it is deemed to be sufficient to have the language be "suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate."

This really sharpens up Furgatch, really streamlines Furgatch in order to pass constitutional muster.

The findings which have been set forth in the modified amendment seek to characterize events which have occurred in the intervening 25 years since the decision of Buckley v. Valeo, reciting how much money has been paid, the way in which that money has been paid, and whether or not the ads really, in effect, urging the election of one candidate and the defeat of another so that, by any legal definition, they would be deemed advocacy ads and not issue ads, but they do not meet the magic words test of Buckley v. Valeo.

The expanded test of having "no plausible meaning other than an exhortation to vote for or against a specific candidate" would make it plain that the kinds of ads which have been viewed as being issue ads are really advocacy ads.

We had an extended debate last Thursday about the impact of this language on the balance of what is in the bill at the present time on a clearly identified candidate. This modified amendment has been very carefully crafted to meet the concerns that if the Supreme Court of the United States determines that the language in the unmodified amendment, and the language added in this modified amendment is insufficient, that one or the other will be stricken so that there is a severability clause within this amendment as modified.

We have said, I believe, we have already adopted an amendment to provide for severability. So it may be this is surplusage or it may be that it is necessary, but it does not do any harm to have this language.

I believe that most, if not all, of the objections which were raised last Thursday have been satisfied in this modified amendment. I urge my colleagues to adopt it.

I am not yet asking for the yeas and nays to see if the arguments which may be presented here are suggestive of some further modification which would require consent after asking for the yeas and nays, but it is my intention, as I have notified the managers, to seek a rolcall vote. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder if I can be yielded 5 minutes, 2½ minutes from either side, because I am not sure if I am for or against it because I don't have a copy of the final product. May I ask the Senator to yield me 2½ minutes from his side?

Mr. SPECTER. I do.

Mr. LEVIN. I yield myself 2½ minutes from our side. We are trying to determine which version of the amendment is pending. I ask the Senator from Pennsylvania, are the references in the window now have a modified amendment. Are there any references to the specific candidates in the 1996 Presidential campaign left in here?

Mr. President, I wonder if I can have the attention of all of my colleagues on this question. It may be a question in which we are all interested. It relates to the findings. For instance, one of the findings here says that both the Clinton and Dole ad campaigns should have been subject to the limits, implying that, in fact, they had somehow or other violated the limits of the campaign despite the 6–0 vote of the Federal Election Commission which rejected the recommendation that either of the campaigns repair the money.

I happen to agree with the Senator from Pennsylvania on the thrust of his amendment, by the way, because I have always liked the Furgatch test myself. I cannot speak for the floor manager on this side. I do not know where he is. But I do think these findings should be because I do not think we want to reach any conclusion that any of the expenditures of the Presidential campaigns violated that law in 1996.

The problem was the law was so full of loopholes and we need to close those loopholes.

Mr. MCCAIN. Will the Senator from Michigan perhaps call for a quorum call for 5 minutes to see if we cannot sort this out. I thought we had an agreement, but perhaps we do not.

Mr. SPECTER. 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.

Mrs. LINCOLN. 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 PRESIDING OFFICER (Mr. ALLEN). The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that I be allowed to speak briefly as in morning business.

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

The remarks of Mr. SMITH of Oregon are located in today's RECORD under "Morning Business."

Mr. SMITH of Oregon. Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. I thank the Senator from Oregon.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 140, AS FURTHER MODIFIED. Mr. SPECTER. Mr. President, I send to the desk a further modification of amendment No. 140.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, it is so ordered. The amendment as further modified, is as follows:

"(iv) alternatively, if subclauses (i) through (iii) are held to be constitutionally insufficient by final judicial decision to support the regulation provided herein, which is also in the aggregate found to be suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate; and:

On page 8, line 1, by striking "(iv)" and replacing with "(v)".

On page 15, line 19, strike lines 3 through 19 and insert the following:

"(v) IN GENERAL.—The term 'electioneering communication means any broadcast, cable, or satellite communication which—"(i) refers to a clearly identified candidate for Federal office;"


Mr. M. MCCONNELL. Mr. President, I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Texas?

Mr. GRAMM. I ask the Senator from Kentucky to yield me 20 minutes.

Mr. McCONNELL. Mr. President, I yield 20 minutes to the Senator from Texas.

Mr. GRAMM. Mr. President, we are in the process of rapidly completing this bill. I would not have come over to speak, except that it was clear to me that, for the moment, nothing was happening. I have not yet spoken on it. And while I think it is clear what the outcome will be, I at least want to go on record on this issue.

Free speech in America is a very funny thing. If the nation burns the American flag and they say they are exercising free speech or they dance naked in a nightclub and say that that was personal expression, a league of defenders springs up in America to defend the first amendment of the Constitution. Someone proposes that we preserve free speech about the election of our Government and the election of the men and women who serve the greatest country in the history of the world, when such a motion is made, it dies from a lack of a second.

It is astounding to me that free speech in America has come to protect flag burning and nude dancing but yet the greatest deliberative body in the history of the world feels perfectly comfortable in denying the ability of free men and women to put up their time and their talent and their money to support the candidates of their choice.

I can't help but say a little something about the protagonists in this debate. I would like to begin by saying of my dear friend Senator McCain, with whom I profoundly differ on this issue, I have the highest respect for him. In fact, he, more than anyone in the debate of an ancient god, Antaeus, whose mother was the earth, and every time he was thrown to the ground, he became stronger than he had been when he was cast down.

Having said that, having admired his diligence and his determination, I would say that seldom has a more noble effort been made on behalf of a poorer cause in the history of the U.S. Senate.

I would like to say of our colleague from Kentucky that he has again won our admiration and our respect. He has been vilified by every media outlet in the Nation. Yet his sin is to stand up. His sin is to stand up and defend freedom.

You ask yourself: Why do people want to influence the Government? Why do people want to influence the Government of the United States of America? It seems to me there are really two reasons: One, they have strong feelings about the country they love and their country. They have strong passions and they want to express them. And who would want to prevent them from expressing themselves? I say nobody should.

The second reason they want to influence the Government is that the Government spends $2 trillion a year, most of it on a noncompetitive basis. The Government sets the price of milk. The Government grants numerous favors. If we were serious about campaign reform, we would try to change the things that lead people to want to influence the Government for their advantage, and we would want to leave in place a system where people could express their love and their passions. Yet there is no proposal here to end the Government setting the price of milk. There is no proposal here that would have competitive bidding on contracts. There is no single proposal of influence, and that source of influence is money. Our problem is not bad money corrupting good men, our problem is bad men corrupting good money.

I listen to my colleagues talk about this corrupting influence, let me say they apparently have lived a different political life than I have lived. I have never in my 22 years in public office and in the 2 years prior to that, when I ran unsuccessfully for the Senate and lieutenant governor. We simply do not have it. I am proud to say of my colleagues: If you will vote the way I want you to vote, I will contribute to your campaign. I am proud that 84,000 people contribute to my campaign, and I believe they contribute to me because they believe in the things I believe in.

Remember this, and this is what is lost in this whole debate: This is an Alice in Wonderland debate where black is white and wrong is right. It is a debate that ignores the fundamental nature of the American political system. Government has power and people want it to influence it. If we limit the power of people to put up their money, we strengthen the power of people who exert influence in other ways. We don't reduce power. We don't reduce whatever corruptive influence may exist among the people who want to influence and government. We simply take power away from some people and, by the very nature of the system, we give it to somebody else.

Why should the New York Times have more to say in my election than the New York Stock Exchange? Is the New York Times not a for-profit company? Why should they have the right to run editorials and write front-page articles that can have a profound impact on your election, and then have a for-profit company, publicly traded, and yet we say in this bill, they, but not others, have freedom of speech? They can say whatever they want to say. But yet the New York Stock Exchange is denied the same freedom. How can that be rational? How can that be just?

Who says that freedom of speech should belong only to people who own radio stations and television stations and newspapers? I reject it. Instead, we single out one source of influence, and we would want to leave in place a system where people could express their love and their passions. Yet there is no proposal here to end the Government setting the price of milk. There is no proposal here to end the Government setting the price of milk.
political power from this bill. What we are hearing identified as public interest is greedy, selfish, special interest. The amazing thing is that the voice of freedom and the right of people to be heard is not represented to any substantial degree on the floor of the Senate.

If I should believe, as a free person, that the Senator from Virginia is the new Thomas Jefferson and I believe the future of my children will be affected by his political success, don't I have the right to have a house built in a bill that I care and to use that money to help him be elected? Why shouldn't I have that right? Who has the right to take that away from me? No one has the right to take it away from me. But this bill does take it away from me. This distinction between soft money and hard money is a fraud. What we are seeing here is an effort to collect political power and to concentrate it. Our Founders understood special interests. The Senators from Arizona and the Senator from Wisconsin are not the first people in the history of this country have who ever been concerned about special interests. James Madison understood special interests. He understood you deal with this by allowing many special interests to be created and have them compete against each other.

The editorial proponents of this bill see it as somehow corrupting when some people have money to my campaign. But I wonder if really they support the bill because they know that the contributors of such money, with that participation and interest, offset the influence of their editorials and their political power. Why should some people have freedom and not others? That is the profound issue that is being debated here.

I suspect this bill is going to pass, but this is not a bright hour in American history, in my opinion. The amazing thing—I never cease to be amazed by our system—is there is no constituency for this bill.

This is a total fabrication. The constituency for this bill is a group of special interests who cloak themselves as public interest advocates and it is they who will have their power enhanced by limiting the ability of people to put up their time, talent, and money in support of candidates. The so-called public interest promotion of the bill in editorial America is coming from the very people who will become more powerful if this bill is adopted.

So what we have is an incredible example, cloaked in great self-righteousness, of special interest triumphing over public interest through the power of the same groups that will have their power enhanced if this bill is adopted.

If editorialists in America, if Common Cause, and all these similar groups, can induce the Congress to limit freedom of speech to enhance their power, what strength will those who oppose their views have when freedom of speech has been, in fact, limited? I think that is something that should give us all pause, though I have no doubt there will be no pause tonight.

It is as if we look at the Constitution and we say that what is at stake is either protection of the first amendment of the Constitution, or whether we are going to get a good editorial in tomorrow's morning's newspaper, and the judgement is made that tomorrow morning's newspaper is much more important than the first amendment of the Constitution.

Let me conclude by quoting, because I never think it hurts to read from the greatest document in history, other than the Bible— the Constitution. Let me read amendment No. 1 for the Constitution, and I will read the relevant points:

Constitution shall make no law abridging the freedom of speech.

If I believe the Senator from Virginia is the next Thomas Jefferson and I believe in the house of the first candidacy, who has the right under the Constitution to deny me that right? No one has that right. Yet we are about to vote on the floor of the Senate to keep me from doing that.

The Constitution says that:
The right of the people peaceably to assemble and to petition the government for a redress of grievances shall not be abridged.

If I am not permitted to spend my money to present my grievances to my neighbors, who has the right to be heard? In modern society, the ability to communicate depends on the ability to have funds to amplify your voice so it can be heard in a nation of 265 million people.

If I don't have the right to use my time and my talent and my money to enhance my voice, how can I be heard? Well, what the advocates of this bill are really saying is we don't want you to be heard because we might not like what you have to say.

We have a bill before us that says you can't run ads. If I wanted to run ads supporting you, or give you money to spend, I can't do it. We are all unhappy that these special interest groups run ads. It hurts my feelings. When people tell my mama that I am this terrible, bad person, that I have sold out to the special interests, my mama asks me, "Why can they say that?" "How can they say that?" "What do they want to say?"

We have a bill before us that says you can't run ads. If I wanted to run ads supporting you, or give you money to spend, I can't do it. We are all unhappy that these special interest groups run ads. It hurts my feelings. When people tell my mama that I am this terrible, bad person, that I have sold out to the special interests, my mama asks me, "Why can they say that?" "How can they say that?" "What do they want to say?"

I have always believed they supported me because of what I believed in. In fact, on many occasions, when people have supported me—the AMA is a perfect example. I was a young man running for Congress, the American Medical Association supported me and just thought I was wonderful. Now they don't like me. What changed? They changed; I didn't change. I have always been for freedom. When I stood right at this desk and helped lead the effort to kill the Clinton health care bill, I did it because I believed in freedom, and they loved it. Now that they want to kill HMOs, they don't think so much of freedom anymore.

But I didn't feel corrupted by them giving me money. They supported me because of what I believed in. When they didn't believe it anymore, they changed; I didn't change. So I don't know what is in the hearts of those who feel this corruption. I do not feel that. I don't think that this proposal has been portrayed in the media, has increasingly become a codeword for anybody who can speak for themselves and, therefore, doesn't have to be too concerned about the commentary of some special interest group or the media.

I love the Dallas Morning News, especially when they write good things about me. When they endorse me and support me, I like it. But I have 84,000 contributors. The newspaper can go around and say whatever they want to say about me because my contributors and supporters have ensured that I will get to respond and tell my side of the story.

What this bill is going to do, and the terrible effect of it if it does become law, is that it is going to limit the ability of people to tell their side of the story. I think that is fundamentally wrong. I still do not understand how someone can burn a flag, and that is freedom of speech; someone can dance naked in a night club, and that is freedom of public expression; but if I want to sell my house and support somebody that I believe in with all my heart, that is fundamentally wrong; that is corrupt.

I believe there is salvation. I believe we are going to get salvation from this bill. I think the salvation is going to come from this ancient document, our Constitution, because I believe this bill is going to be struck down by the courts, and that is ultimately going to be our salvation.

I want to say to my dear colleague from Kentucky that I admire him, and I want to thank him for the great sacrifice he has made to stand up on behalf of freedom. When very few people are offering compliments, and very few pundits are applauding, I am one person who is applauding, and I will never, ever forget what you have done. It may not be in an editorial, but it will be etched in my heart.

I yield the floor.
Mr. MCCONNELL. Mr. President, I want to say to the Senator from Texas how much I appreciate what he had to say. There is no question that he gets it. It is all about the first amendment. It is all about the first amendment and the rights of Americans to have their say.

This bill, as the Senator from Texas pointed out, is simply trying to pick winners and losers. It takes the parties and it crushes them. And the irony of all this is there will be way more money spent on election than there was in the last one. It just won’t be spent by the parties.

So we have taken resources away from the parties, which will be spent otherwise because of all of these other efforts, as the Senator from Texas pointed out. And I assure him I will be in court. I will be the plaintiff, and we will win if we have to go to court. Efforts to restrict the voices of outside groups will be struck down.

I hope we will be able to save the ability of parties to engage in speech that isn’t federally regulated, which is what soft money is. It is everything that isn’t hard money. I thank the Senator from Texas for always being there for what freedom is all about and understand what this debate is all about.

I say to my colleague, we may lose tonight, but we will ultimately win this debate is all about. We will win if we have to go to court. Efforts, as the Senator from Texas pointed out, are not hard money. I thank the Senator from Texas for always being there when it counts. I thank him so much for tonight, but we will ultimately win this debate.

From Texas, who understand what free-}

If we have to go to court we will win. I thank him so much for tonight, but we will ultimately win this debate is all about. We will win if we have to go to court. Efforts, as the Senator from Texas pointed out, are not hard money. I thank the Senator from Texas for always being there when it counts. I thank him so much for tonight, but we will ultimately win this debate.

Mr. NELSON of Florida. Mr. President, the Federal Election Commission reports receiving a number of complaints that people have fraudulently raised donations by posing as political committees or candidates and that the current law does not allow the Commission to pursue such cases.

For example, one newspaper reported that after last November’s Presidential election, both Democrats and Republicans were victims in a scam in which phony fundraising letters began popping up in mailboxes in Washington, Connecticut, Michigan, and elsewhere. Those letters urged $1,000 contributions to seemingly prestigious Pennsylvania Avenue addresses on behalf of lawyers purportedly for both George W. Bush and Al Gore. About the same time, thousands of similar letters offering coffee mugs for contributions of between $1,000 and $5,000 were sent to Democratic donors from New York to San Francisco.

Clearly, one can see the potential for harm to citizens who are targeted in such fraudulent schemes. Unfortunately, the Federal Election Campaign Act does not grant specific authority to the Federal Election Commission to investigate this type of activity, nor does it specifically prohibit persons from fraudulently soliciting contributions.

The FEC has asked Congress to remedy this, and the amendment I offer today is in response to this request. This amendment makes it illegal to fraudulently misrepresent the person as speaking, writing, or otherwise acting for or on behalf of any candidate or political party or employee or agent thereof for the purpose of soliciting contributions or donations;

I say to my friend from Texas my re-

(2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).

No person shall—

(1) fraudulently misrepresent the person as speaking, writing, or otherwise acting for or on behalf of any candidate or political party or employee or agent thereof for the purpose of soliciting contributions or donations;

I say to my colleague, we may lose tonight, but we will ultimately win this debate is all about. We will win if we have to go to court. Efforts, as the Senator from Texas pointed out, are not hard money. I thank the Senator from Texas for always being there when it counts. I thank him so much for tonight, but we will ultimately win this debate.

Mr. M CCONEIL. Mr. President, I ask unanimous consent that the amendment No. 159. The amendment (No. 159) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

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

Mr. SPECTER. Mr. President, I ask for the yeas and nays on my amendment.

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Mr. NELSON of Florida. Mr. President, this is a very important amendment. It has made an important contribution to this Senate in many ways already. It is important for all of us to recognize the first amendment of the Senator from Florida that is being accepted, hopefully, tonight, and I congratulate him.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 159.

The amendment (No. 159) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

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

The question is on agreeing to amendment No. 140, as further modified.

Mr. M CCONEIL. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 140, as further modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Ohio (Mr. VOINOVICH) is necessarily absent.

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

The result was announced—yeas 82, nays 17, as follows:

[Rollcall Vote No. 61 Leg.]
Mr. LOTT. Mr. President, I know Senators are interested in how we proceed for the remainder of tonight and tomorrow. I believe we have come up with the best possible arrangement of how we can complete action on this bill and be prepared to move on to other legislation.

Senator DASCHLE and I have talked about it and have talked to the managers and the proponents of the legislation. I think everybody is satisfied that this is a fair way to bring this to a conclusion.

I ask unanimous consent that all remaining amendments in order to S. 27 be limited to 30 minutes equally divided. I think the provisions of the consent agreement of February 6, 2001, remain in order, except for this change: I further ask unanimous consent that all remaining amendments must be offered either tonight or between 9 a.m. and 11 a.m. tomorrow and that any votes ordered with respect to those amendments occur in a stacked sequence beginning at 11 a.m. on Friday, with 2 minutes prior to each vote for explanation.

I further ask unanimous consent that following the stacked votes the bill be immediately read for the third time and passage occur at 5:30 p.m. on Monday, all without intervening action or debate, and that paragraph 4 of rule XII be waived.

Also, it has been suggested that we include in this consent, if necessary, a technical amendment that is agreed to by both managers may be in order.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, I just covered this with the manager. I want to make sure Senator DASCHLE is aware. A technical amendment may not be necessary, but we want to make sure, if there is a need for a technical amendment, that there be a way to deal with that but that a technical amendment would have to be identified and agreed to tomorrow along with other amendments before we complete action.

The problem is, if we wait until Monday, there is a lot of opportunity for mischief to develop.

Mr. DASCHLE. Mr. President, reserving the right to object, it is suggested that perhaps having a weekend for the staff to go through whatever surviving or floor amendments may be helpful. Obviously, I think both managers would have to agree to any technical amendments. So there is that assurance. But this would give the weekend to the staff to assure that if there is any inadvertent mistake, it be caught prior to the time we vote on final passage on Monday.

I also note that it was suggested we may want to include in this unanimous consent agreement second-degree amendments. I don’t think that will be necessary because I don’t anticipate second-degree amendments.

Mr. LOTT. Wouldn’t that be in order under the earlier agreement? I think what would be covered by the underlying unanimous consent agreement because other than what is specified here.

Mr. DASCHLE. As long as we make it clear it includes amendments in the second degree.

Mr. DODD. The Democratic leader said it well. Any technical amendments would have to be amendments agreed to by both managers. So that the idea of something coming up late—I make it plural because the staff is apt to encounter more than one. Any technical amendments would have to have the concurrence of both managers.

Mr. LOTT. I can understand how the managers might want to obviously have their say. But also we want to have a chance to review it. I also see how maybe the Senator from Arizona would want to be included in reviewing that.

But, again, there is no intent on anybody’s part to snicker anybody. I think the way I worded it, where both managers have to agree to it, takes care of the problem. I can understand how the managers would prefer not being dragged around by our very capable staff for 2 or 3 hours on Monday, arguing over a technical amendment. However, I think this does give us a way to correct legitimate problems.

I say to Senator McCONNELL, do you want to comment on this?

Mr. McCONNELL. Is the leader then confirming no technical amendments could be offered after tomorrow without the consent of both managers?

Mr. LOTT. Absolutely.

Mr. NICKLES. Will the leader yield further?

Mr. LOTT. Certainly, I yield to Senator NICKLES.

Mr. NICKLES. One of the remaining issues is—some people would call it technical, but I think it is major, and that deals with coordination. A lot of us recognize that the underlying bill needs some improvement on coordination or else we are going to have a lot of people who are going to be crooks who want to participate in the political process. And they should have the opportunity to participate. I have been trying to get language, and I have not seen it. But that is not insignificant and not technical; that is major concern.

Mr. LOTT. I believe that would have to be one of the regular amendments, not a technical amendment.

Mr. DODD. Yes. That will be up tonight.

Mr. NICKLES. Will it be possible for us to see language tonight?

Mr. DODD. Probably not.

Mr. LOTT. Senator McCAIN, Mr. MCCAIN, I think all of us are concerned for their cooperation on this. I am confident after tomorrow, if there are technical amendments, they will only be allowed if we are in agreement.

On the issue of coordination, we are ready to consider amendments and votes on that issue.

Mr. LOTT. I say to Senator WELSTONE, did you get wet?

Mr. WELSTONE. I did.

Mr. LOTT. I mean that literally now, not figuratively, I saw you drenched.

Mr. WELSTONE. Because of you, I tried to run all the way up to Connecticut Avenue, and I got wet on the way.

I want to ask the majority leader—I am sorry: Mike Epstein, who used to work with me, is no longer here or I would have asked him this—but on technical amendments, is the definition of that there would not be an up-or-down vote automatically?

Mr. LOTT. After the vote tomorrow on the sequence of amendments, there would not be a vote on the technical amendment. It would have to be agreed to. So it would be handled in that way.

Mr. WELSTONE. Is that implicit?

Mr. LOTT. That is implicit. Also, it would certainly be the proper way to proceed.

Are we ready to get this consent?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Sergeant-at-Arms, please bring the amendment to the desk on behalf of Senator KERRY, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. DODD. Yes, we would provide that.

Mr. WELSTONE. Is that implicit?

Mr. LOTT. That is implicit. Also, it would certainly be the proper way to proceed.

Are we ready to get this consent?

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Yes, we have an amendment.

Mr. MCCAIN. I thank both leaders for their cooperation. I urge those of you who have amendments, stay and do them tonight, because the 2 hours tomorrow will go very fast. And if you are ready, I hope you will be prepared to offer your amendment tonight.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, we have an amendment.

AMENDMENT NO. 160

Mr. President, I send an amendment to the desk on behalf of Senator KERRY, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut (Mr. DODD), for Mr. KERRY, proposes an amendment numbered 160.

Mr. DODD. I ask unanimous consent reading of the amendment be dispensed with.
The PRESIDING OFFICER. Mr. MCCONNELL. Mr. President, the amendment is as follows:

(Purpose: To provide a study of the effects of State laws that provide public financing of election campaigns.)

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

SEC. 305. STUDY AND REPORT ON CLEAN MONEY CLEAN ELECTIONS LAWS.

(a) CLEAN MONEY CLEAN ELECTIONS DEFINED.—In this section, the term "clean money clean elections" means funds received under State laws that provide in whole or in part for the public financing of election campaigns.

(b) STUDY.—

(i) General.—The Comptroller General of the United States shall conduct a study of the clean money clean elections of Arizona and Maine.

(ii) Matters studied.—

(A) Statistics on clean money clean elections candidates.—The Comptroller General of the United States shall determine—

(I) the number of candidates who have chosen to run for public office with clean money clean elections including—

(a) the office for which they were candidates;

(II) whether the candidate was an incumbent or a challenger; and

(III) whether the candidate was successful in the candidate's bid for public office; and

(B) Effects of clean money clean elections.—The Comptroller General of the United States shall describe the effects of public financing under the clean money clean elections laws on the 2000 elections in Arizona and Maine.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress detailing the results of the study conducted under subsection (b).

Mr. DODD. Mr. President, this is an amendment that has been agreed to by both sides. It is one of these amendments we can move out of the way very quickly. I gather the majority has seen it and approves as well.

Mr. MCCONNELL. We have no objection to it.

Mr. DODD. Mr. President, I urge adoption of the amendment.

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

The amendment (No. 160) 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.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, the next amendment will be by Senator LEVIN and Senator ENSIGN.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I send an amendment to the Desk and ask for its immediate consideration on behalf of myself and Senators ENSIGN, CLINTON, DORGAN, and BEN NELSON.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

This bill that is before us is about limits. We have set limits on contributions by individuals, by PACs, by national parties to State parties. It is all about trying to restore some limits to a law that has really been completely subverted in terms of contribution limits by the so-called soft money loophole.

I think it is perfectly appropriate that the bill set limits. The bill has also put some restrictions which are excessive on the use of non-Federal dollars by State parties to voter registration and get out the vote.

I think in our efforts over the last couple weeks we have really done the right thing in establishing the limits that we have. We have focused on trying to restore something which was always intended, which is contribution limits, but we have also, in our review, done some fine tuning. We have done some adjustments.

This amendment provides some fine tuning on an area where State parties are using non-Federal dollars, dollars allowed by State law, for some of the most core activities that State parties are involved in; that is, voter registration and get out the vote.

I think it is important that we restrict State parties when it comes to using non-Federal dollars for things such as salaries and rent and utilities, nor should it. But it does prohibit altogether—unless this amendment is adopted—the State parties using non-Federal dollars. These are dollars not raised through any effort on the part of Federal officeholders, Federal candidates, or national parties. These are non-Federal dollars allowed by State law.

The bill, as it is currently written, would prohibit the use of any of those dollars for those core activities of State parties that we all know and call by get out the vote, registration activities, and voter identification.

I believe that our co-sponsors believe that the bill has gone far, that we ought to allow State parties using non-Federal dollars, under very clear limits, where there is not an identification of a Federal candidate, where there is a limit as to how much of those contributions they can use, and where the contributions are allowed by State law—that we ought to allow, with the proper Federal match, determined by the Federal Election Commission, State parties to use those non-Federal dollars for some of the most core activities in which State parties are involved.

There is nothing much more basic to State parties than identifying voters who agree with their causes and to try to get those votes of non-Federal dollars.

That is about as core an effort as you can get. Yet unless we make this modification in the bill, we would tell State parties they can’t use the non-Federal dollars in any year where there is a Federal election, which is every other year, for those core activities.

This amendment, I believe, now has the support of the managers of the bill.
They will speak for themselves, of course. But we have worked very hard to make sure there are still some limits. We are not eliminating the limits on this spending, nor should we. Because if it is unlimited, then we have a huge loophole again where State parties have been the funnel for the Federal campaign money to be poured into. So we keep reasonable restrictions, but what we do is, we pull back from the total elimination of the use of these non-Federal dollars by State parties for their fundamental basic activity.

Mr. DORGAN. Will the Senator from Michigan yield for a question?

Mr. LEVIN. I am happy to yield.

Mr. DORGAN. I am pleased to support this with Senator LEVIN, Senator CLINTON, and others.

I ask the Senator from Michigan, isn’t it the case that, as currently written, a Governor and a mayor could not use non-Federal money to conduct their own activities for get out the vote, for example, in an election in which there might have been a Federal candidate, and would that not be the case?

Mr. LEVIN. The Senator is correct.

Mr. DORGAN. Secondly, there are roughly 160 democracies in the world. I wonder if the Senator knows—I didn’t know until a few minutes ago—where we rank in the democracies around the world in voter participation. Before asking what we have or knows the right answer, I will say we rank 139th among the democracies in the world in voter participation. It seems to me we ought to encourage in every conceivable way activities that get out the vote, that encourage voter participation. Is it not the case, that is exactly what this amendment does?

Mr. LEVIN. This amendment is aimed at restoring the appropriate use by parties of non-Federal funds which are obtained by those parties in compliance with their own State laws in those very activities which the Senator has identified. These are the fundamental activities in a democracy. We want State parties to be involved in those activities, as the Senator pointed out. We don’t want that to become a loophole, however, for unlimited Federal dollars. That is why this amendment is crafted the way it is.

Mr. DORGAN. Finally, if the Senator from Michigan will yield one additional time, let me say the proposal of the Senator from Michigan is a modest one. We could have done more, perhaps should have done more. This represents a compromise, a modest compromise, however. It does the right thing. We don’t want to pass campaign finance reform and then produce impediments to those very activities that would encourage voter participation. That would be a step in the wrong direction.

I, again, say how pleased I am at the effort tonight and the sponsorship by Senator LEVIN. I am very proud to be a cosponsor. I am pleased this is going to be accepted.

Mr. LEVIN. I thank Senator DORGAN for his cosponsorship, all of our cosponsors. I acknowledge the principal cosponsorship of the Senator from Nevada. I wasn’t going to yield the floor to him, but I was going to acknowledge him as my principal cosponsor. I am happy to yield to the Senator from Connecticut.

Mr. DODD. Let me say to Senator LEVIN and Senator ENSSIGN and others, I want to be considered a cosponsor as well, Mr. President. I appreciate the efforts behind the scenes, as is so often true with Senator REID, making things happen in the Senate which otherwise simply would not happen, but doing it in a very self-effacing way, a very critically important way. I thank him as we ask unanimous consent that he be added as a co-sponsor, and Senator CORZINE as well.

I yield the floor.

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

The PRESIDING OFFICER. The Senator from Michigan?

Mr. ENSSIGN. Mr. President, I first thank the Senator from Michigan for the work we have done together. He started this work and I joined him in it some time ago. We had a few differences on the amendment, but we were able to work those out. I thank the managers of the bill for also working with us to make sure we would be able to include this amendment in the bill. It is a very important amendment.

We look at our turnout of voters today and see a continual decline each and every year. The people who have brought the underlying bill to the floor are doing it partially because of that decreasing turnout. People out there in America are increasingly turned off from elections because of negative ads. A lot of those negative ads have been funded by some of the independent expenditures as well as some of the soft money that has been run through the parties.

What this bill, I don’t think, intended to do, however, was to limit the activities of actually getting people to the polls, of first signing people up to vote and then encouraging them to go to the polls.

When I was running against Senator HARRY REID back in 1998, the labor unions put about 300 people on the ground to get out the vote for Senator REID. It was perfectly within their right to do that. This bill would have limited, though, State parties from doing similar activities. We want to encourage more people to go to the polls, not discourage people from going to the polls. Let’s face it, if more people are not interested in our government, if they are not participating in this form of government we call a Republic, then our Republic will be doomed. We have to encourage people to go to the polls, and part of that is through the State parties.

I thank the Senator from Michigan for working together on this amendment. It is a very important amendment. I also thank Senator MCCONNELL for allowing us to bring this amendment up.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I think it is a good amendment. We should move to final passage, unless there are others who want to speak on it.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I add my words of support and thank Senator LEVIN and the other cosponsors who have worked hard on this. It is critically important way. I thank the Senator from Michigan for the work we have done together. We have worked hard on this, this bill.

I wish to reiterate the point that, while we are working so hard to reform our campaign finance system, we cannot undermine our ability to reform the way elections are conducted. For all of the reasons Senator LEVIN and Senator ENSSIGN and others have pointed out, registering voters, getting voters out to the polls is a critical role of parties. From my perspective, we need to be doing even more to try to promote what parties used to do, which was a kind of grassroots outreach activity.

In reforming the way campaigns are financed, we must not hurt out ability to reform the way elections are conducted. This amendment would ensure that State, district or local committees of a political party would be able to continue to provide vital services to our citizenry during Federal elections, from voter registration activities to assisting individuals in getting out to vote on election day.

The 2000 election taught us many things. One of the most important was the significance of having an informed electorate. Too many citizens in the last election were provided with too little information about who and how to vote. Too many citizens experienced unwarranted obstacles to registration and voting. As a result, fewer votes were counted, and in the next election fewer people may turn out to vote.

The solution to these problems cannot come from the Government alone. America’s political parties must play an important role in helping people register to vote, helping them learn...
more about the voting process and helping them turn out at the polls on election day. It is vital to the health of our democratic process. Leading up to an election, both parties provide voters with information on how and where to register to vote. On Election Day, both parties encourage eligible voters to the polls, provide answers to questions about where and how to vote, and give voters information about where the candidates stand on issues.

In the State of New York over the past 2 years, the State Democratic Party has conducted an intensive voter education drive in predominantly African-American and Latino communities, often our most disenfranchised citizens. This education drive resulted in a surge in voter registration and voter activity in both of these communities throughout the state. Republican parties around the country are also active in voter registration and get out the vote efforts. This type of activity should continue to be supported by our State parties for all elections so that all of our citizens fully participate in our democracy.

Some will claim that this amendment will bring soft money back into federal campaigns. Let me be very clear, this amendment does not bring soft money back into campaigns. Rather, it allows State and local parties to use money that is regulated by States and is capped at $10,000 for single contributions to support get out the vote services. That represents an improvement over the status quo, because under current law there is no national cap on such contributions at the local and State level.

I ask my colleagues to rise in support of an amendment that will ensure that our political parties can continue to use State regulated funds to provide voter education, registration and get out the vote services that we know work because helping voters register to vote, helping them to learn how and where to vote, and helping them get out to vote are American values we should encourage, not inhibit.

It is imperative this amendment pass so we are able to make a very clear distinction between the kind of roles and activities that should be conducted by parties and that we look forward to a time when we are going to be able to take up electoral reform with the same intensity that we have taken up campaign finance reform, which will give us a chance to go into more detail as to what our parties could and should be doing in order to promote democracy.

I thank our colleagues from North Dakota for pointing out where we stand when it comes to voter participation. I hope all of our colleagues will support the amendment.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. DODD.yield back, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 161.

The amendment (No. 161) was agreed to.

Mr. LEVIN. 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.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 162

Mr. DURBIN. Mr. President, I send an amendment to the desk on behalf of myself and Senator COCHRAN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Mr. COCHRAN, proposes an amendment to the bill, S. 3126, consisting of a provision that—

(a) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

(b) is accompanied by a clearly identifiable photographic or similar image of the candidate.

SEC. 7. SEVERABILITY.

If this amendment or the application of this 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 amendments to any person or circumstance, shall not be affected by the holding.

Mr. DURBIN. I have given a copy of the amendment to Senator MCCONNELL and he will make copies available for my other Members who would like to read it. The amendment is very straightforward. If I can have just a moment or two, I will describe it for those who are interested.

It is an amendment relating to disclaimers on television and radio ads, as well as in print media. It requires that those electioneering communications—the so-called Snowe-Jeffords ads—that they abide by the same requirements for disclaimer and disclosure as ads for candidates themselves and ads authorized by candidates, and independent express advocacy ads. It requires, when it comes to these ads, that they also show on the screen, for example, not only the name of the organization that is sponsoring the ad, paying for the ad, but also either an address, phone number, or Internet Web site.

I can give a very inspired speech as to why this is necessary. But I think the concept is very basic. It is that we do not want to restrict freedom of expression, nor in fact do we restrict freedom of speech. If somebody wants to put an ad on that is categorically false, whether it is about a candidate, a party, or any other group, I guess there is an American right to that. But we do, I hope, insist on accountability. At least identify who you are. If you are going to be part of our political process, who are we who are funding you? That is exactly all this does in terms of disclaimer. Whether it is a candidate, whether an ad authorized by a candidate, or so-called electioneering communication, that is what will happen.

It applies to printed communications as well.

For those keeping track, this was part of McCain-Feingold in both the
The amendment is as follows:

(Purpose: To amend the Federal Election Campaign Act of 1971 to enhance criminal penalties for election law violations and for other purposes)

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

SEC. __. INCREASE IN PENALTIES. (a) IN GENERAL.—Subparagraph (A) of section 308(d)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 457g(d)(1)(A)) is amended to read as follows:

"(A) Any person who knowingly and willfully commits a violation of any provision of this Act which, in the making, receiving, or reporting of any contribution, donation, or expenditure—

"(i) aggregating $25,000 or more during a calendar year shall be fined under such title, or imprisoned for not more than 5 years, or both; or

"(ii) aggregating $2,000 or more (but less than $25,000) during a calendar year shall be fined under such title, or imprisoned for not more than one year, or both.

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

SEC. __. STATUTE OF LIMITATIONS. (a) IN GENERAL.—Section 806(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 3606) is amended by striking "3" and inserting "5".

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

SEC. __. SENTENCING GUIDELINES. (a) IN GENERAL.—The United States Sentencing Commission shall—

(1) promulgate a guideline, or amend an existing guideline under section 994 of title 28, United States Code, or paragraph (2), for penalties for violations of the Federal Election Campaign Act of 1971 and related election laws; and

(2) submit to Congress an explanation of any guidelines promulgated under paragraph (1) and any legislative or administrative recommendations regarding enforcement of the Federal Election Campaign Act of 1971 and related election laws.

(b) CONSIDERATIONS.—The Commission shall provide guidelines under subsection (a) taking into account the following considerations:

(1) Ensure that the sentencing guidelines and policy statements reflect the serious nature of these violations and the need for aggressive and appropriate law enforcement action to prevent such violations.

(2) Provide a sentencing enhancement for any person convicted of such violation if such violation involves—

(A) a contribution, donation, or expenditure from a foreign source;

(B) a large aggregate of illegal contributions, donations, or expenditures;

(D) the receipt or disbursement of governmental funds; and

(E) an intent to achieve a benefit from the Government.

(3) Provide a sentencing enhancement for any violation that (A) if (1) the offender committed the existing federal offense “knowingly and willfully” and (2) the offense involved more than $25,000. Second, criminal violations of FECA are the only federal crimes outside of the Internal Revenue Code that have a three year statute of limitations. Our amendment conforms FECA’s statute of limitations to those of virtually all other federal crimes.
Third, the Federal Sentencing Guidelines, which govern federal judges' sentencing decisions, do not currently have a guideline specifically directed at campaign finance violations. As a result, judges must use guidelines for other offenses, preventing them from considering factors which should enhance the punishment for FECA violations such as the size of a contribution or its origin. Our amendment would require the Sentencing Commission to promulgate a guideline specifically for violations of FECA. In particular, the enhancement of sentences if the violation involves (i) a contribution, donation or expenditure from a foreign source; (ii) a large number of illegal transactions; (iii) a large aggregate amount of illegal contributions, donations or expenditures; (iv) the receipt or disbursement of government funds; or (v) an intent to achieve a benefit from the government.

The changes made in this amendment will provide conscientious prosecutors with the tools they need to investigate and prosecute those who violate our campaign finance laws and attack the integrity of our electoral process. For that reason, I urge my colleagues to support this amendment.

Mr. LIEBERMAN. Mr. President, I am pleased to join my colleague from Tennessee in offering this amendment, and I am delighted to be joined by Senators LEAHY, COLLINS and JEFFORDS as cosponsors. The Congress and I spent the better part of a year working on the Governmental Affairs Committee's investigation into fundraising improprieties in the 1996 federal election campaigns. That investigation sparked a lot of discussion about whether many things that happened in 1996 were illegal or just wrong—things like big soft money donations, attack ads run by tax-exempt organizations, fundraising in federal buildings, and the like.

But one thing I never heard argument about is whether it was illegal to knowingly infuse foreign money into a political campaign or to use unwitting straw donors to hide the true source of money that was going to candidates or parties. I, for one, had no doubt that the people who did those things in 1996 would be prosecuted and appropriately punished.

Unfortunately, Mr. President, many of these people were prosecuted, but I have grave doubts about whether they were appropriately punished. I know that there are many who blame the Justice Department for this, but when I first looked into it a couple of years ago, I was frankly surprised by what I learned—and that is that prosecutors just don't have the tools they need to effectively investigate, prosecute and punish people who egregiously violate our campaign finance laws. I think Charles LaBella, the former head of the Justice Department's Campaign Finance Task Force, put it best in a memo he wrote assessing the Department's campaign finance investigation.

According to press reports, LaBella wrote that “The fact is that the so-called enforcement system is nothing more than a bad joke.” Unfortunately, it's a bad joke that has real consequences for the integrity of our campaign finance laws and democracy.

Let me give you one example. Many people are understandably upset that Charlie Trie and John Huang didn't go to jail for what they did in '96. But the Federal Election Campaign Act, or FECA, doesn't authorize felony prosecution. No matter how many members of Congress or members of straw donors to hide their identity or make contributions they aren't allowed to make the people everyone says should be going to jail.

Our amendment contains one other provision—one extending FECA's statute of limitations from three to five years. As of now, FECA has the only statute of limitations outside the Internal Revenue Code of less than five years. We need to change that so that prosecutors have the tools necessary to deter and to punish those who would violate our election laws.

Mr. President, this amendment is about something that we all should be able to agree upon, which is that actions that are already criminal and that all agree are wrong should be punished. None of our amendment's provisions should be controversial, and I hope that we can see them enacted into law, so that we can go into the next election cycle with confidence that those who violate our campaign finance laws will be properly punished. None of these prosecutions are felony prosecutions only if, first, the defendant knowingly and willfully violated the law, and second, if the offense involved at least $25,000. So, it would not punish the donor who inadvertently goes over his contribution limits, nor would it go after the Party Committee's work when making a keep-up mistake. Instead, our amendment aims at the opportunistic hustlers who come up with broad conspiracies to violate the election laws usually for personal gain by funneling foreign money into our campaigns or using numbers of straw donors to hide their identity or make contributions they aren't allowed to make the people everyone says should be going to jail.

Our amendment would allow felony prosecutions only if, first, the defendant knowingly and willfully violated the law, and second, if the offense involved at least $25,000. So, it would not punish the donor who inadvertently goes over his contribution limits, nor would it go after the Party Committee's work when making a keep-up mistake. Instead, our amendment aims at the opportunistic hustlers who come up with broad conspiracies to violate the election laws usually for personal gain by funneling foreign money into our campaigns or using numbers of straw donors to hide their identity or make contributions they aren't allowed to make the people everyone says should be going to jail.

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The PRESIDING OFFICER. The clerk will report. The bill clerk read as follows:

The Senator from Rhode Island [Mr. Reed] proposes an amendment numbered 164.

Mr. REED. 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 reads as follows:

(Purpose: To make amendments regarding the enforcement authority and procedures of the Federal Election Commission)

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

SEC. 3. USE OF CANDIDATES’ NAMES.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(e)) is amended by striking paragraph (4) and inserting the following:

"(4) 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, 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. 4. EXPEDITED PROCEDURES.

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

"(4) expedited procedures.—

(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, immediately dismiss the complaint.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 314 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c) is amended—

(1) by inserting “a” before “be”; and

(2) in the second sentence—

(A) by striking “and” after “1978,”; and

(B) by striking the period at the end and inserting “flowing,”; 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. 6. 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.”.

Mr. REED. Mr. President, I commend Senator McCain and Senator Feingold for their extraordinary efforts over the last several weeks, together with all of our colleagues, in trying to create a system of campaign finance reform that will be truly reflective of elections in the United States—elections that are not as much about money flowing in from everywhere.

Their efforts will be for naught if we don’t have the adequate enforcement of the laws that we are adopting today and on succeeding days.

My amendment would specifically strengthen the Federal Election Commission, which is the organization that is charged with enforcing all the laws that we have been discussing for the last 2 weeks. Observers have called the FEC “beleaguered,” a “toothless watchdog,” a “dithering nanny,” and a “lapdog,” indicating that the state of the FEC is rather moribund because they don’t have the resources necessary or some of the tools necessary to do the job of effectively enforcing our campaign finance laws.

All of this effort over these several weeks and several years will amount to very little if we don’t give the FEC the resources and tools to effectively enforce our campaign finance laws. If we are serious about reform, we need to be serious about giving the FEC these resources.

My amendment is based upon recommendations made by the FEC Commissioners over many years with respect to improving the performance of the FEC. As we all know, the FEC is composed of six Commissioners—three Republicans and three Democrats. These recommendations represent a bipartisan response to the observed inadequacies of the Federal Election Commission. First and foremost, my amendment would authorize the Federal Election Commission, which hasn’t been technically reauthorized since 1980. It would also increase the authorized appropriations for this Commission. Over the past 2 weeks, we have talked about forbidding and tripling money going to candidates. Again, if we are serious about campaign finance reform, we should also talk about increasing the budget of the FEC. Senator Thune mentioned yesterday that the average amount spent by a winning Senate campaign went from approximately $1.2 million in 1980, to $7.2 million in the year 2000.
According to the FEC, total campaign spending has increased 1,000 percent since 1976. Total campaign finance disbursement activity was $300 million in 1976 and exploded to $3.5 billion in the year 2000 election cycle. But the agency responsible for administering these campaign finance laws, the Federal Election Commission, has seen very little increase in their operating budget over these many years. We have had an explosion of activity, we have had an explosion of contributions, but nothing to keep the FEC in league or in sync with this explosion of campaign spending.

Despite all the increased activity, the FEC staff is virtually the same as it was almost 20 years ago. In 1980, the FEC had 270 full-time equivalent staff. In 1998, the level was about 303, a very small increase, and at the same time there has been an explosion of donations, an explosion of reports, and increased in activity.

It is obvious with all of these activities, with all of these transactions that were reported that the FEC needs to do more and needs more resources to do the job it has been commissioned to do. The FEC is expected to review these finances reports. They are expected to enforce the laws, and unless we give them the resources to do that, we are going to be in a very sorry state and, indeed, we are in a very sorry state today. Because of the onslaught of cases coming to the FCC, it has to prioritize its enforcement work.

It turns out they give certain cases priority status. That means when there is an available attorney, they will put that attorney on the case, but there are so many cases that they eventually become stale. In fact, the FEC had to dismiss about half of its enforcement caseload in fiscal year 1998 and in fiscal year 1999 due to lack of resources. Due to the limited resources they have, they simply cannot keep up with the work. If we are serious about reform, we should be serious about giving the FEC the resources to do it.

Let me move forward and suggest other aspects of the legislation which is before us today in my amendment. In addition to increasing the resources to meet this obvious need, the amendment would also authorize the Commission to conduct random audits in order to ensure voluntary compliance with the campaign act.

It is based upon the same premise we use with the Internal Revenue Service. The idea that somebody would show up unannounced and conduct an audit. The only other agency I know that conducts random audits is the IRS, and even they are scaling back.

Practically speaking, an audit by the FEC takes years, costs tens, even hundreds of thousands of dollars in lawyers and accountants. For instance, the audit of the 1996 Republican Convention concluded just months before the 2000 convention.

To carry out this provision, the FEC will have to double or even triple its audit staff. This is wrong for the FEC to review the record before commencing an audit, which will be driven by a partisan committee. The amendment would expedite procedures used by the FEC to enforce violations or investigate violations of the Federal Election Campaign Act.

The random audit races issues can be well over the last number of years. The random audit races issues have been an issue for the FEC. The catalyst was a large number of audits that were consumed consuming enormous amounts of time and money and done in a manner which was viewed as unfair.

This provision may present the same problem. I say to my friend from Rhode Island, we are going to need to look at it overnight. My inclination is to oppose it, in which case we will need a rollcall vote. At least we can look at it overnight.

It is unclear who authorizes the audits, the six appointed members of the Commission or the general counsel appointed by those members? The period commencing these random audits is extended from 6 months to 12 months. The amendment also includes a provision that would restrict the misuse of a candidate’s name. It would require that a candidate’s committee include the name of the candidate, but it also would prohibit the use of that candidate’s name by an unauthorized committee or any other committee except the party committee.

This would, I hope, correct a situation in which committees or organizations unrelated to the candidate use the name of the candidate and misuse the name of the candidate. Also, the amendment would expedite procedures used by the FEC to enforce violations or investigate violations of the Federal Election Campaign Act.

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those who would like to become a policing action, without any rationale for doing it, other than for the sake of doing it.

I would like to sleep on this and take a look at it and see if we can maybe get some sense of how to accept it. We may make some modification; rather than dealing with it this evening, see if the staff can work on it, the majority and the minority, to see if we can come up with a proposal to be accepted before 11 o’clock and we should be able to have it up for consideration between 9 o’clock and 11 o’clock in the morning. If the Senator would agree, that would help.

Mr. REED. I have no opposition to working in a purposeful manner.

I reassure the Senator of concerns expressed. First, the random audit would have to be approved by the majority of commissioners. This is not something that would be inherently abusive, since it requires four commissioners, at least one of whom has to be from the opposing party.

In addition, the audits would be subject to strict confidentiality rules and only when the audits are completed would they be published and not try to insinuate an audit into the newspapers for political campaign purposes.

I do believe this is a good way to reach compliance, and it is something that has been suggested by those people who look closely at the Federal Election Commission.

With respect to the lengthening of the time period for audit, the length is increased from 6 months to 12 months for this purpose. I think that is a reasonable amendment to the current practice. I hope it is accepted.

As the Senator from Connecticut and the Senator from Kentucky suggest, I have no opposition to thinking on this overnight and coming back.

Mr. DODD. I thank my colleague.

I have an amendment I may offer tomorrow, but we will have the staff look at it. It is an audit for cause of what I think is reasonable and needed for auditor.

Mr. DODD. I thank my colleague.

I would like to read an excerpt from the cogent analysis of S. 27 that was prepared by James Bopp, Jr., General Counsel of the James Madison Center for Free Speech, entitled “Analysis of S. 27, ‘McCain-Feingold 2001.’” In this analysis, Mr. Bopp thoroughly demonstrates how this bill violates the free speech and associational rights of individuals, political parties, labor unions, corporations, and “issue advocacy” groups.

Mr. Bopp begins his analysis by noting whom S. 27 will hurt—the “little guy”—as he puts it—and whom it will help, chiefly the wealthy and the news corporations.

McCain-Feingold 2001 is a broad-based and pernicious attack on the rights of average citizens to participate in the democratic process, thereby enhancing the power of already powerful wealthy individuals, candidates, and large news corporations—the archetypal story of big guys enhancing their power to dominate the little guy.

McCain-Feingold 2001 is a major assault on the average citizen’s ability to participate in the political process because it targets and imposes severe restrictions on two key citizen groups, which serve as the only effective vehicles through which average citizens may participate in the political process effectively: issue advocacy groups and political parties. However, McCain-Feingold 2001 leaves wealthy individuals and candidates and corporations unscathed, thereby enhancing their relative power in the marketplace of ideas.

Both issue advocacy groups and political parties are private organizations that provide a vehicle for average citizens to effectively participate in the political process by pooling their resources to enhance their individual voices, organizations participate broadly in our democratic process by advocating issues of public concern, lobbying for legislation, and directly promoting the election of candidates.

Issue advocacy groups and political parties enhance individual efforts by association. One individual cannot accomplish little alone in the public arena, but thousands of average citizens who pool their resources with like-minded individuals can accomplish great things by working together. The right to associate, therefore, is so fundamental to our democratic Republic and the ability of average citizens to affect public policy that the United States Supreme Court has recognized it as a fundamental right with powerful constitutional protection.

Furthermore, political parties are not just about electing candidates, particularly federal ones. Political parties constitute a vital way by which citizens come together around issues and values expressed in the platform of their party platforms—at all levels of government. Parties advocate these issues in the public forum in addition to lobbying for legislation and working to elect candidates. Parties are just as focused on the promotion of issues as are ideological corporations, such as the National Right to Life Committee or The Christian Coalition of America, and labor unions, such as the American Federation of Labor and Congress of Industrial Organizations, although with a broader spectrum of issues. McCain-Feingold 2001 ignores this reality and treats political parties as simply federal candidate election machines.

McCain-Feingold 2001 attacks the abilities of ordinary citizens to participate in the political process in two ways: (1) by focusing on restrictive paranoia about corporations, labor unions, and political parties—three organizations vital to the ability of average citizens to pool their resources to make their opinions heard, it would be by imposing sweeping restrictions that reach broadly beyond direct participation in elections to restrict issue advocacy (limiting discussion of issues of public concern, the views of candidates on issues, and grassroots lobbying for favored legislation).

If McCain-Feingold 2001 succeeds, the influence of political parties on campaigns and elections will be drastically reduced because association with like-minded individuals is essential to effective participation in the political process. For the first time in American history, a law would make it illegal for average citizens to pool their resources to have an effect in the political sphere of issue advocacy,
lobbying, and electoral activity. The wealthy and powerful have no such need. So ordinary people band together in ideological corporations, labor unions, and political parties to amplify their voices. This right to organize is a bedrock principle of our democratic Republic, powerfully protected by the U.S. Constitution. McCain-Feingold 2001, however, would not preserve, along with the foundational constitutional right to free speech.

It should be noted at the outset of this analysis that political speech and associations are at the heart of the First Amendment protections. As the United States Supreme Court has declared, “the constitutional right to associate is the quintessential right, the bedrock of free speech protection.”

McCain-Feingold 2001 restricts the issue advocacy of ideological, nonprofit corporations and labor unions by first defining ‘electioneering communication’ to include issue advocacy, i.e., “any broadcast, cable, or satellite communication to members of the electorate” that “refer[s] to a clearly identified candidate” within 60 days before a general election or 30 days before a primary, and then adding to the list of prohibited activities by corporations and labor unions.

The broad definition of ‘electioneering communication’ plainly sweeps in and prohibits a wide variety of issue advocacy communications traditionally engaged in by such organizations. Congress is often in session within 60 days before a general election and 30 days before a primary. As a result, grassroots lobbying regarding a bill to be voted on during this 60 period would be prohibited if the broadcast communication nominated a candidate by referring to the bill in question (‘the McCain-Feingold bill’) by asking a constituent to lobby their Congressman or Senator.

With corporations and labor unions prohibited from making such communications, McCain-Feingold 2001 then requires that those who may still do so, individuals and PACs, that spend over $200 and to whom it was made, the candidate (s) to be identified, and the identity of all contributors aggregating $1,000 or more during the year prior to the expenditure occurs when a contract is made to disburse the funds, which might be months in advance—allowing ample time for incumbent politicians to inform the general public being informed of their voting record or positions on issues, to attempt to discourage the broadcast medium, or to intimidate the person or PAC paying for the ad, from actually running the ad.

In sum, the issue advocacy communications of nonprofit corporations and labor unions are treated like PACs, issue advocacy communications and organizations doing such issue advocacy are treated like PACs. However, as seen next, there is no constitutional warrant to restrict issue advocacy or the organizations that primarily engage in it. Period.

To protect First Amendment freedom, the Supreme Court has set a bright line between permitted and prohibited regulation of political speech. Government may only regulate a communication that ‘expressly advocates the election or defeat of a clearly identified candidate’ (‘express advocacy’), by ‘explicit words’ or ‘in express terms,’ such as ‘vote for,’ ‘support,’ or ‘defeat.’ Election-related speech in which candidates’ views on issues is known by the legal term of art ‘issue advocacy.’ Although issue advocacy undoubtedly influences elections, it is also protected even if done by corporations, labor unions, or political parties.

Mr. President, Mr. Bopp next explains how S. 27 unconstitutionally prohibits and restricts the abilities of outside groups to exercise their rights to freedom of speech and of association. He first discusses how the bill’s “electioneering communication” standard sweeps in issue speech and then shows how that standard violates Supreme Court precedents.

Although the First Amendment says that ‘Congress shall make no law . . . abridging the freedom of speech,’ the ‘reformers,’ and the incumbent politicians that their efforts are meant to protect ‘voter fraud’ as an answer. But the federal courts have consistently enforced the First Amendment against all attempts to regulate issue advocacy.

The Supreme Court has recognized that the freedom of speech is both an inherent liberty and a necessary instrument for limited government. The Court observed that ‘[i]n a republic where the people[, not their legislators,] are sovereign, the ability of the citizenry to make informed choices among candidates is essential, for the identities of those elected will inevitably shape the course that we follow as a nation.’ As a result, ‘it can hardly be doubted that the constitutional guarantee of the freedom of speech has its fullest and most urgent application precisely to the conduct of campaigns for political office.’

Free expression in connection with elections is no second-class citizen, rather political expression is ‘at the core of our electoral process and of the First Amendment freedoms.’ Thus, ‘there is practically universal agreement that a major purpose of [the First] Amendment was to protect the free discussion of governmental affairs . . . of course including discussions of candidates.’

Furthermore, the fundamental right of association was well articulated by the United States Supreme Court. In the seminal case of NAACP v. Alabama, when the Court reviewed a suit against the National Association for the Advancement of Colored People brought by the State of Alabama seeking disclosure of all its members.

The unanimous U.S. Supreme Court strongly affirmed the constitutional protection for the freedom of association. ‘Effective advocacy of both public and private points of view, particularly controversial ones, is undeniable enhanced by group association’ and it, therefore, protected the identity of its members. The Court noted that ‘[t]he right of assembly and ideas is an inseparable aspect of the “liberty’ assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech. Of course, it is immaterial whether the beliefs sought to be advanced by association pertain to political, economic, religious or cultural matters, and state and federal courts have the power to curtail the freedom to associate subject to the closest scrutiny.’

Thus, the Court held that ‘[i]nviolability of privacy of association may in some circumstances be indispensable to preservation of freedom of association, particularly where a group espouses dissident beliefs, and it, therefore, protected the identity of members of the NAACP form disclosure.

In Buckley v. Valeo, the Supreme Court reaffirmed the constitutional protection for association for the advancement of beliefs and ideas is an inseparable aspect of the ‘liberty’ assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech. Of course, it is immaterial whether the beliefs sought to be advanced by association pertain to political, economic, religious or cultural matters, and state and federal courts have the power to curtail the freedom to associate subject to the closest scrutiny.’

In sum, the issue advocacy communications of nonprofit corporations and labor unions are treated like PACs, issue advocacy communications and organizations doing such issue advocacy are treated like PACs. However, as seen next, there is no constitutional warrant to restrict issue advocacy or the organizations that primarily engage in it. Period.

To protect First Amendment freedom, the Supreme Court has set a bright line between permitted and prohibited regulation of political speech. Government may only regulate a communication that ‘expressly advocates the election or defeat of a clearly identified candidate’ (‘express advocacy’), by ‘explicit words’ or ‘in express terms,’ such as ‘vote for,’ ‘support,’ or ‘defeat.’ Election-related speech in which candidates’ views on issues is known by the legal term of art ‘issue advocacy.’ Although issue advocacy undoubtedly influences elections, it is also protected even if done by corporations, labor unions, or political parties.

The seminal case is the 1976 decision of Buckley v. Valeo, where the Supreme Court was faced with constitutional questions regarding the post-Watergate FECA to the Federal Election Campaign Act (‘FECA’) — which was by far the most comprehensive attempt to regulate election-related communications by candidates, especially incumbents, are intimately tied to public issues involving legislative proposals and governmental actions. Not only do candidates campaign on the basis of their positions on various public issues, they themselves generate issues of public interest.

The distinction between discussion of issues and candidates and advocacy of the election or defeat of candidates may often dissolve in practical application. Candidates, especially incumbents, are intimately tied to public issues involving legislative proposals and governmental actions. Not only do candidates campaign on the basis of their positions on various public issues, they themselves generate issues of public interest.

Thus, the Court was faced with a dilemma when it came to allow regulated advocacy because it might influence an election or to protect issue advocacy because it is vital to the conduct of our representative democracy, even though it would influence elections.

The Court resolved this dilemma decisively in favor of protection of issue advocacy. For example, the Court recognized that ‘a major purpose of [the First Amendment] was to protect the free discussion of governmental affairs . . . of course including discussions of candidates.’ The Court concluded that issue advocacy was constitutionally sacrosanct.

‘Discussion of public issues and debate on the qualifications of candidates are integral to the operation of the system of government established by our Constitution. The First Amendment affords the broadest protection to such political expression in order to assure [the] unfettered interchange of ideas for the bringing about of political and social changes desired by the people.’

Second, in order to provide this broad protection to issue advocacy, the Court adopted the bright-line ‘express advocacy’ test which allows limited regulation of those communications which ‘expressly advocate the election or defeat of a clearly identified
candidate,' in ‘explicit words’ or by ‘express terms.’ In so doing, the Court narrowed the reach of the FECA’s disclosure provisions to cover only ‘express advocacy’. A decade later, it broadened the express advocacy standard and applied it to the ban on corporate and labor union contributions and expenditures in connection with federal elections.

Finally, not even the interest in preventing actual or apparent corruption of candidates is undermined by compelling to justify contribution limits, was deemed adequate to regulate issue advocacy. The Court rejected this interest even though it was clear that issue advocacy could potentially be abused to obtain improper benefits from candidates.

In adopting a test that focused on the words actually spoken by the speaker, the Court expressly rejected the argument that the test should focus on the intent of the speaker or whether the effect of the message would be to influence an election:

‘[W]hether words intended and designed to fall short of invitation [to vote for or against a candidate] would miss the mark is a question by the very prospect of effect. No speaker, in such circumstances, safely could assume that anything he might say upon the general subject and had the words ‘advocative’ has an invitation. In short, the supposedly clear-cut distinction between discussion, laudation, general advocacy, and solicitation puts the speaker in the merciful of the varied understanding of his hearers and consequently of whatever inference may be drawn as to his intent and meaning.

‘Such a 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.

Some ‘reformers’ claim that the Court was not sufficiently farsighted to see that the effect that issue advocacy would eventually have in influencing elections and, if we only bring to their attention, then the Court will allow government regulation of it. However, the Court made clear that it was not so naive.

‘Public discussion of public issues which also are campaign issues readily and often unavoidable to candidates to take positions, their voting records and other official conduct. Discussions of such issues, as well as more positive efforts to influence public opinion, are essential to the denunciation and intimidation by ideological foes. The Supreme Court in Buckley held that such burdens could not be applied to issue-oriented groups, as McCain-Feingold 2001 does, because disclosure of private associations is an unconstitutional burden.”

Next, Mr. President, Mr. Bopp explains the provision of McCain-Feingold effectively prohibits persons from exercising their First Amendment right to petition the government for redress of grievances, as well as their free speech and association rights. Mr. Bopp notes that:

McCain-Feingold 2001 also prohibits corporations and labor unions for funding any ‘coordinated activity.’ ‘Coordinated activity’ is broadly defined and includes vague terms that it would ban nearly everything of any conceivable value to a candidate by converting it into a forbidden ‘contribution.’

‘Coordinated activity’ is ‘anything of value provided by a person [including corporations] in connection with a Federal candidate’s election who is or previously has been within the same election cycle acting in coordination with that candidate . . .’ Thus, there are two ways by which ‘coordinated activity’ falls under ‘anything of value’ and (2) ‘coordination.’

Mr. Bopp first discusses why ‘anything of value’ is both vague and broad, and he then explains why a ‘coordinated activity’ is also extremely sweeping:

A ‘coordinated activity’ includes ‘anything of value provided by a person in connection with a Federal candidate.’

‘Anything of value’ is breathtakingly broad and vague and any such thing is subject to being coordinated. It provides no limit or notice to organizations and it provides no limit or notice to coordinating with a candidate.

Furthermore, with respect to communication, it is not limited to express advocacy and thus clearly encompasses issue advocacy by an organization. While the courts are currently divided on whether a coordinated communication must be expressed advocacy to be subject to regulation or prohibition, no court has suggested that any and all communications are so exempt.

Under current law, coordination between a candidate and a citizen group exists only when there is actual prior communication. If there is on a wide range of public issues specific project that effectively puts the expenditure under the candidate’s control or is made based on information provided by the candidate. However, McCain-Feingold 2001 expands the coordination to include internal arrivals, mere discussion of a public message any time different between the same election cycle or a two-year period, or perhaps a four-year period, if it relates to a President, or a six-year period if it relates to a Senate.”

For example, for an incorporated ideological organization praised Sen. McCain for his work on campaign finance “reform” early in a session of Congress and worked with him on promoting such “reform” legislation, then “coordination” would be established and anything of value to Sen. McCain’s candidates would be deemed coordinated, would be a contribution to his campaign, and would be illegal because corporations cannot make contributions to candidates.

However, the very notion that American citizens should be punished for communicating, or even working, with their elected officials is on a wide range of public issues important to the official and his constituency by having any subsequent efforts to praise the candidate’s issue position or to support the candidate’s legislation in his or her consideration of a coordinated activity is repugnant to our constitutional scheme of participatory government in a democratic Republic run by an adaptable to the Congress. A session of Congress and worked with him on promoting such “reform” legislation, then “coordination” would be established and anything of value to Sen. McCain’s candidates would be deemed coordinated, would be a contribution to his campaign, and would be illegal because corporations cannot make contributions to candidates.

And coordination would also be presumed, under McCain-Feingold 2001, if the ideological organization used the same vendor of “professional services,” including “polling, media advice, fundraising, campaign research, political advice, or direct mail services (except for mailhouse services)” if the vendor had worked for a candidate and if the vendor is retained to do work related to that candidate’s election. Under this scheme, a corporation or individual who worked for a candidate could unilaterally lock an ideological corporation out of otherwise permitted issue advocacy at election time. And even if the corporation has a peak that would be prohibited from making an independent expenditure of more than $5,000.
since that expenditure would also be deemed to be a contribution.

This presumption is also fatally infringe as coordination must be proven. In Colorado Republican Federal Campaign Committee v. FEC, the FEC took the position that party expenditures were presumed to be coordinated expenditures as a matter of law. The Supreme Court resolved this issue: "An agency's simply calling an independent expenditure a 'coordinated expenditure' cannot (without more) be of a measure of constitutional rights by mere labels." The Court held that there must be "actual coordination as a matter of fact." Congress, therefore, cannot merely recite some factual scenarios wherein it might be possible, or even probable, that coordination with the candidate takes place and then presume as a matter of law that it has occurred in such instances. To do so, would allow the government to drastically curtail independent expenditures by mere labels, which cannot be constitutionally limited.

Finally, McCain-Feingold finds "coordinating" if there is any "general understanding" with the candidate about the expenditure. This general catchall way by those the narrow understanding that the court's comment that "

Mr. President, at this point in Mr. Bopp's analysis, he explains that the citizenry needs a bright line not only to protect them from prosecution, but to protect them from a punitive investigation. They have exercised their First Amendment rights.

While it may be theoretically possible to do issue advocacy without running afoul of it being a prohibited electioneering communication or "coordinated activity," only the reckless, foolish, or wealthy and powerful are likely to try. Particularly in Washington, D.C., the punishment is in the process. Any organization that does something that could be deemed of value to a candidate can expect to be the subject of an FEC complaint and to ferret out whether the activity was "coordinated." Thus, publically praising an officeholder for her vote on federal matters. In short, McCain-Feingold 2001 as if they only care about local, state, and federal elections, they are treated by McCain-Feingold 2001 prohibits the raising of "soft money" by national political parties, by prohibiting the receipt of all 'soft money,' and that promotes or supports a candidate or opposes a candidate . . . (regardless of whether the communication expressly advocates a vote for or against a candidate). Mr. President, the constitutional problems with such restrictions on parties are explained in detail by Mr. Bopp as follows:

These restrictions fall constitutional muster. Political parties enjoy the same unfettered right to issue advocacy as other entities, which is especially appropriate because advancing a broad range of issues is their raison d'être. 'Reforms' banning political parties from receiving and spending so-called "soft money" cannot be justified as narrowing the definition of contributions. The Supreme Court has already held that interest insufficient to restrict issue advocacy in Buckley.

If individuals and narrow interest groups enjoy the basic First Amendment freedom to discuss issues and the position of candidates on those issues, how can political parties, who have wide bases of interests that are necessarily tempered and diffused, be deprived of the right to engage in such issue advocacy?"
The concern raised by the FEC in MCFL was that §411b served to prevent corruption by ‘prevent[ing] an organization from using an individual’s money for purposes that the individual may not support.’ The Court found that ‘[t]he evidence clearly is not compelling with respect to MCFL-type organizations because [i]ndividuals who contribute to [an MCFL-type organization] are fully aware of its political purposes, and in fact contribute precisely because of those purposes.’ [i]ndividuals contribute to a political organization in part because they regard such a contribution as a more effective means of advocacy than directly contributing to their candidate or spending the money on independent personal direction.’ Finally, a contributor dissatisfied with how funds are used can simply stop contributing. Thus, the Court held that the restrictions on corporate contributions and expenditures in §411b could not be constitutionally applied to non-profit ideological corporations which do not serve as a conduit for business corporate contributions.

Political parties similarly pose no risk of corruption because people give money to parties precisely because they support what the political party stands for. A contribution to a political party does not prevent individuals, candidates, and political action committees to spend unlimited amounts of money on independent expenditures to advocate the election of a candidate, while limiting the amount a political party could spend for the same purpose.

The Supreme Court disagreed with the FEC, noting that ‘[w]e are not aware of any special dangers of corruption associated with political parties’ and, after observing that individuals could contribute more money to political parties ($20,000) than to candidates ($1,000) and PACs ($5,000) and that the “FECA permits unregulated ‘soft money’ contributions to political parties on express advocacy actually coordinated with candidates” the Court concluded that the “opportunity for corruption posed by these greater opportunities for contributions is, at best, attenuated.” The Court found this irrelevant with respect to the FEC’s proposed ban on political party independent expenditures, which has direct application to McCain-Feingold 2001’s ban on soft money contributions.

“[R]ather than indicating a special fear of the corruptive influence of political parties, the legislative history [of the Act] demonstrates Congress’ general desire to enhance what was seen as an important and legitimate role for political parties in American elections.

“We therefore believe that this Court’s prior case law controls the outcome here. We do not see how a Constitution that grants to individuals, candidates, and ordinary political committees the right to make unlimited independent expenditures could deny the same right to political parties.”

The Court also found little, if any, opportunity for party corruption of candidates because of their very nature and structure.

The Supreme Court echoed the same theme with respect to the independent expenditures of political action committees:

“The fact that candidates and elected officials altered standards of their own actions on issues in response to political messages paid for by PACs can hardly be called corruption, for one of the essential features of democracy is the opportunity of the electorate of varying points of view.”

If this is true of PACs, then a fortiori there can be no corruption or appearance of corruption resulting from issue advocacy by political parties.

In addition, the Supreme Court in MCFL provided further guidance on whether the threat of corruption posed by an organization such as a political party. The Court considered the ban on independent expenditures by corporations under 2 U.S.C. §411b. The MCFL Court held that there was no risk of corruption with regard to an MCFL-type organization that would justify such a ban on its political speech. While MCFL was found to be an ideological corporation, the Court determined that the organization was sufficiently like a business corporation to justify the ban on using corporate dollars for independent expenditures, there being no circumstances evaluating the threat of corruption posed by a political party.

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those communications through other media bears no relevance to the only recognized justification for campaign finance limitations or prohibitions, namely, the concern with corruption. Suppressing speech as a medium while permitting it in another is not a lesser form of censorship, just a different form.

A. THESE ISSU ADVOCACY RESTRICTIONS WOULD HAVE ADVERSE, REAL-LIFE CONSEQUENCES

Had these provisions been law during the 2000 elections, for example, they would have effectively silenced messages from interest organizations across the entire political spectrum. The NAACP ads—financed by a sole anonymous individual and highlighting Governor Bush’s failure to endorse hate crimes legislation—is a classic example of robust and uninhibited public debate about the qualifications and actions of political officials. By the same token, last Spring, when New York Mayor Rudy Giuliani was a candidate for the United States Senate, any broadcast criticism of his record on police brutality as mayor of New York, undertaken by the New York Civil Liberties Union, would have subjected that organization to the risk of sanctions against government under these proposals. The Supreme Court in cases from New York Times Co. v. Sullivan, 376 U.S. 254 (1964) through Buckley v. Valeo, 424 U.S. 1 (1976) and other democratic rights cases, 120 S. Ct. 2102 (2000) have repeatedly protected full and vigorous debate during an election season. The provisions of the pending bills would silence that debate.

Second, the ban on “electioneering communications” would stifle legislative advocacy. The overwhelming evidence coincides with crucial legislative periods, including the months of September and October as well as months during the Spring. During these periods, the blackout periods would include the entire Presidential primary season conceivably right up through the August national nominating conventions. For example had this provision been law in 2000, for most of the year it would have been illegal for the ACLU or the National Right to Life Committee to criticize the Clinton-Gore “textbook” bill as an example of unconstitutional campaign finance legislation or to urge elected officials to oppose that bill! The only time the blackout ban would be in August, when many Americans are on vacation!

During the 104th Congress, for example, the ACLU opposed at least 10 major controversial bills that it worked on that were debated in either chamber of the Congress within 60 days prior to the November 1995 general election. This legislation includes several anti-abortion bills including so-called partial birth abortion legislation, public disclosure of the CIA budget, creation of a federal database of sex offenders, new federal penalties for methamphetamine use, prohibition on discrimination of gays and lesbians in the workplace, same-sex marriage, immigration, student discrimination and school vouchers, among others. This pattern of legislating close to primary and general elections has only been repeated in subsequent Congresses.

B. WHY THESE LIMITATIONS RUN AFOUL OF THE FIRST AMENDMENT

Under the reasoning of Buckley v. Valeo and all the cases which have followed suit, the funding of any public speech that falls short of such “express advocacy” is wholly immune from campaign finance laws. Speech which comments on, criticizes or praises, applauds or conveys messages on the qualifications of public officials and political candidates— even though it mentions and discusses candidates, and even though it occurs during an election year or even an election season—is entirely protected by the First Amendment.

The Court made that crystal clear in Buckley’s “speech is advocacy” doctrine. That doctrine holds that the FECA can constitutionally regulate only “‘communication of advocacy’ which, by its nature, indicate to the election or defeat of a clearly identified candidate,” and include “explicit words of advocacy of election or defeat.” 424 U.S. at 44, 46. The Court went on to explain that because it was greatly concerned that giving a broad scope to FECA, and allowing it to control the funding of all discussion of policy and political issues that is speech of an official or political candidate, would improperly deter and penalize vital criticism of government because speakers would fear running afoul of the law. The Court recognized that “the distinction between discussion of issues and candidates and advocacy of election or defeat of candidates may often dissolve in practical operation. Candidates, especially incumbents, are intimately tied to public issues involving legislative proposals and campaign actions. Not only do candidates campaign on the basis of their positions on various public issues, but campaigns themselves generate issues of public interest.” Id. at 42-43. If any reference to a candidate in the context of advocacy of an issue rendered the speech or the speaker subject to campaign finance controls, the consequences for the First Amendment would be intolerable.

Issue advocacy is a critical way for citizens to question government control through a number of other doctrines the courts have recognized as well. First, the constitutional right to engage in unfettered issue advocacy is not limited to individuals or cause organizations. Business corporations can speak publicly and without limit on anything short of express advocacy of a candidate’s election. See First National Bank of Boston v. Bellotti, 435 U.S. 765 (1978). (Of course, media corporations can speak publicly and without limitation on any subject, including editorial endorsements of the election or defeat of candidates, i.e., “express advocacy,” see Mills v. Alabama, 384 U.S. 214 (1966).)

Contributions to issue advocacy campaigns cannot be limited in any way, either. See Citizens Against Rent Control v. Berkeley, 454 U.S. 290 (1981). Issue advocacy may not even be subject to registration and disclosure. See McIntyre v. Ohio Elections Commission, 514 U.S. 334 (1995); Buckley v. Valeo. 424 U.S. 315 (1976). The recent Supreme Court’s expansion of constitutional standards of the FECA which required reporting and disclosure by issue organizations that publicized any voting record or other information “referring to a candidate.” The rationale for these principles is not just that these various groups have a right to speak, but also that the public has a right to know about what they have to say. This freedom is essential to fostering an informed electorate capable of governing itself effectively.

Thus, no limiting, no forced disclosure, no forms, no filings, no controls should inhibit any individual’s or group’s ability to support or oppose a tax cut, to argue for or against regulation of tobacco, to support or oppose abortion, flag-burning, campaign finance reform and to discuss the stands of candidates on those issues.

That freedom must be preserved whether the speaker is a political party, an issue organization, a labor union, a corporation, a political action committee, or individual. That is all protected “issue advocacy,” and the money that funds it is all, in effect, “soft money.” Those who advocate government controls on gun sales or “phoniness” or “so-called” issue ads, and those who advocate outlawing or severely restrict-

“soft money” should realize how broad their proposals would sweep and how much First Amendment law they would run afoul. Finally, it is no answer to these principles of the Court that they have permitted certain non-profit organizations to sponsor “electioneering communications” if they in turn were to distribute materials to publicize or endorse a candidate to fund those messages. Under governing constitutional case law, groups like the ACLU and others cannot be made to jump through these hoops to criticize the government’s policies and those who make them. In addition, most non-profits would be unwilling to risk their tax status or tax exempt status to fund or promote something the IRS might view as partisan communications. Moreover, the groups would still be barred from using organizational or institutional resources for any such communications. They would have to rely solely on individual supporters, whose names would have to be disclosed, with the concomitant threat to the right of privacy and the right to contribute anonymously to controversial organizations that was upheld in landmark cases such as NAACP v. Alabama, 357 U.S. 449 (1958). This holding guaranteed the opportunities that donors now have to contribute anonymously—a real concern when a cause is unpopular or divisive.

II. S. 27 ASSAULTS THE FREE SPEECH OF ISSUE ADVOCATES

The second systemic defect in this bill is its grossly expanded concept of coordinated activity between politicians and citizens groups. Such “coordination” then taints and disables any later commentary by that citizen group about that politician. By treating all but the most insignificant contacts between candidates and citizens as potential campaign coordination,” the bill would render any subsequent action which impacts the politician as a campaign contribution or “exhibits” or “returning” to a candidate’s campaign. These provisions violate established principles of freedom of speech and association.

Under existing law, contact coordination between a candidate or campaign and an outside group can be regulated as coordinated activity only where the group takes some public action at the request or suggestion of the candidate or his representatives, i.e., where the candidate has “preauthorized” the action. The United States Supreme Court decided in McIntyre v. Ohio Elections Commission, 514 U.S. 334 (1995), that coordination is a portion of the FECA which required reporting and disclosure by issue organizations that publicized any voting record or other information “referring to a candidate.” The rationale for these principles is not just that these various groups have a right to speak, but also that the public has a right to know about what they have to say. This freedom is essential to fostering an informed electorate capable of governing itself effectively.

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Once such so-called coordination is established it triggers a total ban on issuing any communication to the public deemed of value to the candidate, and it defines such communication as "aiding" the candidate or his or her staff it has engaged in illegal "coordination." Here again, the bill would sweep all such gag rule on issue advocacy organizations.

Translated into the way in which citizen advocacy groups work, this means that a group must now designate a candidate to make a particular proposal a part of the candidate’s platform if the group subsequently plans to engage in independent advocacy on that issue. Likewise, a group like the National Rifle Association could not discuss a gun control vote or position with a Representative or Senator if the NRA will subsequently produce a mailer that praises or criticizes that official’s stand. Similar to the ban on coordination (Section 202) discussed earlier in this letter, banning “coordination” of “electioneering activity” would result in a long blackout period when an outside group or individual can be blocked from broadcasting information about a candidate, this ban—on coordination of value messages—operate month in and month out throughout the entire two or six year term of office of the pertinent politician. That is why the AFL-CIO and other groups, is so concerned about the treacherous sweep of the anti-coordination rules. See “Pitiful Labor: Why Are The Unions Against McCain-Feingold?” The New Republic, March 12, 2001, pp. 14-16.

Thus, these coordination rules will wreak havoc on the ability of the representatives of unions, corporations, non-profits and even citizen groups to interact in important ways with elected representatives for fear that the taint of coordination will silence the voices of those groups in the future. The First Amendment is designed to encourage and foster such face-to-face discussions of government decisions. See Buckley v. Valeo, 530 U.S. 387 (1997), not to drive a wedge between the people and their elected representatives.

III. S. 27 ALLOWS THE UNCONSTITUTIONAL VICTORY OF POLITICAL PARTIES In addition to its disruptive and unconstitutional effect on issue groups and issue advocacy, S. 27 also would have a disruptive if not destructive effect on political parties in America by totally shutting off the sources of funding that support so much of what American political parties do. It would cast a pall on democratic politics, and the parties would lose their ability to engage in the grass roots and issue-advocacy activities that are so central to the parties’ ability to mobilize their members through voter registration drives, to organize get-out-the-vote efforts, they engage in generic party coordination that is supported by what S. 27 would deem as soft money. The bill before you would dry up these significant sources of funding for those party activities. It would basically starve the parties’ ability to engage in the grass roots and issue-advocacy work that makes American political parties so vital to American democracy. C. S. 27 DENIES THE ABILITY OF POLITICAL PARTIES TO COMPETE EQUITABLY WITH OTHERS WHO CHOOSE TO SPEAK DURING CAMPAIGNS. Finally, the law unfairly bans parties, but no other organizations, from raising or spending soft money. That would mean that all the other—corporations, foundations, media organizations, labor unions, bar associations, wealthy individuals—could use any resources without limit to attack a party and its programs, yet be defenseless to respond except by using limited hard money dollars. The NRA could use unlimited funds to attack the Democratic Party’s stand on gun control, and the Party would be effectively silenced and unable to respond. Conversely, a union could use unlimited funds to attack the Republican Party’s stand on abortion, using corporate and foundation funds galore, and that...
Party would likewise be stilled from responding in kind. A system which lets one side of a debate speak, while silencing the other, violates both the First Amendment and equality principles embodied in the Constitution.

The Bipartisan Campaign Finance Reform Act of 2001 is not reform at all, but is a fatally flawed assault on First Amendment rights.

Sincerely,

Laura W. Murphy,
Director,
Joel Gora,
Professor of Law,
Brooklyn Law School and Counsel to the ACLU.

CHANGE OF VOTE

Mr. REID. I ask unanimous consent to change my vote on rollcall vote No. 41 from yea to nay. This change will not affect the outcome of the vote. The amendment at issue was adopted by a vote of 70–30 and if enacted will require broadcasters to charge political candidates the lowest rates offered by the broadcaster to charge political candidates with an unfair economic edge in the purchasing of air time.

On the first point, it should be clear to all that the McCain-Feingold legislation was carefully crafted to ensure meaningful campaign finance reform while recognizing the rights of all Americans to continue their participation in our electoral process. This is a delicate balance and I would regret to see this bill lose the support of such important participants in the political process as our nation’s broadcasters.

I believe that political candidates should not be gouged in their purchase of air time but I remain unconvinced that this was normal and usual practice today. Other groups, be they charitable or civic oriented, should not be disadvantaged because of efforts to lower the rates for political candidates. For the reasons stated above I believe this issue should not be considered on this important legislation.

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

1996 CAMPAIGN FINANCE VIOLATIONS

Mr. THOMPSON. Mr. President, in 1997, the Government Affairs Committee spent a year in investigating some of the worst campaign finance abuses in our Nation’s history. Despite a number of obstacles, witnesses fleeing the country, people pleading the fifth amendment, entities failing to comply with subpoenas, our Committee uncovered numerous activities that were not only improper but illegal. To date, 26 individuals and two corporations have been prosecuted or indicted for campaign finance violations arising from these 1990s investigations.

Specifically, what we uncovered was a pattern of abuse in which access to people in power was bought with large campaign contributions. What made that possible was unregulated, unlimited soft money. Time after time we heard about contributions of tens and hundreds of thousands of dollars in exchange for which access was granted.

In fact, I have fought for the McCain-Feingold bill is to eliminate this opportunity for abuse.

There is no question in my mind that the enormous soft money contributions we examined to the elevation and the appearance of corruption to the American public. The committee’s findings are contained in a six volume, 10,000 page report, S. Rpt. No. 106-167, the committee’s depositions, S. Prt. No. 106-30, and the committee’s hearings, S. Hrg. No. 105-300. The facts and findings contained in these documents clearly provide the basis for a determination that unlimited soft money contributions lead to corruption and the appearance thereof.

Mr. LEVIN. Mr. President, the Senate from Tennessee appropriately puts in context the work we are doing on the bill before us. The record in the Senate is replete with the compelling need for this legislation. In particular, we learned during the 1997 hearings that some of the most egregious conduct we uncovered, wasn’t what was illegal, but what was legal. That was the real problem.

The 1997 Senate investigation collected ample evidence of campaign abuses, the most significant of which revolved around the soft money loophole. Soft money contributions of hundreds of thousands, even millions, of dollars, were shown to have undermined the contribution limits in Federal law and created the appearance of corruption in the public’s eye. The Republican and Democratic national political parties that solicit and spend this money use explicit offers of access to their candidates. For example, Roger Tamraz, a large contributor to both parties and an unrepentant witness at our hearings, became the bipartisan symbol for what is wrong with the current system. Roger Tamraz served as a Republican Eagle in the 1980s during Republican administrations and a Democratic Trustee in the 1990s during Democratic administrations. Tamraz’s political contributions were not guided by his views on public policy or his personal support for or against the person in office: Tamraz gave to help himself. He was unabashed in admitting his political contributions were made for the purpose of getting access to people in power. Tamraz showed us in stark terms to all-too-common product of the current campaign finance system, using unlimited soft money contributions to buy access. And despite the condemnation by the committee and the press of Tamraz’s activities, when asked at the hearing how much of his $300,000 contribution to the Democrats in 1996, Tamraz said, “I think next time, I’ll give $600,000.”

As I said, most of the appearances of impropriety revealed during the 1997 investigations involved legal activities. Virtually every foreign contribution of concern to the Committee involved soft money. Virtually every offer of access was linked to the White House or to the Capitol or to the President or to the Speaker of the House involved contributions of soft money. Virtually every instance of questionable conduct in the Committee’s investigation involved the solicitation or use of soft money.

The McCain-Feingold bill recognizes that the bulk of troubling campaign activity is not what is illegal, but what is legal. It takes direct aim at closing the loopholes that have swallowed the election laws. In particular, it takes aim at closing the soft money and issue advocacy loopholes, while strengthening other aspects of the Federal election laws that are too weak to do the job as they now stand.

The soft money loophole exists because we in Congress allow it. The issue advocacy loophole exists because we in Congress allow it. Congress alone writes the laws. Congress alone can shut down the loopholes and reinvigorate the Federal election laws.

Mrs. MURRAY. Mr. President, in recent days there has been much speculation regarding my position on retaining the severability of the campaign finance reform bill being considered by the Senate.

First let me start by reiterating my strong and unwavering commitment to meaningful campaign finance reform. Since I arrived in the Senate, I, along with many of my colleagues, have championed an overhaul of our campaign finance system. Our system demands more disclosure and accountability, we should reduce the amount of money in the system, we should ensure that the voice of every American can be heard, and we must require fairness.

I admire Senator McCain and others for their courage and persistence in pursuing this goal. Senator McCain has shown himself to be a real leader, and I enjoy working with him in the Senate.

I believe the McCain/Feingold bill is a carefully crafted, balanced bill. There have been a number of amendments to this bill, some of which I have supported and some of which I have not. As strongly as I believe in reforming our campaign finance reform, in addition to reforming the excesses of the current system, must be fair and not favor any one party or group over another. If the court, at some later date, finds that some part or parts of our reform effort do not pass constitutional muster, that ruling should not be allowed to tip the scales to the benefit or detriment of one class of actors with regard to their ability to engage in political debate. As strongly as I believe in reforming our campaign finance system, I believe we should do a better job of supporting our public schools, providing more and better access to quality
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healthcare, protecting our environment, and creating family wage jobs. If my, or the people who share my positions, ability to communicate those positions is altered to a greater or lesser extent than those with other opinions, then we who hold the left will be fundamentally at a disadvantage. The balance of this bill could change depending on the court’s interpretation. The severability issue goes directly to this point.

Which leads me to why I believe this year’s effort is different from previous efforts in one very significant and fundamental way. We know about the Supreme Court than we did just a few months ago. We know that the court is not beyond interpretations that would appear to favor one party over another. And that has given me pause, and, I would think, it may give my colleagues pause, when we consider the application of this law, how it will be tested in court, and what we may end up with as a result.

If the Supreme Court decided to uphold limits on the amount of soft money flowing to our parties, while allowing small groups to spend unlimited sums to attack or defend candidates, then we will turn the electoral process over to those same special interests who we seek to limit.

In this debate, too often, people who have differed with the sponsors have been quoted as wanting to ‘kill’ the bill. Contrary to those assertions, this bill, with or without non-severability, is about to pass the Senate.

After careful consideration, I have decided to vote against the non-severability amendment. I have made this judgement, with strong reservations about how the Court could interpret the law we pass.

I am not willing to participate in enacting a precedent for severability that could impact a wide range of bills to come before the Senate. Rather than adding a non-severability clause to this bill that could act quickly to meet the challenges that may be presented by any future court action, and fashion a set of campaign finance laws that will serve to strike a balance and ensure fairness.

Mr. MCCONNELL. Mr. President, reformers frequently assert that there is a great desire throughout the land for their campaign finance scheme. The truth is there is not, nor has there ever been, a groundswell of public demand for even the concept of “reform,” let alone a non-severability clause to this bill that could act quickly to meet the challenges that may be presented by any future court action, and fashion a set of campaign finance laws that will serve to strike a balance and ensure fairness.

On that note, I would ask that a March 22, 2001 article in the Washington Times, entitled “NATION YAWNS AT CAMPAIGN FINANCES,” be printed in the RECORD at this point.

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

From the Washington Times, Mar. 22, 2001

NATION YAWNS AT CAMPAIGN FINANCES
(By Donald Lambro)

Campaign finance reform may be the No. 1 issue in the Senate right now, but outside of Washington it does not even make the top-40 list of most important problems facing the country.

Sen. John McCain, Arizona Republican, with the help of favorable national media coverage, has managed to drive the issue to the top of the Senate agenda this week—ahead of education, health care, Medicare, Social Security, tax cuts and other issues that score much higher in poll after poll.

Polls show that Americans strongly support the overall concept of campaign reform, but it does not appear on most lists of what concerns them the most, or if it does, comes in dead last.

“We’ve asked people what is the most important problem facing the country and watched campaign finance reform languish at the bottom of every list of 20 to 25 issues,” said Whit Ayres, a Republican pollster based in Atlanta.

Compared to other issues, campaign finance long has been in the basement of public priorities. The ABC News Web site said in an analysis earlier this week: “Most people have more pressing concerns, and most doubt reform would effectively curb the role of money in politics.”

The Pew Research Center asked 1,513 adult Americans last month what is “the most important problem facing the country today.”

Campaign finance reform did not specifically appear among its list of 45 responses.

Morality/ethics/family values tops the list with 12 percent, followed by education (11 percent), the economy and jobs (13 percent), crime (8 percent), health care (6 percent), and energy costs (6 percent).

Other polls similarly place the issue at the bottom of the issue rankings. An ABC News poll taken in January ranked it 16th out of 18 issues. It was last among 16 issues in the general election.

Mr. McCain made campaign finance reform the centerpiece of his unsuccessful campaign for the Republican presidential nomination last year but that most of those who supported him in the primaries did do for other reasons—such as his patriotism and character—not for his signature issue.

Only 9 percent of the voters in the New Hampshire primary said the issue was their biggest concern. There was even less concern on the Democratic side.

The issue all but disappeared in the general election. It was seldom raised by Al Gore, and George W. Bush, who opposes the McCain-Feingold bill, less forthrightly conceded that it would act quickly to meet the challenges that may be presented by any future court action, and fashion a set of campaign finance laws that will serve to strike a balance and ensure fairness.

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[From USA Today, Mar. 23, 2001]

Reform’’ Hunts Freedoms

Opposing View: Bill Unfairly Restricts Parties’ Ability to Challenge Incumbents

(By Mitch McConnell)

Next week, in its debate over changing campaign-finance laws, the Senate will consider a constitutional amendment declaring the First Amendment and thereby allowing the government to restrict all spending on communications ‘‘by, in support of, or in opposition to’’ candidates for public office.

So empowered, Congress could ban ‘‘soft money’’ and even make it illegal for corporate-owned newspapers to endorse or mention political candidates within 60 days of an election. Currently, the media is specifically exempted from federal campaign-finance law, even though these corporate conglomerates exert tremendous influence on the political system. You could call this exemption the media’s ‘‘loophole.’’

McCain-Feingold bill less forthrightly but just as effectively restricts the constitutional freedom of citizens groups and parties to speak out on issues, and elections.

McCain-Feingold makes certain groups to criticize members of Congress in TV or radio ads, unless they register with the federal government and conform to a litany of restrictions. Since such political speech are sure to be declared unconstitutional, as have 22 similar efforts previously struck down in federal court.

McCain-Feingold also attack the national parties, making it illegal for them to pay for issue advocacy, voter turnout and much mundane overhead expenses as utilities, accounting and computers and lawyers (necessary to comply with existing complex campaign-finance laws) with funds outside the current strict ‘‘hard money’’ limits. Hard money restrictions that only apply to candidates and is subject to severe contribution limits (limits not adjusted for inflation since they were created in 1974).

McCain-Feingold would change the parties. Few are moved by the parties’ plight until they consider that candidates running against incumbent congressmen have only one source of money—soft money. Without party soft money, liberal news media and ‘‘special interest’’ groups would move closer to total domination of the American political process. Under McCain-Feingold, party soft money (which already is publicly disclosed and therefore accountable) will
give way to the shadowy world of special-interest soft money, where there is no public disclosure and no accountability. That does not meet anyone's definition of "reform."

Mr. McCONNELL. Senator Sessions would like to make a point on the bill before the conclusion of the session. Perhaps he could wrap it up for us tonight. We will see everyone at 9 o'clock in the morning. At the conclusion of his remarks, unless floor staff has an objection, he will put him in recess.

Mr. SESSIONS. Mr. President, as we consider this legislation, I am not sure it is possible for any of us, I certainly have not, figured out who might be the winner and loser in this legislation. Who would get the most benefits, which party, which candidates, those things are interesting and, in fact, significant. I am just not terribly worried myself.

I think about my campaigns and if they limit all contributions to just $100 per person and nobody else could contribute, nobody else could run a negative ad or positive ad about me, I would feel comfortable about that. I believe I can raise more $100's than any likely opponent I am facing. I could get my message out and I will be a good competitive race and that will be fine.

I wish it could be that simple sometimes. I faced two opponents who spent more than $1 million against me in the Republican primary. I know what it feels like to be frustrated by ads coming in against you.

I think this legislation transcends all the complexities and all the debate we have had tonight and over the last 2 weeks about soft money, hard money, issue ads, independent groups, independent expenditures, and all of that. It is a very complicated matter. I think that has caused us at some point to lose our contact with the fundamental questions with which we are dealing.

In my view, I have concluded, unfortunately, that what is constitutional and what is good public policy, this legislation does not justify our support and should not be passed by this body.

America has always been a country of raucous debate, uncontrolled, exag- geration, negativity, at times emotional. That is the way we are. Sometimes I wish it were not so. Others complained on the floor of the Senate about negative ads against them. I had those as well. In opposition, I raised a lot more hard money than my opponent, but he had equal time on television and it was mostly soft money. They came in from the Democratic Party or the Sierra Club and they ran ads against me. I know it wasn’t a little environmentalist raising this money. It was money given to them so they could use it in certain campaigns in favor of Democratic candidates. That is the way life is. It is frustrating at times to see ads such as that playing on television.

Soft money didn't help me in this past campaign. I say that to say I re- sent and reject the assertion that those of us who are concerned about the serious public policy and constitutional questions involved are somehow advocating that because we have a self-interest in it, some personal agenda that will help them beat their opponent and get reelected. There may be a tendency for some, but that is not the case.

The problem is whether or not we are furthering or constraining political debate in America. Some believe, for example, that depictions of violent sex acts of all kinds, depictions of child pornography, by pornography buy the first amendment. Some believe that the act of burning a flag were never what our Founding Fathers were fundamentally concerned about. They were concerned in early America about political speech, the right to speak out on public policy issues and say what you wanted to say.

James Madison, the father of our Constitution, whose birth we celebrated earlier in the month, the 250th anniversary of his birth, in talking about our goal in America as to free elections and if you wish, you could be elected, said: The value and efficacy of this right to elect and vote for people for office depends on the knowledge of comparative merits and demerits of the candidates for public trust, and on the equal freedom, consequently, of examining and discussing those merits and demerits of the candidate's respectively.

That suggests this is what America was founded about, to have a full debate about candidates and their postion on issues. When do you do that? You do that during the election time. Not 2 years before an election.

I believe the contributing of money to promote and broadcast or amplify speech is covered by the first amendment. I do not think that is a matter of serious debate. Some have suggested otherwise. They said money is just an inanimate object. But if you want to be able to speak out and you cannot get on television, or you cannot get on radio, or you cannot afford to publish newspapers or pamphlets, then you are constrained in your ability to speak out.

The Supreme Court dealt with this issue quite plainly in Buckley v. Valeo in 1976. A string of cases since that time have continued that view.

In Buckley they said the following:

The first amendment denies government [that is, us] the power to determine that spending to promote one's political views is wasteful, or unreasonable.

They go on to say:

In a free society, ordained by our Constitution, it is not the government, not the government but the people individually as citi- zens and collectively as associations and po- litical committees who must retain control over the quantity and range of debate on public issues in a public campaign.

What is that Court saying? That Court is saying the right to decide who says what in a political environment is the right of the people and associations of people. They have that right. The Government does not have the right to restrain them and restrict that and to limit their debate, even if it is aimed at us in the form of a negative ad and it hurts our feelings and we wish it had not happened. We do not have the right to tell people they cannot produce honest, hard-hitting ads against us. If we ever get to that point, I submit, our country will be less free, you will have less ability to deal with incumbent politicians who may not be the kind that are best for America.

In the Buckley case the Court held that constitutional contributions constitute protected speech under the first amendment. I remain at this point almost stunned that earlier in this debate 40 Members of this Senate voted to amend the first amendment of the Constitution of the United States. Fortunately, 60 voted no. We had 38 vote yea in 1997 or 1998, and last year it dropped down to 33. But this year 40 voted for this amendment. It would have empowered Congress and State legislators, govern- ment, to put limits on contributions and expenditures by candidates and groups in support of and in opposition to candidates for office. Just as they outlined in Buckley.

This is a thunderous power we were saying here, that we were going to emp-ower State legislatures and the U.S. Congress to put limits on how much a person and group could spend in support of or in opposition to a candidate. Think about that. Where are our civil libertarian groups?

I have to give the ACLU credit, they have been consistent on this issue. They have studied it. They know this is bad, and they have said so. But too many of our other groups—I don't know whether they are worried about the politics of it or what, but they have not grasped the danger to free speech and full debate we are having here.

It seems to me we are almost losing perspective and respect for the first amendment that protects us all. In this debate we have focused on what the courts have held with regard to the first amendment and to campaign fi- nance. I remain confident that signifi- cant portions of the legislation as it is currently pending before us will be struck down by Federal courts.

We ought not to vote for something that is unconstitutional. We swore to uphold the Constitution. If we believe a bill is unconstitutional, we should not be passing it on the expectation that some court in a few years will strike it down, even if we like the bill. If it violates the Constitution, each of us has a duty, I believe, to vote no. The idea that we
can pass a law that would say that within 60 days of an election a group of union people, a group of businesspeople, a group of citizens, cannot get together and run an ad to say that JEFF SESSIONS is a no-good skunk, and ought not be elected to office, offends me. Why doesn’t that go to the heart of freedom in America? Where is our free speech crowd? Where are our law professors and so forth on this issue? It is very troubling to me, and I believe it goes against our fundamental principles.

I will conclude. I make my brief remarks for the record tonight to say I believe this law is, on balance, not good. I believe its stated goal of dealing with corruption in campaigns is not going to be achieved. I believe it is the case with every politician I know, that votes trump money every time anyway. If you have a group of people in your State you know and respect, you try to help them. Just because they may make you a contribution doesn’t mean that is going to be the thing that helps you the most. Most public servants whom I know try to serve the people of the State and try to keep the people happy and do the right things that are best for the future.

I believe this bill is not good, that the elimination of the corrupt aspects we are trying to deal with will not ultimately be achieved. At the same time, I believe we will have taken a historic step backwards, perhaps the most significant retraction of free speech ever, and the right to assemble, and free press, that has occurred in my lifetime that I can recall. This is a major bit of legislation that undermines our free speech.

I know we have talked about all the details and all the little things. There are some things in this bill I like. I wish we could make them law. But as a whole, we ought not pass a piece of legislation that would restrict a group of people from coming together to raise money and speak out during an election cycle, 60 days, 90 days, 10 days, 5 days, on election day—they ought not be restricted in that effort. In doing so, we would have betrayed and undermined our commitment to free speech and free debate that has made this country so great.

Mr. President, I will proceed to see if I can close us out for the night.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent there now for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

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

TRIBUTE TO THE LATE CONGRESSMAN NORM SISISKY

Mr. WARNER. Mr. President, I am joined by my colleague, Senator ALLEN. We would like to address the Senate for a period not to exceed 10 minutes.

Mr. President, today, just hours ago, Senator ALLEN and I were informed of the loss of one of our Members of Congress, from the State of Virginia, NORM SISISKY. It has been my privilege to have served with him in Congress throughout his career. Our particular responsibilities related to the men and women of the Armed Forces—I serving on the Senate Committee on Armed Forces and the House National Security Committee.

Our Nation has lost a great patriot in this wonderful man who started his public service career in 1945 as a young sailor in the U.S. Navy. In total, he served some 30 years, including his Naval service, service in the Virginia General Assembly, and in the service of the Congress of the United States.

The men and women of the Armed Forces owe this patriot a great deal, for carrying through their training in the Navy until the last breath he drew this morning. They were always, next to his family, foremost in his mind.

Throughout his legislative career in the Congress, many pieces of legislation bear his imprint and his wisdom on behalf of the men and women in the Armed Forces.

Mr. President, it is a great loss to the Commonwealth of Virginia, this distinguishable State, and it is a great loss to me of a beloved friend, a dear friend. My heart and my prayers go to his widow—a marriage of some 50 years—and to his family.

Mr. President, I yield the floor.

Mrs. BOXER. Mr. President, I just thank my two colleagues for bringing this information to the Senate. I came into the House of Representatives with NORM SISISKY. What a terrific person he was to work with. He had a wonderful sense of humor. He was not only my friend but my friend pointed out, to his country. He was very patriotic, and he was a real fighter for his district.

I want to associate myself with the eloquent words of Senator WARNER and Senator ALLEN.

Mr. ALLEN. Mr. President, I echo the words of the senior Senator from Virginia, JOHN WARNER. NORM SISISKY was a man who was loved all across Virginia. As the Senator said, he started his career in the Depression and served in the armed services. He also was a very successful businessman in the private sector. While he was a strong advocate for the armed services and the strength of our Nation, he also brought forth commonsense business principles of logistics and efficiency, whether it was in the days he was in the general assembly or in his many years of service in the U.S. House of Representatives.

He clearly was one of the leaders to whom people on both sides of the aisle would look. When there was a need for getting good, bipartisan support, obviously, folks would go to Senator WARNER.

On the Democrat side, they looked to NORM SISISKY. NORM SISISKY cared a great deal, as Senator WARNER said, about the men and women who wear the uniform. He wanted to make sure they had the most advanced equipment, the most technologically advanced armaments for their safety when protecting our interests and freedoms abroad.

He was a true hero to many Virginians, not just in his district, but all across the Commonwealth of Virginia, always bridging the partisan divides, trying to figure out what is the best thing for the people of America and also freedom-loving people around the world.

I will always remember NORM SISISKY as a person. I will always remember that smiling face, and he had that deep voice and that deep laugh, hardy laugh. He was one who was always exuberant, always passionate, no matter what the effort, what the cause. You could be standing on the corner waiting for the light to change, and NORM would be carrying on with great passion and vigor about whatever the issue was. He would thrive on figuring out here: Here is the way we will maneuver through the bureaucracy to get this idea done.

He truly was a wonderful individual. Everyone here knew him and so many as a fellow Member of the House of Representatives.

When I was Governor, this man went beyond the call of duty. We were trying to get the department of military affairs to move from Richmond to Fort Pickett to transform that base which had been closed.

NORM SISISKY spent weekends talking with members on the other side of the aisle in the Virginia General Assembly, beyond the call of duty, to make sure we could move the headquarters to Fort Pickett and that the environmental aspects were cleaned up at no expense to the taxpayers, keep the facility open, and transform it to commercial use to benefit the entire Blackstone community.

The people in Southside Virginia will be forever grateful for what NORM SISISKY did in making sure Fort Pickett is there as a military facility for guard units in the Army, as well as private enterprise efforts and helping protect the jobs and people of that community. Mr. REID, will the Senator yield?

Mr. ALLEN. I will yield shortly.

Congressman NORM SISISKY was a great Virginian. He was a great American. I know our thoughts and prayers are there for his wife Rhoda. I know at least two of his sons very well, Mark and Terry, as well as Richard and Stu.

Our prayers and thoughts go out to them. We tell them: Please realize NORM still lives on you, in your blood, and also his spirit.

We also share our grief with his very dedicated and loyal staff who shared his passion for the people of Virginia and the people of the Commonwealth.

Mr. WARNER. Mr. President, if in may add to what my distinguished colleague said, we shall work together to
see whether or not an appropriate portion of Fort Pickett—he just loved that base—can appropriately bear his name. It would mean a great deal to the men and women of the armed forces. We will do that.

Mr. ALLEN. That is a great idea.

Mr. REID. Will the Senator from Virginia yield?

Mr. ALLEN. Yes.

Mr. REID. Mr. President, as with Senator BOXER, I came to the House of Representatives in 1982. One of the freshman House Members was NORM SISISKY. Like Senator ALLEN, I can see that smile. He had an infectious smile. He was a friend. I enjoyed my service with that class of 1982. Part of my memories will always be Norm Sisisky. I join in the comments made by my friends from Virginia and the Senator from California in recognizing a great public servant in Norm Sisisky.

Mr. WARNER. We thank our colleagues for their remarks.

Mr. WILSON of Florida. Will the Senator from Virginia yield?

Mr. WARNER. Yes.

Mr. NELSON of Florida. Mr. President, I say to the Senators, oh, the gossamer thread of life cut short so quickly for a great servant of the State of Virginia and of the United States of America with whom I had the privilege of serving in the House. He never met a man he did not like, and he was passionate about Government service. I thank my colleagues for calling this sad news to our attention and for the opportunity to respond.

Mr. WARNER. Mr. President, we thank our colleague.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, briefly, I do not claim a close relationship with Norm Sisisky, but I have had the great privilege of serving on the Armed Services Committee with Senator Sisisky for the last 18 years, and I can remember every year when we would go into conference with the House of Representatives, Norm would be there. He would be championing the positions he felt strongly about and that were important to the people of Virginia. I also mourn his loss and recognize the important loss it is to Virginia and to this Congress.

Mr. WARNER. Mr. President, we thank our colleague.

TRIBUTE TO PUNCH GREEN

Mr. SMITH of Oregon. Mr. President, the great Oliver Wendell Holmes once said, “To live fully is to be engaged in the passions of one’s time.” Few Oregonians—and few Americans—have lived a life as full as Alan “Punch” Green’s. Alan Green was known to us who loved him as “Punch.” I say that few have lived a life as full as Punch’s because few have made such a positive difference in the passions of our time.

Punch passed away last Friday at the age of 75. And as his many friends—myself included—struggle to get used to the fact that we can no longer call Punch for his straightforward advice, I would like to pay tribute here on the Senate floor to this remarkable Oregonian. Punch was a member of what has been termed “The Greatest Generation.” Like so many others of that generation, Punch willingly risked his life for our country, as he served with distinction in the Pacific theater during World War II. And when he returned to Oregon following the war, he dedicated much of his life to making Oregon and America a better place in which to live, work, and raise a family. He founded and ran a number of businesses, where he earned a reputation as a caring and fair manager. He became active in the Republican Party, serving as chair of campaigns for Presidents Ford, Reagan, and Bush, and serving as a trusted mentor to countless other candidates, myself included. Indeed, when I began my campaign for the Senate, the people I sought out for advice and support was Punch Green, and I could not have asked for a more loyal friend.

Punch loved his home city, the city of Portland, OR, and he understood that Portland was a special place that Portland has remained true to its name. As a commissioner and as President of the Port of Portland, Punch skillfully guided the port through an era of major growth and expansion. Punch’s leadership brought him to the attention of President Reagan, who chose Punch to serve as chair of the Federal Maritime Commission, a post he filled with great skill for 4 years.

Punch was nearing what many consider “retirement age” in the 1980s, and he certainly had earned the right to take it easy and spend time with his family. But Punch was always willing to answer the call of his country, and former President Bush was calling. In 1989, Punch packed his bags and accepted President Bush’s request to serve as United States Ambassador to Romania. Punch arrived at the embassy in Bucharest just 2 weeks before the fall of the Ceausescu dictatorship. As tensions mounted in that country and explosions could be heard in the distance, Punch evacuated women and children from the embassy, and slept on his office couch for 10 days. Punch would later tell me that one of the highlights of his life was when he brought the Romanian flag from the embassy window to the thunderous applause and cheers of thousands of Romanian citizens who were celebrating the end of Ceausescu’s bloody reign. Punch’s leadership in Romania at this critical time was recognized in 1990 when he received the State Department’s Distinguished Honor Award.

When his assignment in Romania came to its conclusion, Punch returned to Portland, where he continued to provide his invaluable leadership to a variety of worthy causes. One which was especially close to his heart was that of the Oregon Humane Society, which now has a beautiful new facility in Portland, thanks, in no small part, to Punch’s vision and generosity.

My thoughts today are with Punch’s wife, Joan, his three daughters, and eight grandchildren. The Greek poet Sappho once wrote that you must wait until the evening to see how splendid the day has been.” Although Punch left us much too early, it is my prayer that those who loved him will take solace in the fact that as he neared the evening of his time here on Earth, Punch could have lived a life rich with family, rich with friends, and rich with making a difference in the passions of our time, and he could say that the day has indeed been splendid.

NATIONAL WOMEN’S HISTORY MONTH—RECOGNIZING PROMINENT WOMEN OF ARKANSAS

Mrs. LINCOLN. Mr. President, as we celebrate the remainder of National Women’s History Month, I want to call attention to several extraordinary women from my home state of Arkansas who have devoted their lives to improving our communities and lending a hand to those in need.

First of all, I want to say a few words about a woman who is special not only to many generations of Arkan-sans but to the members of this body. That woman is Hattie Caraway. In 1945, Hattie Caraway of Arkansas became the first woman ever elected to the United States Senate after winning a special election to fill the remaining months of her husband’s term. Arkan-sans elected Hattie Caraway to the Senate two more times, and she served in the U.S. Senate until January, 1945. Senator Caraway became the first woman to chair a Senate Committee and the first woman to take up the gavel on the Senate floor as the Senate’s presiding officer. And when she finished her term, her Senate colleagues honored her for her service with a standing ovation on the Senate floor. Quite a feat for a woman back in 1945 especially since women had just won the right to vote only 25 years earlier!

There is no doubt that Hattie Caraway’s service in the Senate paved the way for women seeking elective office. Thirty-one women have followed Hattie Caraway to the Senate, and today, a record high of 33 women are serving in the Senate at the same time. Combined with the 59 women in the U.S. House of Representatives, a record total of 72 women serve in the U.S. Congress today.

Another woman who is paving the way for women in politics in Arkansas is County Judge LaVerne Grayson. Judge Grayson last November became the first female county judge to serve Boone County, Arkansas. At the age of 75, and after a long career as a judge, Judge Grayson was a nurse and Public Health Investigator Supervisor at the Arkansas Department of Health who helped
I recently nominated Donna for the Mitsubishi Motors Unsung Heroine Award, which honors women who have gone beyond the call of duty to serve those in need. Mitsubishi has donated $5,000 to Interfaith Help Services, and PBS will produce a documentary about Donna this spring. I am so proud and grateful for Donna’s incredible efforts. Under her leadership, Interfaith Help Services has helped single parents, children, and families since 1991.

As we recognize the great accomplishments women have made over the centuries, it is with great respect and admiration that I make this tribute to the women of Arkansas today. Their achievements in the areas of government, education, and community service have made them outstanding local role models for young women and girls who aspire to make positive differences in their communities.

As the youngest woman to ever serve in the U.S. Senate, I share their desire to make our nation a better place for our children. I am humbled by and thankful for their efforts and am glad to have the opportunity to recognize them today.

BILL RADIGAN OF VERMILLION, SOUTH DAKOTA

Mr. DASCHLE. Mr. President, I was deeply saddened today to learn of the passing of a dedicated public servant and a dear friend to South Dakota and to me. Bill Radigan spent his entire life serving others, and he will certainly be missed.

As a young man, Bill joined the Army Air Corps, so that he could serve his country during World War II. After the war, he returned to his hometown of Vermillion, SD to continue what would become a lifelong commitment to public service. He served Clay County with the U.S. Postal Service for 35 years and coordinated Vermillion’s school bus system. Thousands across the State have benefitted from Bill’s work with the American Legion and the VFW, where he served as secretary of the South Dakota Teener Baseball program for more than 50 years. For 55 years he was a member of the Vermillion Volunteer Fire Department, where he served as secretary-treasurer. Bill was a dedicated husband to his wife Susie, the loving father of 11, and a grandfather to many.

In 1988, Bill ran for, and was elected to, the Vermillion City Council. Six years later he was elected mayor. Vermillion has been well served by his mayor, and, under his leadership, the city has embarked on a number of exciting projects that will sustain the community’s prosperity well into the future.

Bill Radigan’s list of accomplishments is certainly impressive. But those activities only began to scratch the surface of who Bill was and why he will be missed. Bill didn’t engage in public service because he wanted to add to a list of accomplishments. He simply saw something that needed to be done, and he stepped forward to answer the call. From serving in the military, to agreeing to help drive busloads of children to school, no job was too daunting, or too insignificant, for Bill Radigan.

As a mayor, Bill was universally recognized as someone who was fair, who truly valued citizen involvement in the governing process, and who cared deeply about his community. From the business community to college students, Bill Radigan truly valued every Vermillion citizen’s thoughts on the issues confronting the city. I have never heard of anyone who thought they were treated unfairly by Bill Radigan, and even those with whom he disagreed found him sincere and honest.

Bill Radigan was effective because he based every decision he made as mayor on what he thought was best for the community. We could all learn a lot from Bill Radigan’s commitment to his community and his approach to government.

I wish to express my sincere condolences to the family and friends of Mayor Radigan. Mayor Radigan was a dedicated father, a model public servant, and a wonderful person. We will miss him.
CONGRESSIONAL RECORD — SENATE
March 29, 2001

SURVIVING SCHOOL VIOLENCE

Mr. LEVIN. Mr. President, earlier this week, a Today Show reporter interviewed Mr. Bob Stuber, a former police officer from California, who maintains a website called Escapeschool.com. Mr. Stuber’s website gives advice to students who may one day find themselves caught in the crossfire of a shooting at school. The former police officer offers practical information in this day and age, such as what gunfire sounds like, what to do when a student hears gunfire, and what a student should look for in a hiding place.

It is simply heart breaking that this type of advice is even necessary. Yet, students in school are increasingly worried for their safety. Escapeschool.com is a valuable resource because it gives advice to students, it also gives advice to schools and communities to try to prevent such shootings, and information for parents who want to communicate with their children about these events.

I encourage students and parents to look at this website and talk to each other about some of the dangers associated with guns. I also encourage my colleagues to look at the website with the hope that we in Congress can re-examine and maybe change the laws to give youth access to guns and reduce such shootings in American schools.

I ask consent to print in the RECORD excerpts from the transcript of the interview with Mr. Bob Stuber.

BOB STUBER DISCUSSES HIS ESCAPESCHOOL.COM PROGRAM TO TEACH CHILDREN WHAT TO DO DURING A SCHOOL SHOOTING

(Soledad O’Brien, co-host)

O’BRIEN. You give very specific advice. I want to get into some of it. If there is a shooting at a school, what should a student do?

Mr. STUBER. One of the very first things a student needs to know is that it’s very hard to tell the difference between firecrackers and gunfire. Lots of times when you hear about these reports, you hear people say, ‘I thought it was firecrackers. I went out, and then I saw a shooter.’ If you hear a sound, and you’re not sure what it is, assume it can be gunfire and begin to take that defensive posture. It doesn’t mean you have to jump up and start thinking that’s the way. That’s the very first thing they need to know.

O’BRIEN. If it becomes clear that it is gunfire, should a student run?

Mr. STUBER. Absolutely! There are certain policies in place in some of the schools where under the best-case scenario, they want them to go to a certain room and hide, and if you can do that, that’s fine. But most of the time, you can’t. Then we start talking about running. You want to keep this thing logical. You need to know how to run. For instance...

O’BRIEN. Where to run.

Mr. STUBER. Right. Where you—you don’t want to run in a straight line. You want to either run in a zigzag fashion or you want to turn a corner because bullets don’t turn corners. If you’re going to hide and you pick a car, you want to hide at the front of the car where the engine block is, because that can stop a bullet. The middle of the car, the back of the car is often where they’re not frightening, those little tips are the things that make a difference.

O’BRIEN. Do you think a student should hide in a— in a closet?

Mr. STUBER. Yeah, absolutely. What we think students should do first of all is— is, know the difference between cover and concealment. What they want to find is cover. For instance, a big tree with a giant trunk, that’s cover. That will hide you and protect you. If the hedge is concealing it will hide you, but it won’t protect you. Students have to find a place to hide where they can be safe. So the very first thing you begin to teach them, what to look for in a hiding spot...

O’BRIEN. If students are inside the classroom, is the best advice to stay inside the classroom? Or is the best advice to leave that classroom as soon as possible?

Mr. STUBER. Really—it really depends. There is no absolutes. If you can stay in that classroom, the crossfire of a shooter. You can line up against the—the opposite wall, and—and you’re going to be safe, that’s fine. But if this action is coming down the hall, and it’s coming to your classroom, you have to get out of there. So then you have to know, how should I get out? Should I go down the hall or should I go to the window, try to escape through the window? You know, we work with kids all the time. We—we set scenarios up. In one case I remember, we had kids go to the window to make an entrance. We said, ‘Open the window.’ They naturally said, ‘Well, we have to go down the hall.’ ‘They didn’t think they could break the window and make an exit. You have to tell them that...

O’BRIEN. In one recent school shooting, there was an armed officer inside the school who managed to bring the shooting to a close pretty quickly.

Mr. STUBER. Right.

O’BRIEN. Do you think then that that’s an indication that that’s the way to go? Schools should have armed officers in the hallways?

Mr. STUBER. Well, you know, in the last two shootings, it kind of helped out, but there is no strong evidence that says it’s a preventive tool. It was good that they were there. I’m not so sure schools have to go in that direction. There’s so little data right now, you can’t make a conclusive observation. So right now what we’re trying to center on is the techniques that the students themselves can practice while all the data is being collected to make definitive prevention prognosis.

O’BRIEN. It seems critical that students report any threats that they hear. And yet there are reasons why students are reluctant to report. They didn’t think it was important.

Mr. STUBER. Right.

O’BRIEN. They didn’t believe them. How do you make the threats actually get to the notice of the teachers?

Mr. STUBER. That’s a big deal. You know, in almost every one of these shootings there has been threats, rumors or jokes. And some students haven’t reported them. One of the reasons can be that there was no system for reporting anonymously. Schools have to provide a system where the student can report anonymously. It—because if a person finds out that you’re the one that reported him, you’re—you may end up getting in more trouble. So students are reluctant to report. They’re also thinking, ‘Well, I’m going to get me in trouble.’ Look, it’s like being at the airport. No jokes allowed in this area. Parents and schools have to tell them, report. Even a joke, you have to report.

O’BRIEN. Some good advice.

RADIATION EXPOSURE COMPENSATION ACT

Mr. DOMENICI. Mr. President, I ask my colleagues to imagine the following nightmare:
You have spent years in the uranium mines helping to build America’s nuclear programs. As a result, you have contracted a debilitating and too often deadly radiation-related disease that has caused severe emotional and physical suffering. Most of life’s joys have long since gone.

Your only solace is that the government is going to pay you for this suffering. Certainly, the money will never be enough to compensate you for what you’ve lost. But at least your medical bills will be paid. At least, if you lose this fight your family will be left with money.

However, when you open the Justice Department letter that you have long awaited, it reads:

I am pleased to inform you that your claim for compensation for radiation exposure under the Radiation Exposure Compensation Act has been approved. Regrettably, because the money available to pay claims has been exhausted, we are unable to send a payment to you at this time. When Congress provides additional funds, we will contact you to complete the payment process. Thank you for your understanding.

Unfortunately, my fellow Senators, this is not a bad dream, but rather the terrible reality for hundreds of uranium miners, their families, federal workers, and downwinders who have contracted these deadly radiation-related diseases. One such individual is Bob Key.

Bob Key helped build our nation’s nuclear arsenal and ended the Cold War through his difficult work as a uranium miner. Little did he know at the time that the uranium was slowly ravaging his body. As a result, Mr. Key has spent many years enduring the grueling pain associated with pulmonary fibrosis, which requires him to be hooked to an oxygen tank for hours on end. Recently, Mr. Key, 61, needed a tracheotomy simply to help him breathe.

Yet, despite his enormous suffering, Mr. Key’s request for the supplemental appropriations to cover the medical expenses was denied by the Department of Justice. This is a disgrace.

Unfortunately, Mr. Key’s horror story is a familiar one for many uranium miners, federal workers, and downwinders in New Mexico, Colorado, Arizona, and Utah. In some cases, the miners have died and their loved ones are left holding nothing but the reminders of Bob Key’s cold war effort, as well as a Justice Department IOU. In 1990, Congress recognized the contribution of Mr. Key and other uranium miners and passed the Radiation Exposure Compensation Act of 1990. Signed by President George Bush, the law established a one-time payment of up to $100,000 to miners or their families and to people who lived downwind from nuclear test sites in Nevada. Last year, Congress increased the payment to $150,000, added new medical benefits and expanded the number of workers eligible. But after years of smooth operations, the program is broken. Scrambling last year to pass President Bill Clinton’s final budget, lawmakers neglected to fund Justice Department’s request for additional money to cover the expanded program even as new applications were pouring in, and by May, nothing was done. And Congress has been resistant to act until it decides how to apportion the federal surplus and how much to cut taxes.

As a result, for the first time, claims from hundreds of applicants like Mr. Key have been held up, with many of the applicants receiving IOU letters from the Justice Department, which administers the program, saying their requests were processed only after Congress appropriated more money.

And the demand is only increasing. Claims from another 1,500 applicants under the original law are pending, and the department estimates that as many as 1,500 new applicants are expected to file for benefits this year, a number that would raise the cost of the program to $25 million. At the current rate of reimbursement, the program is going to pay you for this suffering. Certainly, the money will never be enough to compensate you for what you’ve lost. But at least your medical bills will be paid. At least, if you lose this fight your family will be left with money.

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legislation to compensate the miners in 1900. And for nearly 10 years, the Justice Department’s annual requests for financing the program were met. To date, $288.7 million has been awarded. 3,985 people applied, but 3,985 people were denied because the state lacked proper medical records or copies of company logs that showed how long they had worked in the mines.

The financial crunch arose when Mr. Clinton expanded the program at a time Congress appropriated only $10.6 million to cover existing claims, an amount that was exhausted quickly. Efforts by Mr. Domenici and others to cover the shortfall, as well as the new applicants, failed.

Some of the i.o.u. holders have lost hope of seeing the money. Darlene Pagel’s husband, Duane, died of pulmonary fibrosis in 1986 at 55. Since then, Mr. Pagel said, she has worked two jobs to pay off his medical bills, which still amount to $26,922. ‘‘He didn’t know uranium could kill him,’’ she said. ‘‘If he’d have known he would have been dead at 55, he never would have taken the job.’’

25TH ANNIVERSARY OF WASHINGTON METRO

Mr. SARBANES. Mr. President, to- morrow, March 29, 2001, the Wash- ington Metropolitan Area Transit Au- thority will celebrate the 25th Anniver- sary of service on the Washington rail system. I want to take this oppor- tunity to congratulat WMATA on this important occasion and to recognize the extraordinary contribution Metro has made to this region and to our Na- tion.

For the past quarter century, the Washington Metro system has served as a shining example of a public investment in the Washington Metropolitan area’s future. It provides a unified and coordinated transportation system for the region, enhances mobility for the millions of residents, visitors and the businesses to which they work, and the federal workforce in the region, pro- motes orderly growth and development of the region, enhances our environment by preserving and enhancing the beauty and dignity of our Nation’s Capital. It is also an example of an unparalleled partnership that spans every level of government from city to state to fed- eral.

Since passenger service first began in 1976, Metrorail has grown from a 4.6 mile, five station, 22,000 passenger serv- ice to a comprehensive 103-mile, 83 sta- tion, and 600,000 passenger system serv- ing the entire metropolitan region, and with even more stations only a fast track toward completion. Today, the Metro system is the second busiest rapid transit operation in the country, carrying nearly one-fifth of the re- gion’s daily commuters traveling to and from the downtown business districts. This foresight has been well rewarded and I join in celebrating this special occasion.

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

[From the Washington Post, Mar. 25, 2001]

REGION’S SUBWAY SYSTEM BEGINS TO SHOW ITS AGE

(By Lyndsey Layton)

As Washington’s Metro trains hummed to life 25 years ago, many people didn’t know what to expect. It was, after all, among the first U.S. subway systems built from scratch, rather than cobbled together from several existing railroads, as in New York and Bos- ton.

But from its opening on March 27, 1976, Metro was a new American monument. Em- braced by locals and tourists, it became a $9.4 billion model for moving people swiftly and for the train.

Metro’s next 25 years: They want to connect all the major suburbs with rail and to use the more flexible bus system to follow the market. And they dream of a transit system that forges the region’s identity for the next quarter-centu- ry as it did for President, race and class.

AN EARLY VISION

Before it opened, Metro had trouble recruting workers, who were wary about toil- ing in the dark underground. ‘‘All people knew about subways was New York,’’ said Christopher Scripp, a Cleveland Park Sta- tion manager, who was a Metrobus driver when he became one of the first subway em- ployees.

The architect, Harry M. Weese, has been selected to tour European subways with in- structions to combine the world’s best de- signs into a new American monument.
Weese dreamed big, and a legion of engineers followed his concept to launch a transit system that would eventually cost $9.4 billion and stretch 103 miles across two rivers, two counties, and the District. Because of this, Metro can destabilize communities,” she said.

But planners can see only so far into the future. They have yet to recognize as a service area—the edge cities outside the orbit of downtown Washington—has left Metro with the challenge of trying to be useful to people who live or work where the subway lines run. They plotted a hub-and-spoke pattern of five lines with 83 stations stretching from the suburbs to the center of the District to ferry federal workers from homes to offices. But development patterns have since strayed, creating new urban communities and office centers far from the subway lines in upper Montgomery, Howard, Southern Maryland, western Fairfax, Loudoun and Prince William.

Those patterns are going to intensify. In another 25 years, two-thirds of all daily trips in the Washington region will be from a suburb to a suburb, according to the region’s Transportation Planning Board. Transit advocates have been lobbying for several years for a Purple Line to connect Bethesda in Montgomery County with New Carrollton in Prince George’s County. Advocates say the Purple Line is the best bet for a fast connection between the counties, since the proposed intercounty connector linking I-270 and I-95 has been sidelined.

Metro planners are also looking at ways to connect Prince George’s County with Alexandria by running rail over the new Woodrow Wilson Bridge.

Metro has started several new suburb-to-suburb bus routes, though it acknowledges busses are a far cry from rapid rail service.

CHANGING COMMUNITIES

The original 103-mile Metro system was finished in January, when the final five stations opened on the Green Line in the District and Prince George’s. While Metro is primarily a people mover, it also can change the look and feel of a community, for better or worse. Even in neighborhoods that waited many years for Metro service, people have mixed feelings about living on the subway line.

“The more accessible transportation is, the more likely developers are going to come into your neighborhood and price you out,” said Brenda Richardson, a consultant who has closely studied the link in developing projects around its stations and that too much land is developed to parking and roads. The environmental group says Metro should instead develop shops, offices and restaurants so people would ride the trains to—as well as from—the station, to invigorate the community. But Metro General Manager Richard A. Rettinger said a system has historically stayed out of local affairs.

Meanwhile, the road network carries the load, and that Metro can’t do. In Arlington County, traffic congestion has increased fourfold in developing projects around its stations and that too much land is developed to parking and roads. The environmental group says Metro should instead develop shops, offices and restaurants so people would ride the trains to—as well as from—the station, to invigorate the community. But Metro General Manager Richard A. Rettinger said a system has historically stayed out of local affairs.

While 40 percent of the region rides mass transit into the core of Washington, the remaining 60 percent travel by automobile. And when you consider the total number of daily trips taken through the Washington region—including outer-suburban areas from Metro—the percentage carried by transit drops to about 5 percent.

“There’s just a limited number of people who use it,” said Bob Chase, of the Northern Virginia Transportation Alliance. “If you live in Ballston and work in Farragut Square, fine. But that’s not a lot of people.”

Still, the subway has a strong public image. In a recent poll of riders and non-riders conducted by Metro, 89 percent said they felt positively or very positively about Metro.

Several people are for mass transit because they believe everyone else can use it.” Chase said. “They’re driving down the road and they’re thinking, ‘Gee, if we only had transit, everyone else would ride it and get out of my way.’”

Even as they celebrated the completion of the original system, Metro officials were working on three new projects—extending the Blue Line to Largo in Prince George’s, building a New York Avenue station on the Blue and Red line, and extending the Silver Line to Dulles International Airport, with stops in Tysons Corner.

As Metro starts digging the rail bed for the new line, some say it should rectify its mistakes.

“If they just run [rail to Dulles] out the highway median and don’t focus on development at the stations, it will be a wasted investment,” Schwartz said.
If Metro won’t pull the rail to Dulles off the Dulles Toll Road and route it into the heart of the suburbs, it should make the most of the stations along the highway. Riese and Schwartz said. They want stations of the new millennium to be built on platforms over the highway that would also support stores, offices and housing—all of it rising in the roadway.

"While there is record ridership and we are doing a good job, it's like having a Class C basketful of all its opponents and saying that's good enough," Riese said. "But there's Class B and Class A and Class AA. There's no reason this transit system can't be Class AA."

FIFTH ANNIVERSARY OF RED TAPE REDUCTION ACT

Mr. BOND. Mr. President, five years ago today the Congress, without dissent in the Senate, took a historic step in reigning in the federal government's regulatory machine and protecting the interest of small businesses. My Red Tape Reduction Act, what others call the SBREFA panel process has had a very salutary impact on the regulatory process at the time when it could make the most difference: before the regulation is published as a proposal.

This act provides a number of provisions that have proven to make the regulatory process more attentive to the impact on small businesses, and consequently more fair, more efficient and more effective. Perhaps the best known of these provisions is the requirement that OSHA and EPA convene panels to receive comments from small businesses before their regulations are proposed. This gives these agencies the unique opportunity to learn up front what the problems with their regulation may be, and to correct these problems when it will cause the least difficulty. This has resulted in significant changes being made, and in one case EPA abandoning a regulation because they recognized that the industry could deal with the issue more effectively on their own.

Experience with this panel process has proven to be an unequivocal success. The former chief counsel for advocacy of the Small Business Administration stated that, "Unquestionably, the SBREFA panel process has had a very salutary impact on the regulatory deliberations of OSHA and EPA, resulting in more effective, fairer, and more effective rules. What is important to note is that these changes were accomplished without sacrificing the agencies public policy objectives."

Another provision of the Red Tape Reduction Act that was just exercised, was the Congressional Review Act, which gave Congress the ability to invalidate those regulations determined to be truly egregious and beyond repair. Thankfully, we had this measure available as a last resort to dispose of the Clinton OSHA economics regulation, which was a monument to regulatory excess and failure to appreciate the impact on small businesses.

Finally, one other provision of the Red Tape Reduction Act is just now being invoked. The Red Tape Reduction Act corrected the Regulatory Flexibility Act's lack of enforcement by giving interested parties the opportunity to bring a legal challenge when their regulations are found in non-compliance. Litigation is now moving through the courts that takes advantage of this provision and will hold agencies accountable for their actions.

While the Red Tape Reduction Act has been a resounding success, it is also clear that more needs to be done. Too many agencies are still trying to evade the requirements to conduct regulatory flexibility analyses that will identify the small business impacts of their regulations. We now realize that the IRS should also be required to conduct small business review panels so that their regulations will impose the least amount of burden while still achieving the mission of the agency.

They can be better addressed in future legislation that I will introduce. For now, let us all appreciate and celebrate the benefits that the Red Tape Reduction Act brought to both the agencies and small businesses.

WORK OPPORTUNITY IMPROVEMENT ACT OF 2001

Mr. BAUCUS. Mr. President, it is with great pleasure that I join my colleague and friend, Senator JERFORDS to introduce S. 626, the Work Opportunity Improvement Act of 2001. This legislation would permanently extend the Work Opportunity Tax Credit, WOTC, and the Welfare-to-Work, W-T-W, tax credit. The measure would also modify WOTC's eligibility criteria to help those receiving food stamps qualify for the credit.

Over the past 5 years these tax credits have played an integral part in encouraging employers to hire eligible recipients of America's working poor transition into the workforce. WOTC was enacted in September of 1996, and W-T-W a year later, in order to provide employers with the financial resources they would need to recruit, hire, and retain individuals who have significant barriers to work. Traditionally, employers have been resistant to hiring those coming off the welfare rolls not only because they tended to be less educated and have lit- tle work experience, but also because welfare dependency fosters self esteem problems which need to be surmounted. But these hiring tax incentives have clearly demonstrated that employers can be enticed to overcome these natural resistance to hiring these skill, economically dependent individuals provided they are supplied adequate financial incentives. No other hiring tax incentive or training program has been nearly as successful as WOTC and W-T-W in encouraging employers to change their hiring practices.

A vibrant public-private partnership has developed over the past 5 years where-by government has provided the incentives and program administration support required to induce employers to participate. Employers have responded by changing their hiring practices. Many employers have established outreach and recruitment programs to administer the programs and have made these programs more employer-friendly by continually improving the way they are administered. But time and again, we hear from both employers and the State job services, which administer the programs, that continued uncertainty surrounding short-term extensions impedes expanded participation and improvements in program administration. A permanent extension would encourage many of the employers now participating to expand their recruitment efforts and encourage the States to commit more time and effort to perfecting their administration of the program. This in turn would mean that even more individuals would be helped to transition from welfare dependency to dependency to dependency to dependency to dependency to dependency to dependency to dependency to dependency to dependency to dependency to dependency.

In addition to making the WOTC and W-T-W programs permanent, our legislation would improve the WOTC program by increasing the age ceiling in the food stamp category from age 21 to age 51. This would greatly improve the job prospects for many absentee fathers and other males who are less likely to qualify under other categories. Making absentee fathers eligible for the WOTC credits would provide employers with the incentive to hire them and in so doing provide them with the sense of personal responsibility and community involvement that are essential first steps to their assuming their responsibility as parents.

We urge our colleagues to join us in supporting this important legislation to permanently extend the Work Opportunity Tax Credit and Welfare-to-Work tax credit programs.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, March 28, 2001, the Federal debt stood at $5,734,570,704,080.99, Five trillion, seven hundred thirty-four billion, five hundred seventy million, seven hundred four thousand, eighty dollars and ninety-nine cents.

One year ago, March 28, 2000, the Federal debt stood at $5,733,742,000,000, Five trillion, seven hundred thirty-three billion dollars. Five years ago, March 28, 1996, the Federal debt stood at $5,071,792,000,000, Five trillion, seventy-one billion dollars. Seven years ago, March 28, 1999, the Federal debt stood at $5,460,371,000,000, Three trillion, four hundred sixty billion, three hundred seventy-one million.
Mr. LEAHY. Mr. President, on Friday, April 5, a distinguished retired Senator from Vermont was buried. Senator Robert F. Kennedy was assassinated. His friend, Leo. C. Strong, eulogized him as a man who "had the most vital and compelling of all political ideals, the ideal of freedom which is an ideal of justice and of a world that is more just than the world was when he entered the Senate." I join with Senator Leahy in the recollection of Senator Kennedy. He was a dedicated public servant whose work was dedicated to the American people. He was a true patriot and a man of honor who served his country with distinction. He will be missed by all who knew him.

Mr. LUGAR. Mr. President, two years ago I rose to commend Purdue University’s women’s basketball team for winning the 1999 National Collegiate Athletic Association basketball championship. Today I again rise to honor the Lady Boilermakers for again making a trip to the NCAA Final Four. And this year, I also want to honor the women’s basketball team of the University of Notre Dame as Indiana is exceptionally proud to have not one, but two women’s basketball teams reaching the 2001 NCAA Final Four.

Notre Dame last represented Indiana in the women’s NCAA Final Four in 1997. This year the Notre Dame women have achieved an exceptional sixth consecutive tournament appearance and eighth overall tournament appearance under Head Coach Muffet McGraw. Coach McGraw and All-American, Big East Player of the Year Ruth Riley have led the team to an outstanding 32-2 record, a school high for victories in one season.

Purdue’s women have persevered through adversity to achieve success as they suffered the loss of team member Tiffany Young in a 1999 traffic accident. Team members experienced other personal losses and serious injuries, yet with skill and determination they have become the first team to reach the Final Four under three coaches: Lin Dunn in 1994, Carolyn Peck in 1999, and now current Coach Kristy Curry. Coach Curry, Big Ten Player of the Year Katie Douglas, and the rest of the Lady Boilermakers hold an impressive 30-6 record.

We celebrate the dedication of these women, their victories, and the tradition of sportsmanship and excellence present throughout Indiana. We send these two teams our best wishes as they proceed to their respective semi-final games.

IN MEMORY OF ROWLAND EVANS

Mr. HOLLINGS. Mr. President, the best example of the free press was Rowland Evans and the best brief on this outstanding journalist was from his partner, Robert D. Novak, in the Washington Post, Thursday, March 29. I ask consent that the brief be included in the Record for his friends that knew him and for the millions more that were informed by his writing.

The brief follows:

[From the Washington Post, Mar. 29, 2001]

ROWLAND EVANS, REPORTER
(By Robert D. Novak)

On Monday morning, Dec. 17, 1962, I returned from a trip and found multiple phone messages from Rowly Evans on my desk in the Wall Street Journal’s Washington bureau. Evans, a reporter for the New York Herald-Tribune, arrived at a surprise luncheon to collaborate with me in a daily newspaper column.

The goal was a product short on ideology, long on accuracy. The column first appeared on May 15, 1963, and ran in this space under our double byline until Evans retired from the column 30 years later. Over the years, I fear, we became more ideological. But we promised ourselves that every column would contain some information, major or ministerial, never previously reported.

We kept that promise, thanks to Evans’ energies. Several obituaries noting the death of Rowland Evans from cancer on March 23 described him as a conservative. More appropriately, he should be remembered as a reporter and a patriot.

His model was the column written by the Alsop brothers—Joseph and Stewart—who combined deep insight with passion for the security of the United States. Like Joe Alsop, Evans belonged to the Washington of black-tie dinner parties, still flourishing when our column began.

Rowly snagged stories on the Georgetown party circuit, including an exclusive on U.S. plans for an electronic wall to protect south Vietnam. But he also covered the conflict in Laos on old-fashioned reporting, featuring relentless interrogation of sources. Senators, Cabinet members and anonymous staffers lured to lunch or breakfast at the Metropolitan Club found themselves facing a questioner who insisted on answers. He traveled everywhere for stories, covering the Vietnam, Six-Day and Gulf wars, often at great physical risk.

Readers who thought they could spot the principal author of our columns would be disabused of that responsibility. Joe Alsop had the habit of saying that my column disdained the conventional wisdom that Mr. Conservative was dead for the Republican presidential nomination. After much shoeleather, Joe and I came to the conclusion that Goldwater quite likely would be the nominee.

He flourished when reporting on national security, using sources both prominent and shadowy. He was ahead of everybody in forecasting the breakdown of Soviet satellite rule in Poland and Czechoslovakia. He was a witness to another exposed Soviet cheating on arms control agreements that U.S. officials tried to ignore. Evans considered that work the high point of his long career.

Nothing he did ever caused more trouble than his tough reporting on Israeli intrusiveness. Evans was not anti-Israel and certainly not anti-Semitic. He went to Lebanon, Israel, and the West Bank on assignments that staked him in opposition to his friend Robert F. Kennedy. It led him away from his family’s ties with Democrats and the Kennedy Organization.

He was the life of every party he attended. But behind the charm of a Philadelphia society boy was a tough Marine who loved his country and never wavered in seeking the truth.

BRYANNA HOCKING WINS MITCHELL SCHOLARSHIP

Mr. SMITH of Oregon. Mr. President, I am delighted to congratulate an Oregon citizen and former intern in my office, Bryanna Hocking, of Eugene, OR, on her selection as a recipient of a George J. Mitchell Scholarship to study in Ireland beginning in the fall.

This competitive, national scholarship enables American university graduates to pursue a year of study at institutions of higher learning in Ireland and Northern Ireland. These scholarships are awarded to individuals between the ages of 18 and 30 who have shown academic distinction, commitment to service, and potential for leadership.

Bryanna will be an excellent student ambassador to Ireland. In May 2000, she received a Bachelor of Science in Foreign Service from Georgetown University’s Walsh School of Foreign Service. An active member of her community, she was founder and co-chair of the Georgetown Women’s Guild, which organized forums and discussions at the University on foreign policy and served on the executive board of the Georgetown College Republicans.

Bryanna is an aspiring journalist, an ambition sparked by her concerns about how the media dealt with the Balkans, Rwanda, and other areas where ethnic strife led to genocide. Bryanna hopes that she can combine her passion for journalism and international affairs in a career in which she contributes to increased harmony among the world’s peoples. I congratulate her and wish her luck in her peace and development studies at the University of Limerick.

DR. GEORGE W. ALBEE, DISTINGUISHED VERMONTER

Mr. LEAHY. Mr. President, on Friday April 5, a distinguished retired Vermonter, Dr. George W. Albee will receive the American Psychological...
in mental health was one of the major influences in developing the community mental health center movement. He has been a frequent critic of the mental health establishment, but he has been as sharply critical of his own field when it seemed tempted to yield principle for power and status. At times of greatest crisis, however, George W. Albee has helped find ways of compromise which have held psychology together.

I congratulate Dr. Albee for this award.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 5:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6. An act to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and the earned income credit, to increase the child credit, and for other purposes.

The message also announced that the House has heard with profound sorrow of the death of the Honorable Norman Sisisky, a Representative from the Commonwealth of Virginia. That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral. That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House. That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased. That when the House adjourns today, it adjourns as the Senate.

The message further announced that pursuant to 22 U.S.C. 276h, the Speaker appoints the following Member of the House of Representatives to the Mexico-United States Interparliamentary Group: Mr. Kolbe of Arizona, Chairman. The message also announced that pursuant to section 228(d)(1) of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Public Law 106–181), the Minority Leader appoints the following individual to the National Commission to Ensure Consumer Information and Choice in the Airline Industry: Mr. Thomas P. Downing, Sr. of Maryland Heights, Missouri.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance:

Special Report entitled “Report on the Activities of the Committee on Finance of the United States Senate During the 106th Congress” (Rept. No. 107–4).

By Mr. HELMS, from the Committee on Foreign Relations:


EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. WARNER for the Committee on Armed Services:

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. Martin J. Bolling, 0000
Brig. Gen. John D. Dorris, 0000
Brig. Gen. Patrick J. Gallagher, 0000
Brig. Gen. Ronald M. Segal, 0000

To be brigadier general

Col. Thomas A. Dyches, 0000
Col. John H. Grueber, 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. Dorman, 0000
Col. Howard M. Edwards, 0000
Col. Mary A. Epps, 0000

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Col. Harry W. Feucht Jr., 0000
Col. Wayne A. Green, 0000
Col. Gerald E. Harmon, 0000
Col. Clarence J. Hindman, 0000
Col. Herbert H. Hilliard, 0000
Col. Jeffrey P. Lyon, 0000
Col. James R. Marshall, 0000
Col. Edward A. Mclheny, 0000
Col. Edith P. Mitchell, 0000
Col. Mark R. Ness, 0000
Col. Richard D. Raddke, 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. John B. Van Cott, 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 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 named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
Maj. Gen. Joseph M. Cosumano Jr., 0000
The following named officers for appointment in the Reserve of the Army 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) John A. Jackson, 0000
Rear Adm. (lh) John P. McLaughlin, 0000
Rear Adm. (lh) James R. Pielahl, 0000
Rear Adm. (lh) John H. 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
(The above nominations were reported with the recommendation that they be approved.)
Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary’s desk for the information of Senators.

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

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.

Air Force nomination of WILLIAM D. CARPENTER, which was received by the Senate and appeared in the CONGRESSIONAL RECORD on February 27, 2001.

Air Force nominations beginning ANTOIN M ALEXANDER and ending TOBY 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. ABREH 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.

Army nominations beginning BENJAMIN B. ABERNATHY and ending ROBERT E YOUNG, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 27, 2001.

Army nomination of Brian J. Sterner, which was received by the Senate and appeared in the CONGRESSIONAL RECORD on February 27, 2001.

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 JOSHDUB A. AHO and ending JEFFREY R ZELLER, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 27, 2001.

Army nominations beginning WILLIAM A ATKEN and ending DOUGLAS P YUROVICH, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 27, 2001.

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. HATCH, for himself, Mr. LEAHY, Mr. KOHL, Mr.

By Mr. HATCH, for himself, Mr. LEAHY, Mr. KOHL, Mr.


By Mr. SPECTER (for himself, Mr. LEAHY, Mr. HATCH, Mr. KOHL, Mr.

By Mr. HATCH, for himself, Mr. LEAHY, Mr. KOHL, Mr.
S. 655. A bill to provide the adjustment of status of certain nationals of Liberia to that of lawful permanent residence; to the Committee on the Judiciary.

S. 656. A bill to authorize funding for the National 4-H Program Centennial Initiative; to the Committee on Agriculture, Nutrition, and Forestry.

S. 657. A bill to authorize the President to report under the Lobbying Disclosure Act of 1995 and to require the President to report any gifts, pledges, or commitments of a gift to a trust fund established for purposes of establishing a presidential library for that President after his or her term has expired; to the Committee on Governmental Affairs.

By Mr. FEINGOLD:
S. 658. A bill to reform the Army Corps of Engineers; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself and Mr. CHAFEE):
S. 659. A bill to amend the Internal Revenue Code of 1986 to provide for the issuance of tax-exempt bonds by Indian tribal governments, and for other purposes; to the Committee on Finance.

By Mr. CRAPO (for himself, Mr. CRAIG, Mr. HAGEL, Mr. COCHRAN, Mrs. LINCOLN, Mr. BOMYER, Mr. HELMS, Mr. RYAN, Mr. JOHNSON, Mr. DAYTON, and Mr. HUTCHINSON):
S. 660. A bill to amend the Internal Revenue Code of 1986 to provide for the issuance of tax-exempt bonds by Indian tribal governments, and for other purposes; to the Committee on Finance.

By Mr. THOMPSON (for himself, Mr. BRUCE, Mr. MURkowski, Mr. JEFFords, Mr. GRAHAM, Mr. NICKLES, and Mrs. LINCOLN):
S. 661. A bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel tax for Federal waterways and inland waterway transportation which remain in the general fund of the Treasury; to the Committee on Finance.

By Mr. DOLE (for himself, Mr. BYRD, Mr. SANTORUM, Mr. CONRAD, Mr. FEINGOLD, Mr. KENNEDY, Mr. KOHL, Mr. LEAHY, Mr. DORGAN, and Mr. Voinovich):
S. 662. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for national cemeteries, or to otherwise commemorate, certain individuals; to the Committee on Veterans' Affairs.

By Mr. WELLSTONE (for himself and Mr. DADARO):
S. 663. A bill to authorize the President to present a gold medal on behalf of Congress to Eugene McCarthy in recognition of his service to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GREGG (for himself and Mr. KOHL):
S. 664. A bill to provide jurisdictional standards for the imposition of State and local tax obligations on interstate commerce, and for other purposes; to the Committee on Finance.

By Mr. MCCaIN (for himself, Mr. DASChLE, and Mr. INouE):
S. 665. A bill to amend the Internal Revenue Code of 1986 to exempt from income taxation income derived from natural resources-related activity by a member of an Indian tribe directly or through a qualified Indian tribe corporation, and for other purposes.

By Mr. REED (for himself, Mr. Brownback, and Mr. WELLSTONE):
S. 666. A bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence; to the Committee on the Judiciary.

S. 667. A resolution honoring Neil L. Rudenstine, President of Harvard University, for his contributions to the Committee on Health, Education, Labor, and Pensions.
At the request of Mr. Akaka, the name of the Senator from Nebraska (Mr. Nelson) was added as a cosponsor of S. 177, a bill to amend the provisions of title 39, United States Code, relating to the provision of which pay policies and schedules and fringe benefit programs for postmasters are established.

At the request of Ms. Collins, the name of the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. 203, a bill to amend the Internal Revenue Code of 1986 to provide an above-the-line deduction for qualified professional development expenses of elementary and secondary school teachers and to allow a credit against income tax to elementary and secondary school teachers who provide classroom materials.

At the request of Mr. Hatch, the name of the Senator from Idaho (Mr. Crapo) was added as a cosponsor of S. 213, a bill to amend the National Trails System Act to update the feasibility and alternate studies of 4 national historic trails and provide for possible additions to such trails.

At the request of Mr. Grassley, the name of the Senator from Wyoming (Mr. Thomas) and the Senator from Arkansas (Mr. Hutchinson) were added as cosponsors of S. 234, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services.

At the request of Mr. Biden, the name of the Senator from Minnesota (Mr. Dayton) was added as a cosponsor of S. 250, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

At the request of Mr. Snowe, the name of the Senator from Minnesota (Ms. Snowe) 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.

At the request of Mr. Sessions, the name of the Senator from Colorado (Mr. Allard) was added as a cosponsor of S. 289, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

At the request of Mr. Grassley, the names of the Senator from Pennsylvania (Mr. Santorum) and the Senator from Arkansas (Mr. Hutchinson) were added as cosponsors of S. 313, a bill to amend the Internal Revenue Code of 1986 to provide for Farm, Fishing, and Ranch Risk Management Accounts, and for other purposes.

At the request of Mr. Ensign, the name of the Senator from Idaho (Mr. Crapo) was added as a cosponsor of S. 338, a bill to protect amateur athletics and combat illegal sports gambling.

At the request of Mr. Hutchinson, the name of the Senator from Maine (Ms. Snowe) was added as a cosponsor of S. 349, a bill to provide funds to the National Center for Rural Law Enforcement, and for other purposes.

At the request of Mr. Cochrane, the name of the Senator from South Dakota (Mr. Dascenole) was added as a cosponsor of S. 403, a bill to improve the National Writing Project.

At the request of Mr. Crapo, the name of the Senator from Minnesota (Mr. Wellstone) was added as a cosponsor of S. 410, a bill to amend the Violence Against Women Act of 2000 by expanding legal assistance for victims of violence grant program to include assistance for victims of dating violence.

At the request of Mr. Cleland, the name of the Senator from Maryland (Ms. Mikulski) was added as a cosponsor of S. 414, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

At the request of Mr. DeWine, the name of the Senator from Montana (Mr. Burns) was added as a cosponsor of S. 431, a bill to amend part D of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

At the request of Mr. DeWine, the names of the Senator from Montana (Mr. Burns), the Senator from Idaho (Mr. Crapo), the Senator from Nebraska (Mr. Hagel) and the Senator from Maine (Ms. Snowe) were added as cosponsors of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow for a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve component and allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

At the request of Mr. Sessions, the name of the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. 567, a bill to amend the Internal Revenue Code of 1986 to provide capital gain treatment under section 631(b) of such Code for outright sales of timber by landowners.

At the request of Mr. Roberts, the name of the Senator from Alaska (Ms. Murkowski) was added as a cosponsor of S. 599, a bill to amend the Omnibus Trade and Competitiveness Act of 1988 to establish permanent trade negotiating and trade agreement implementing authority.

At the request of Ms. Snowe, the names of the Senator from Wyoming (Mr. Enzi), the Senator from South Carolina (Mr. Hollings), the Senator from Alabama (Ms. Shelby), the Senator from Washington (Ms. Cantwell), and the Senator from Washington (Mrs. Murray) were added as cosponsors of S. Con. Res. 8, a concurrent resolution expressing the sense of Congress regarding subsidized Canadian lumber exports.

At the request of Mrs. Feinstein, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of S. Con. Res. 11, a concurrent resolution expressing the sense of Congress to fully use the authorities of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

At the request of Mr. Shelby, the names of the Senator from Pennsylvania (Mr. Specter) and the Senator from Montana (Mr. Burns) were added as cosponsors of S. Res. 41, a resolution designating April 1, 2001, as “National Murder Awareness Day.”

At the request of Mr. Cochrane, the names of the Senator from Delaware (Mr. Biden), the Senator from Hawaii (Mr. Akaka), the Senator from Washington (Mrs. Murray), and the Senator from Connecticut (Mr. Dodd) were added as cosponsors of S. Res. 44, a resolution designating each of March 2001, and March 2002, as “Arts Education Month.”

At the request of Mr. Camp, the names of the Senator from Maine (Ms. Snowe), the Senator from New York (Mr. Schumer), and the Senator from California (Mrs. Feinstein) were added as cosponsors of S. Res. 63, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.
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STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUTCHINSON:

A bill to authorize the establishment of a suboffice of the Immigration and Naturalization Service in Fort Smith, Arkansas; to the Committee on the Judiciary.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that a copy of the "Fort Smith INS Suboffice Act" be printed in the RECORD.

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

S. 444

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 "Fort Smith INS Suboffice Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Immigration and Naturalization Service office in Fort Smith, Arkansas, is an office of the jurisdiction of the district office in New Orleans, Louisiana.

(2) During the past 10 years, the foreign national population has grown substantially in the jurisdictional area of the Fort Smith office.

(3) According to the 2000 census, Arkansas’ Hispanic population grew by 357 percent over the Hispanic population in the 1990 census. This rate of growth is believed to be the fastest in the United States.

(4) Hispanics now comprise 3.2 percent of Arkansas’ population and 5.7 percent of the Third Congressional District of Arkansas’ population.

(5) This dramatic increase in immigration will continue as the growing industries and excellent quality of life of Northwest Arkansas are strong attractions.

(6) Interstates 540 and 49 intersect in Fort Smith and air transportation is readily available there.

(7) In the Departments of Commerce, Justice, and the Judiciary, and the Independent Agencies Appropriations Act, 2001, Congress directed the Immigration and Naturalization Service to review the staffing needs of the Fort Smith office.

(8) A preliminary review shows that the Fort Smith office is indeed understaffed. The office currently needs an additional adjudication officer, an additional information officer, a part-time "jack-of-all-trades" employee, 2 full-time clerks, and 1 additional enforcement officer.

(9) A suboffice designation would enable the Fort Smith, Arkansas, office to obtain additional staff as well as an Officer-in-Charge who would have the authority to sign documents and take actions related to cases which now must be forwarded to the New Orleans District Office for approval.

(10) The additional staff, authority, and autonomy that the suboffice designation would provide the Fort Smith office would result in a reduction in backlogs and waiting periods, a significant improvement in customer service, and a significant improvement in the enforcement of the immigration laws of the United States.

(11) The designation of the Fort Smith office as a suboffice of the Immigration and Naturalization Service is—

(A) committed to facilitating the legal immigration process for those persons acting in good faith; and

(B) likewise committed to enforcing the immigration laws of the United States.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for each fiscal year to establish and operate an Immigration and Naturalization Service suboffice in Fort Smith, Arkansas.

By Mr. SPECTER (for himself, Mr. LEAHY, Mr. HATCH, Mr. KOHL, Mr. BIDEN, Mrs. FEINSTEIN, Mr. SESSIONS, Mr. GRASSLEY, and Mrs. CLINTON):

S. 465. A bill to require individuals who lobby on pardon issues to register under the Lobbying Disclosure Act of 1995 and to require the President to report any gifts, pledges, or commitments of a gift to a trust fund established for purposes of establishing pardons of Marc Rich, who that President after his or her term has expired; to the Committee on Governmental Affairs.

Mr. SPECTER. Mr. President, this legislation follows consideration by the Judiciary Committee of the pardons issued by former President Clinton on January 20, the last day of his administration, and seeks to reform and correct a couple of major gaps which are present in existing procedures in two respects—to require that lobbyists, such as Jack Quinn, be required to register and that contributions to Presidential libraries be subject to public disclosure.

I offer this legislation on behalf of myself, Senators LEAHY, HATCH, KOHL, BIDEN, FEINSTEIN, SESSIONS, GRASSLEY, and CLINTON.

The public record is filled with the details as to what happened with the notorious pardons of Marc Rich, who was a fugitive for some 17 years, where a pardon was granted at the very last minute without the pardon attorney at the Department of Justice being informed of the situation until 1 a.m. on January 20.

When the pardon attorney called the White House to try to get some information about Marc Rich and Pincus Green, he was told that they were "traveling abroad." When the pardon attorney testified at the Judiciary Committee hearing under my questioning, and testified that they were "traveling abroad," he about broke up the hearing room, for that characterization to be made of someone who had been a fugitive for 17 years.

In granting the pardon, former President Clinton notified Ms. Beth Dozoretz, who was very active in lobbying for the pardon, at 11 o’clock on January 19, some 2 hours in advance of telling the pardon attorney, and there had been extensive lobbying by Ms. Denise Rich, the former wife of Marc Rich.

The legislation we are introducing will require that someone such as Jack Quinn be registered as a lobbyist.

Without going into the details—and they are set forth in the Judiciary Committee hearing—there were major efforts made to keep this activity under the so-called radar screen so that nobody would know about it.

This legislation would require someone in Jack Quinn’s position to register and be known publicly, and then with the kind of public pressure which would be brought, I think it highly likely that a pardon such as that granted to Marc Rich would never have been granted.

The second provision deals with contributions for pledges or commitments to raise money for Presidential libraries. This legislation provides that there should be public disclosure of those contributions, pledges, or commitments to raise money, where those pledges or commitments are made during the term of office.

A pledge to contribute money to a Presidential library has a great many of the same characteristics as a campaign contribution. The question is raised about whether or not there is favoritism or influence sought from that kind of a monetary contribution. By having the public disclosure, then it would be within public view.

That is the essence of the legislation.

Mr. President, the Senate Judiciary Committee inquiry into the pardons and commutations issued by former President Clinton on January 20, 2001, has disclosed major gaps which can be addressed through legislation. Today I am introducing a bill to address two of these subjects.

My bill requires individuals who urge official action in the White House to grant clemency to register as lobbyists. There is currently no requirement for them to do so. This bill will also require the disclosure of donations or pledges of $5,000 or more, or commitments to raise $5,000 or more for Presidential libraries while the President is still in office. Such donations, pledges or commitments are not currently subject to disclosure, creating a situation where individuals could make large contributions to the President’s library foundation in the hope of influencing favorable action by the President.

The Senate investigation of the pardons matter has been forward-looking from the beginning. The objective of the inquiry was to get the facts out in the open. Once the facts were known, the question was whether legislative remedies were appropriate.

This legislation does not deal with the President’s power to grant executive clemency since any changes in that power would require a constitutional amendment.

Former President Jimmy Carter called the pardon of fugitive commodities trader Marc Rich “disgraceful,” and Democratic Representative HENRY WAXMAN said that “the failures in the pardon process should embarrass every Democrat and every American.” The outrage over former President Clinton’s last minute pardons is bi-partisan, and I expect there will be bi-partisan support for this legislation to fix the problems disclosed by the Senate Judiciary Committee inquiry.

The pardons of Marc Rich and Pincus Green have sparked the most public
outrage, and rightly so. The actions of Hugh Rodham, who took more than $400,000 for his limited work on the clemency requests for Almon Glenn Braswell and Carlos Vignali, Jr., and Roger Clinton, who is reportedly under investigation for trying to purchase access to the White House in relation to pardons, are similarly outrageous. There are undoubtedly others who made money from the pardons process, or at least tried to do so. But let us at least identify them as what they are — lobbyists. When you get paid money, in some of these cases, lots of money, to argue for a pardon because you know the President of the United States, or someone like a relative who is close to the President, what you are doing is lobbying. Shining sunlight on the activities of these pardon lobbyists will further the cause of good government.

In a February 18, 2001 op-ed in the New York Times, former President Clinton’s Attorney General, Janet Reno, had decided to grant Rich and Green clemency for a number of legal and foreign policy reasons, but it’s hard to see how the facts of the case add up to a pardon. Rich fled to Switzerland in 1983, shortly before he was indicted on 65 counts of racketeering, money laundering, wire fraud, violation of Department of Energy regulations, and trading with the enemy. Then he tried to renounce his citizenship. Although he could afford the best lawyers in the business, Rich returned to the United States to plead his case in court. At the time of his pardon, he was still listed on the Justice Department’s list of top international fugitives. Over the course of seventeen years and three administrations, Rich repeatedly tried to get the Justice Department to offer him a deal on favorable terms. When that failed, he orchestrated a plan last year to get a grant of executive clemency to wipe out the charges against him in return for his never even having to stand trial. In the end, Mr. Rich got his pardon, but the way he got it shows the need for requiring pardon lobbyists to register.

In late 2000, after failing to get the Southern District of New York, to make a deal that didn’t involve any jail time for Rich and Green, the Rich legal team began seriously pursuing a pardon strategy. There is some disagreement on the timing of the decision in this case, but the important point is that, once the decision was made to take the case to the White House, the Rich legal team wanted to keep their activities out of public view so the Southern District of New York, or someone else who would oppose the pardon, wouldn’t in and out of the deal.

There is some evidence that the Rich legal team was considering seeking a pardon as early as March, 1999. A log from the law firm of Arnold and Porter cites a March 12, 1999, memorandum from Carol Fischer to Robert Fink, one of Mr. Rich’s lawyers. The document is titled “Legal Research re: Pardon Power.” Clearly there was some consideration of seeking a pardon, or there wouldn’t have been a need to do research on the pardon power.

On February 10, 2000, Robert Fink wrote an e-mail to Avner Azulay, who works for Mr. Quinn. In this e-mail, Azulay told Mr. Fink that the latest efforts to make a deal with the Southern District of New York had failed because the Department of Justice would not negotiate unless Mr. Rich returned to the United States to face the charges. Azulay replied the same day, saying that “The present impasse leaves us with only one other option: the unconventional approach which has not yet been tried and which I have been proposing all along.”

There is also a March 20, 2000 e-mail from Azulay to Fink. In this e-mail, Azulay tells Fink that “We are reorienting to the idea discussed with Abe which is to send DR [Denise Rich] on a ‘personal’ mission to NO1. (undoubtedly President Clinton) with a well-prepared script.”

Mr. Quinn has testified that the idea of a pardon did not receive serious consideration until late in the year, but these e-mails raise questions about what Mr. Rich knew about the circumstances, it would be of no interest when the Rich team made a decision to seek a pardon, but it is important in this case because there are other e-mails showing that they tried very hard to make a deal. For example, in a December 26, 2000 e-mail, Fink told Quinn that “Frankly, I think we benefit from not having the existence of the petition known, and do not want to contact people who are unlikely to really make a difference but who could create press or other exposure.”

Later, in a January 9, 2001, e-mail, Quinn told Fink, “I think we’ve benefitted from being under the press radar. People have they how did they benefit? They benefitted by not having the U.S. Attorney from the Southern District of New York weigh in with the White House, by not having the kind of scrutiny from the press that the case has had since January. Does anyone seriously believe that former President Clinton would have granted this pardon if the story had broken, with all the details out in the open, in early January instead of after the pardon was already a done deal? Of course not. Jack Quinn counted on being under the radar, and it worked.

This legislation will make it harder for the Jack Quinn’s of the future to stay under the radar. When pardon lobbyists are required to register, they won’t be able to hide their actions until it is too late for anyone to act. If Jack Quinn had been required to register as a lobbyist when he started urging officials at the White House to grant clemency to Rich and Green, the chances are good that this story would have had a different ending.

This legislation would also cover the activities of Hugh Rodham, who made more than $400,000 working to get clemency for Almon Glenn Braswell and Carlos Vignali. Mr. Braswell is the subject of an ongoing investigation related to allegations of tax evasion, and clearly should not have been granted a pardon. Mr. Vignali was one of the top members of a drug smuggling organization that shipped more than 800 pounds of cocaine from the Los Angeles area to Minnesota. He was not a likely candidate to have his sentence commuted and the Pardon and the Parole Commission reportedly recommended that the request be denied. Several of the members of the drug ring who had smaller roles that Vignali did are still sitting in jail.

But Carlos Vignali got a pardon. Hugh Rodham’s role should have been subject to public disclosure since he had close family ties to the White House, reportedly lived at the White House for the last several weeks of the administration, and had documents shipped to himself there.

Roger Clinton was also reportedly involved in several attempts to get paid for pardons for his friends. This matter, like several others, is reportedly being investigated by Mr. Vignali’s Attorney for the Southern District of New York. It remains to be seen what she will find, but we don’t have to wait for the end of her investigation to know that if an individual trades on his access to the White House to make money, that’s lobbying, and he or she should be required to register as a lobbyist.

The second part of this bill requires the public disclosure of donations or pledges of $5,000 or more, or commitments to raise $5,000 or more for presidential libraries while the president is still in office. There are presently no requirements to make such donations public, and administration and foundation has resisted efforts to review its donor list.

Presidential libraries are a relatively new phenomenon, with only ten of them in existence. Under current law, presidential libraries with private funds, then turned over to the National Archivist for operation. Amendments to the Presidential Libraries Act have mandated the establishment of an endowment to cover some of the costs of operating the library. These goals are usually met through the establishment of a charitable organization, a 501(c)(3) corporation.

Former Presidents Carter and Bush did not raise any money for their libraries while they were in office because they were concentrating on getting re-elected. Because both of these Presidents lost their re-election bids, they never faced the situation of having to raise money for a library while they were still in office.

Former Presidents Reagan and Clinton, as two term Presidents, began raising money for their libraries during their second terms. Officials from the Reagan library have said that the library fund received several large contributions from corporate donors while
former President Reagan was still in office, but the big corporate donations tailed off rapidly when the President left office.

It is not necessary to suggest that there was any wrongdoing on the part of former President Reagan, except to note that former President Clinton realized that a donor could make a large donation to a presidential library in the hope of receiving a favorable action from the President in exchange for the donation. The donor knew that these donations can be made without public disclosure makes them a matter of even greater concern.

The Rich case highlights the need for public disclosure of donations while the President is still in office. Denise Rich, Marc Rich’s former wife, was deeply involved in trying to get a pardon for Rich. She also gave at least $450,000 to former President Clinton’s library foundation. Beth Dozoretz, former finance chair of the Democratic National Committee who pledged to raise $1 million for the Clinton library, also worked on the Rich pardon.

Ms. Dozoretz’s involvement in the Rich case is remarkable in that the former President spent far more time talking to his lawyer than he did talking to the prosecutors in the Southern district of New York. Ms. Dozoretz had at least three conversations with former President Clinton about the Rich pardon, including one at 11:15 p.m. on January 19, the night before the pardon was actually issued.

Ms. Dozoretz had been scheduled to meet with her staff, but she changed her plans and declined to be interviewed. But we found out that she had called the President on the night of January 19, at about 11 p.m. to thank him for granting the pardon for Marc Rich. If Ms. Dozoretz knew of the Rich pardon in time to call the President at 11 p.m. on the evening of January 19, she could have put the decision at least two hours before Pardon Attorney Roger Adams, the official who was charged with actually writing up the pardon warrant. Mr. Adams testified that he had not heard that Rich and Green were being considered for clemency until almost 1 A.M. on the morning of January 20. Mr. Adams was told by the White House counsel’s office that there probably wouldn’t be much information available on Rich and Green, who had been “living abroad” for several years. That was a strange way of saying they were fugitives, but Mr. Adams was later able to figure that out himself. He had his staff research the Internet to see what he could learn about these two men, and he learned that they were on the Justice Department’s list of most wanted international fugitives. When he relayed his concerns to the White House, he was told to prepare the pardon documents anyway.

Ms. Dozoretz has refused to say from whom she learned that the President had decided to grant Rich’s clemency request, but she apparently knew before the official who was charged with overseeing the pardon process. Ms. Dozoretz has asserted her privilege against self-incrimination under the Fifth Amendment, so we have no way of knowing exactly how she learned that the pardon had already been made on January 19.

But we do have other relevant information. First, Beth Dozoretz pledged to raise $1 million for the Clinton library. Former President Clinton spoke to Ms. Dozoretz on January 10, 2001, when she was with Ms. Rich in Aspen. According to a January 10, 2001, e-mail from Robert Fink to Jack Quinn, Ms. Dozoretz received a phone call from POTUS, the President, on January 10. Mr. Fink went on to quote former President Clinton as saying “that he wants to do it and is doing all possible to turn around the WH counsels.” Ms. Dozoretz has denied saying that the President was trying to turn around the WH [White House] counsels, but she has not offered any explanation for what happened. It has been asserted that the message was garbled, but that explanation is inconsistent with the facts. All of former President Clinton’s top advisers in the White House—including his Chief of Staff, John Podesta; his White House Counsel, Beth Nolan; and Bruce Lindsey, one of his closest political advisers who held the title of Assistant to the President—looked at the facts and recommended against granting the pardon. That is consistent with the former President having to turn around his White House counsels.

Former President Clinton was unable to turn around his counsels, but in the end it didn’t matter. He issued the pardon anyway, and created a firestorm. When a President ignores the advice of his closest advisers, there isn’t much we can do since the power of executive clemency is in the hands of the President alone. But the Congress can and should do what is our constitutional role, which is to examine the power of executive clemency. As I have noted before, the constitutional context, not focus exclusively on one or two controversial cases. In this way, we could learn valuable lessons for the future.

The legislation that we introduce today is a pragmatic and forward-looking response to customs and practices that long predate the Administration. As I have noted before, the controversies surrounding President Clinton’s pardons are not unique.

Other presidents raised substantial funds for their libraries while still in office. The Ronald Reagan Presidential Foundation opened its doors and began fundraising in February 1985, nearly four years before President Reagan left office. By November 1991, the Foundation had raised between $45 and $65 million. Much of that amount came in large lump sums from big corporations, a source of funding that had already dried up when President Reagan returned to private life.

Fund raising for the Bush library also began while the president was still

S3156 CONGRESSIONAL RECORD—SENATE March 29, 2001

S. 455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISCLOSURE OF LOBBYING ACTIVITIES WITH RESPECT TO PRESIDENTIAL PARDONS.

Section 3(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1620(b)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii), by striking “or” after the semicolon;

(B) in clause (iv), by striking the period and inserting “; or”;

and

(C) by adding at the end the following:

“(v) the issuance of a grant of executive clemency in the form of a pardon, commutation of sentence, reprieve, or remission of fine.”;

and

(2) in subparagraph (B)(iii), by striking “made to” and inserting “except as provided in subparagraph (A)(v), made to”.

SEC. 2. AMENDMENT TO THE ETHICS IN GOVERNMENT ACT OF 1978.

Section 102(a) of the Ethics in Government Act of 1978 (5 U.S.C. 1602(a)) is amended by adding at the end the following:

“(9) If the reporting individual is the President and is currently serving as the President for the purpose of clemency in the form of a pardon, commutation of sentence, reprieve, or remission of fine.”.
in the White House. The Arkansas Democrat-Gazette, in an article dated May 25, 1997, quoted former Bush aide Jim Cleccini as saying that fund raising for the library remained “low key” and “very discreet” until the president left office. Published in 1997 when the president was campaigning for re-election, the George Bush Presidential Library Foundation initially consisted of three people, including Mr. Cleccini and the president’s son, George W. Bush.

I should add that the donor lists for the Reagan and Bush libraries were not and have never been disclosed to the public, a failure of transparency for which President Clinton, but not his predecessors, has been roundly criticized.

President Clinton was also not the first Chief Executive to grant clemency to friends or family members of major contributors. The very first pardon granted by the first President Bush, which went to Armand Hammer, the late chairman of Occidental Petroleum Corporation, who pleaded guilty in 1975 to making illegal contributions to Richard Nixon’s reelection campaign. Not long before he received his pardon from President Nixon, Hammer gave over $100,000 to the Republican party and another $100,000 to the Bush-Quayle Inaugural Committee. The team of lawyers that won Hammer his pardon included former Reagan Justice Department official Thaddeus Olson. While Mr. Olson’s name is well-known now, he was recently nominated to be Solicitor General, it was more important at the time that he was a close friend of C. Boyden Gray, the White House Counsel, and Richard Thornburgh, the Attorney General.

Let me note one more example from the end of the first Bush Administration: In January 1993, two days before leaving the White House, President Bush pardoned Edwin Cox, Jr., the son of a wealthy Texas oilman. The Cox pardon was lobbied for by Bill Clements, the former governor of Texas, who contacted James Baker, then White House Chief of Staff. Not surprisingly, Mr. Baker mentioned the Cox family largesse in a note to the White House Counsel, referencing Edwin Cox Sr. as a “longtime supporter of the president’s.” The Cox family had in fact contributed nearly $200,000 to the Bush family’s political campaigns. Some of the other Richarring campaign committees. Shortly after the president pardoned his son, Cox Sr. made a generous contribution to the Bush Presidential Library. His name is now etched in gold on the exterior of the Library alongside the names of other contributors, those contributing between $100,000 and $250,000.

I mention these Bush-era pardons because they demonstrate that pardons which have become controversial and appear improper given the confluence of insider lobbying and financial contributions are not unique to the end of President Clinton’s term in office. The bill we introduce today will bring a greater degree of transparency into the clemency process and so reduce the appearance of impropriety that may otherwise attach to a presidential pardon.

I thank Senator SPECTER for the thoughtful and even-handed manner in which he conducted the Committee hearing last month, and commend him for seeking constructive and bipartisan solutions.

By Mr. FEINGOLD.

S. 646. A bill to reform the Army Corps of Engineers; to the Committee on Environment and Public Works.

Mr. FEINGOLD. Mr. President, I rise today to introduce the Corps of Engineers Reform Act of 2001. I have joined today in this effort by my colleague in the other body, Congressman RON KIND.

As I introduce this bill, I realize that it is a work in progress. Reforming the Corps of Engineers will be a difficult task for Congress. It involves restoring credibility and accountability to a federal agency rocked by recent scandals, and yet an agency that we in Wisconsin, and many states across the country, have come to rely upon. From the Great Lakes to the mighty Mississippi, the Corps is involved in providing aids to navigation, environmental remediation, water control and a variety of other services to my state. My office has strong working relationships with the Milwaukee, River, Illinois Waterway, and St. Paul District Offices that service Wisconsin, and I want the cloud over the Corps to dissipate so that the Corps can continue to contribute to our environment and our economy.

This legislation evolved from my experience in seeking to offer an amendment last year to the Water Resources Development Act of 2000 to create independent review of Army Corps of Engineers’ projects. My interest in independent review was shared by the Minority Leader, Mr. DASCHLE, and the Senator from California, Mrs. BOXER, and a number of taxpayer and environmental organizations including: the League of Conservation Voters, American Rivers, Coast Alliance, Earthjustice Legal Defense Fund, Izaak Walton League of America, Natural Resources Defense Council, Sierra Club and Taxpayers for Common Sense.

In response to my initiative, the bill’s managers, Senator SMITH and Senator DURBIN, agreed to an amendment as part of their Manager’s Package which should help get the Authorizing Committee, the Environment and Public Works Committee, the additional information it needs to develop a draft environmental impact statement and my bill can dovetail nicely so that we have a fully vetted bill which can then be fine-tuned by the NAS recommendations. I feel that this body should pass a serious reform bill this year.

The bill I introduce today addresses more than the issue of independent review of Corps Projects. The bill is a comprehensive revision of the project review and authorization procedures at the U.S. Army Corps of Engineers. The aim is to increase transparency and accountability, to ensure fiscal responsibility, to balance economic and environmental interests, and to allow greater stakeholder involvement.

The National Research Council recently completed a study of the Corps’ analysis of a proposed extension of several locks on the Upper Mississippi River, Illinois Waterway after approximately $50 million was spent examining the feasibility of the proposed project. The National Research Council made several recommendations to revise the inland waterway and water resources system planning. And, as I mentioned, a second National Research Council study, required by the Water Resources Development Act of 1990, is now examining whether the Corps should establish a program of independent review of projects.

This bill builds on the key recommendations of the National Research Council study:

The Corps should have project review by an interdisciplinary group of experts outside the Corps of Engineers,

The Corps should include a broader range of stakeholders in the planning process,

The Corps should revise the water resources project planning framework in their internal planning documents (known as the Principles and Guidelines) so that ecological concerns are not considered secondary to economic benefits.

The bill achieves this by creating both Stakeholder Advisory Committees and Independent Review Panels. Currently, the Corps goes through a multi-step process leading to project approval and construction. In the existing process, the public has limited involvement and environmental costs can be underestimated.

Stakeholder Advisory Committees—composed of a balance of local government, other federal agencies, interest groups reflecting social, economic, and environmental interests, and interested private citizens—are authorized to provide input in the planning process. The Corps is required to form a Committee under the bill upon receipt of a written request to the Corps by any person to do so. The Committee is comprised of volunteers, and is allowed to provide input to the Corps beginning in the early project stages, such as the draft environmental impact statement, and conclude at the release of a draft environmental impact statement when the broader public is
brought into the project. The Corps is also restricted so that they can spend no more than on the staffing or operations of $250,000 a Committee. In addition, Committee meetings must meet the requirements of the Federal Advisory Committee Act (FACA). Another important oversight is to be considered as part of the total costs of the project.

The bill also provides a comprehensive review of water resources projects by a panel with expertise in biology, engineering, and economics. The projects that will become subject to review include any projects, or significant modifications to existing projects: with an estimated cost of over $25 million (approximately 40 percent of the projects funded through the Water Resources Development Act), for which the Governor of an affected State requests independent review.

That are determined to have significant adverse impacts on fish and wildlife after implementation of proposed mitigation plans by the Corps and the US Fish and Wildlife Service, for which the head of another Federal Agency charged with reviewing the project determines that the project has a significant adverse impact on environmental, cultural, or other resources under their jurisdiction, or determined by the Corps to be “controversial” in its scope, impact, or cost-benefit analysis.

To address concerns that the Independent Review Panel needs to be truly independent, the Office of Independent Review is established within the Office of the Assistant Secretary for Civil Works. This office, located in the Pentagon, provides the greatest amount of independence for the review process since the Office of the Assistant Secretary is separate from and above the Chief of Engineers who runs the Corps. Independent reviews are required to be completed in 180 days after they start. They are able to run concurrently with the Environmental Impact Statement Process under NEPA. Unfortunately, Congress now finds itself having to reset the scales to make economic benefits and environmental impacts co-equal goals of project planning. Our rivers serve as an example of this problem.

As with the Stakeholder Committees, the costs of these Panels are capped at no more than $500,000. Any panel expenses are to be considered as part of the total costs of the project and a Panel’s product is required to be released to the public and to be submitted to Congress.

It is my hope that this legislation will increase transparency of the Corps’ decision-making process, through greater accessibility by the public, followed by public consultation with stakeholders groups. While there are heartening signs of reform in the Corps Civil Works program, Congress should be working to create an independent process to help affirm when the Corps gets it right and help to provide a means for identifying problems before taxpayer funded construction investments are made. Today we begin that work in earnest.

I feel that this bill is a practical first step toward the goal of a reformed Corps of Engineers. Independent review would catch mistakes by Corps planners, deter any potential bad behavior by Corps officials to justify questionable projects, and would provide planners desperately needed support against the never ending pressure of project boosters. Those boosters, Mr. President, include Congressional interests, which is why I believe that this body needs to change its approach to end the perception that Corps projects are all pork and no substance.

I wish it were the case, that I could argue that additional oversight were not needed, but unfortunately, I see troubling evidence that we have not eliminated outright lawlessness; that true principles are still not followed. In the Upper Mississippi there is troubling evidence of abuse. There is troubling evidence from whistleblowers that senior Corps officials, under pressure from barges interests, ordered their subordinates to exaggerate demand for barges in order to justify new Mississippi River locks. This is a matter which is still under investigation, and I hope that no evidence of wrongdoing will ultimately be found. Adequate assessment of environmental impacts of barges is also very important. I am also concerned that the Corps’ assessment of the environmental impacts of additional barges does not adequately assess the impacts of barge movements on fish and aquatic plants. We should not gamble with the environmental health of the river. If we allow more barges on the Mississippi, we must be sure the environmental impacts of those barges are fully mitigated.

I am raising this issue principally because I believe that Congress should act to restore trust in the Corps if we are effectively going to address navigation and environmental needs. The first step in restoring that trust is restoring the credibility of the Corps’ decision-making process.

Unfortunately, Congress now finds itself having to reset the scales to make economic benefits and environmental restoration future co-equal goals of project planning. Our rivers serve as an example of this problem. Our rivers serve as an example of this problem. Our rivers serve as an example of this problem. Our rivers serve as an example of this problem. Our rivers serve as an example of this problem. Our rivers serve as an example of this problem. Our rivers serve as an example of this problem. Our rivers serve as an example of this problem. Our rivers serve as an example of this problem. Our rivers serve as an example of this problem. Our rivers serve as an example of this problem. Our rivers serve as an example of this problem. Our rivers serve as an example of this problem. Our rivers serve as an example of this problem. Our rivers serve as an example of this problem. Our rivers serve as an example of this problem. Our rivers serve as an example of this problem. Our rivers serve as an example of this problem. Our rivers serve as an example of this problem. Our rivers serve as an example of this problem. Our rivers serve as an example of this problem. Our rivers serve as an example of this problem. Our rivers serve as an example of this problem.

In this Act, the term “Secretary” means the Secretary of the Army.
of enactment of the Corps of Engineers Reform Act of 2001, the Secretary shall review the principles and guidelines of the Corps of Engineers for water resources projects:

"(1) to provide for the consideration of ecological restoration costs under Corps of Engineers economic models;

"(2) to incorporate new techniques in risk and uncertainty analysis;

"(3) to eliminate biases and disincentives for nonstructural flood damage reduction projects;

"(4) to incorporate new analytical techniques;

"(5) to encourage, to the maximum extent practicable, the restoration of aquatic ecosystems.

"(6) to ensure that water resources projects are justified by benefits that accrue to the public at large and not only to a limited number of private businesses.

"(c) Update of Guidance.—The Secretary shall update the Guidance for Conducting Civil Works Planning Studies (ER 1105–2–100) to comply with this section.

SEC. 102. STAKEHOLDER ADVISORY COMMITTEES. (a) IN GENERAL.—Upon receipt of a written request by any person or governmental entity, the Secretary shall establish, for each water resources project that is authorized or substantially modified after the date of enactment, a stakeholder advisory committee to assist the Secretary in the development of feasibility studies, general reevaluation studies, and environmental impact statements for the project.

(b) DURATION OF REVIEWS.—A stakeholder advisory committee established for a project under this section shall provide advice to the Secretary concerning the project, beginning with the initiation of the draft feasibility study for the project and ending with the issuance of the draft environmental impact statement for the project.

(c) MEMBERSHIP.—(1) IN GENERAL.—A stakeholder advisory committee established for a project under this section shall be comprised of—

(A) representatives of—

(i) State and local agencies;

(ii) tribal organizations;

(iii) public interest groups;

(iv) industry, scientific, and academic organizations; and

(v) Federal agencies; and

(B) other interested citizens.

(2) BALANCE.—The membership shall represent a balance of the social, economic, and environmental interests in the project.

(d) ESTABLISHMENT.—A stakeholder advisory committee established for a project under this section shall advise the Secretary but shall not be required to make a formal recommendation.

(e) COSTS.—The costs of a stakeholder advisory committee established for a project under this section shall be paid for in the following manner:

(1) shall be a Federal expense;

(2) shall not exceed $250,000; and

(3) shall be considered to be part of the total cost of the project.

(f) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to a stakeholder advisory committee established under this section.

SEC. 103. INDEPENDENT REVIEW. (a) PROJECTS SUBJECT TO INDEPENDENT REVIEW.—

(1) IN GENERAL.—The Secretary shall ensure that feasibility studies, general reevaluation studies, and environmental impact statements for each water resources project described in paragraph (2) are subject to review by an independent panel of experts established under this section.

(2) PROJECTS SUBJECT TO REVIEW.—A project shall be subject to review under paragraph (1) if—

(A) the project has an estimated total cost of more than $25,000,000, including mitigation costs;

(B) the Governor of an affected State described in paragraph (4) requests the establishment of an independent panel of experts for the project;

(C) the Director of the United States Fish and Wildlife Service determines that the project is likely to have a significant adverse impact on fish or wildlife after implementation of proposed mitigation plans;

(D) the head of a Federal agency charged with reviewing the project determines that the project is likely to have a significant adverse impact on environmental, cultural, or other resources under the jurisdiction of the agency after implementation of proposed mitigation plans; or

(E) the Secretary determines that the project is controversial under paragraph (3).

(3) CONTROVERSIAL PROJECTS.—

(A) DETERMINATION BY THE SECRETARY.—Upon receipt of a written request by an interested party or on the initiative of the Secretary, the Secretary shall determine whether a project is controversial for the purposes of paragraph (2)(E).

(B) CRITERIA.—The Secretary shall determine that a project is controversial if—

(i) there is a significant public dispute as to the size, nature, or effects of the project; or

(ii) there is a significant public dispute as to the economic or environmental costs or benefits of the project.

(C) APPOINTMENT.—An affected State referred to in paragraph (2)(B) means a State that—

(A) is located at least partially within the drainage basin in which the project is located; and

(B) would be economically or environmentally affected as a consequence of the project.

(b) OFFICE OF INDEPENDENT REVIEW.—

(1) ESTABLISHMENT.—There is established in the Office of the Assistant Secretary of the Army for Civil Works an Office of Independent Review (referred to in this section as the “Office”).

(2) DIRECTOR.—(A) APPOINTMENT.—The head of the Office shall be the Director of the Office of Independent Review (referred to in this section as the “Director”), who shall be appointed by the Secretary for a term of 3 years.

(B) SELECTION.—(i) QUALIFICATIONS.—The Secretary shall select the Director from among individuals who are distinguished scholars.

(ii) CONSIDERATION OF RECOMMENDATIONS.—In making the selection, the Secretary shall consider any recommendations made by the Inspector General of the Army.

(C) LIMITATION ON APPOINTMENTS.—The Secretary shall not appoint an individual to serve as the Director if the individual has a financial or close professional association with any organization or group with a strong financial or organizational interest in an ongoing water resources project.

(D) DUTIES.—The Director may not serve for more than 1 term as the Director.

(3) DUTIES.—The Director shall establish a panel of experts to review each project subject to review under subsection (a).

(c) ESTABLISHMENT OF PANEL.—

(1) IN GENERAL.—As soon as practicable after the Secretary selects a preferred alternative for the project to review under subsection (a), the Director shall establish a panel of experts to review the project.

(2) MEMBERSHIP.—A panel of experts established by the Director for a project shall be composed of not fewer than 9 independent experts who represent a balance of expertise, including biology, engineering, and economics.

(3) LIMITATION ON APPOINTMENTS.—The Director shall not appoint an individual to serve on a panel of experts if the individual has a financial or close professional association with any organization or group with a strong financial or organizational interest in the project.

(4) CONSULTATION.—The Director shall consult with the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this section.

(5) COMPENSATION.—An individual serving on a panel of experts under this section shall be compensated at a rate of pay to be determined by the Secretary.

(6) TRAVEL EXPENSES.—An individual serving on a panel of experts under this section shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(b) DUTIES OF PANELS.—A panel of experts established for a project under this section shall—

(1) review each feasibility study, general reevaluation study, and environmental impact statement prepared for the project;

(2) assess the adequacy of the economic models used by the Secretary in reviewing the project to ensure that—

(A) multiple methods of economic analysis have been used; and

(B) any regional effects on navigation systems have been examined;

(3) assess the adequacy of the environmental models and analyses used by the Secretary in reviewing the project;

(4) receive from the public, and review, written and oral comments of a technical nature concerning the project; and

(5) submit to the Secretary a report containing the panel’s economic, engineering, and environmental analysis of the project, including the panel’s conclusions on the feasibility studies, general reevaluation studies, and environmental impact statements for the project, with particular emphasis on matters of public controversy.

(6) DURATION OF INDEPENDENT REVIEWS AND PANEL.—A panel of experts shall—

(1) complete a review of a project under this section not later than 180 days after the date of establishment of the panel; and

(2) terminate upon submission of a report to the Secretary under subsection (d)(5).

(d) RECOMMENDATIONS OF PANEL.—

(1) CONSIDERATION BY SECRETARY.—After receiving a report on a project from a panel of experts under this section, the Secretary shall—

(A) consider any recommendations contained in the report; and

(B) prepare a written explanation for any recommendations that are not adopted.

(2) PUBLIC REVIEW; SUBMISSION TO CONGRESS.—After receiving a report on a project from a panel of experts under this section, the Secretary shall—

(A) make a copy of the report and any written explanation of the Secretary on recommendations contained in the report available for public review in accordance with section 104; and

(B) submit to Congress a copy of the report and any such written explanation.

(g) COSTS.—

(1) IN GENERAL.—Subject to paragraph (2), the costs of a panel of experts established for a project under this section shall—

(A) shall be a Federal expense; and

(B) shall not exceed $500,000; and
(C) shall be considered to be part of the total cost of the project.
(2) WAIVER.—The Secretary may waive the limitation specified in paragraph (1) in any case where the Secretary determines a waiver to be appropriate.

(b) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE.—The Secretary shall not submit to Congress any proposal to authorize or substantially modify a water resources project unless the proposal contains a certification by the Secretary that such project minimizes to the maximum extent practicable adverse impacts on:

(1) the natural hydrologic patterns of aquatic ecosystems; and
(2) the value or native diversity of aquatic ecosystems.

TITLE II—MITIGATION

SEC. 201. FULL MITIGATION.

Section 308(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended—

(1) in paragraph (1)(A), by inserting “fully” before “mitigate”;

(2) by adding at the end the following:

“(B) STANDARDS FOR MITIGATION.—

“(1) IN GENERAL.—To mitigate losses to fish and wildlife resulting from a water resources project, the Secretary, at a minimum, shall acquire and restore 1 acre of habitat to replace each 1 acre of habitat negatively affected by the project.

“(2) MONITORING PLAN.—The mitigation plan for a water resources project under paragraph (1) shall include a detailed and specific plan to monitor mitigation implementation and success.

“(4) DESIGN OF MITIGATION PROJECTS.—The Secretary shall—

“(A) design each mitigation project to reflect contemporary understanding of the importance of spatial distribution of habitat and the natural hydrology of aquatic ecosystems; and

“(B) fully mitigate the adverse hydrologic impacts of water resources projects.

“(5) RECOMMENDATION OF PROJECTS.—The Secretary shall—

“(A) not recommend water resources project alternative or choose a project alternative in any final record of decision, environmental impact statement, or environmental assessment completed after the date of enactment of this paragraph unless the Secretary determines that the mitigation plan for the alternative has the greatest probability of cost-effectively and successfully mitigating the adverse impacts of the project on aquatic resources and fish and wildlife.

“(B) COMPLETION OF MITIGATION BEFORE CONSTRUCTION OF NEW PROJECTS.—The Secretary shall complete all planned mitigation in a particular watershed before constructing any new water resources project in that watershed.

“SEC. 202. CONCURRENT MITIGATION.

Section 306(a)(1) of the Water Resources Development Act of 1996 (33 U.S.C. 2283(a)(1)) is amended by adding at the end the following:

“(to ensure concurrent mitigation, the Secretary shall complete 50 percent of required mitigation before beginning project construction and shall complete the remainder of required mitigation as expeditiously as practicable, but not later than the last day of project construction.”

“SEC. 203. MITIGATION TRACKING SYSTEM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a recordkeeping system to track information to the Congress.

(b) INFORMATION AND ORGANIZATION.—The recordkeeping system shall—

(1) include information on impacts and mitigation described in subsection (a) that occur after December 31, 1969; and

(2) be organized by watershed, project, permit, mitigation, and zip code.

(c) AVAILABILITY OF INFORMATION.—The Secretary shall make information contained in the recordkeeping system available to the public on the Internet.

By Mrs. FEINSTEIN (for herself and Mr. DORGAN):

S. 648.—A bill to modify provisions relating to the Gun-Free Schools Act; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, today Senator DORGAN and I am introducing a bill to make four important changes to the current Gun-Free Schools Act, GFSA.

I am a proud sponsor of the Gun-Free Schools Act, which was enacted as part of the Elementary-Secondary Education Act in 1994. The law requires states receiving federal elementary-secondary education funds to have a state law requiring local school districts to expel from school for a period of not less than one year students who bring weapons to school.

A March report (ED-OIG/S03–A0018) prepared by the Inspector General, IG, of the U.S. Department of Education, highlights several improvements needed to clarify the law. This bill makes those important clarifications.

The IG’s report, entitled a “perspective paper,” resulted from a review of the federal audit that Senator DORGAN and I requested to examine the enforcement of the GFSA in seven States.

We live in a society today that is much different than when I grew up. Our nation is awash in guns and our children live in a culture of violence, bombarded by horrific images in movies, television, and video games. Combine these factors with a lack of parental supervision and this combustible mix has exploded again and again on too many school campuses.

In just the last few weeks alone, we’ve seen this mix erupt within just a few miles of each other in the San Diego area.

On March 5, a troubled young man named Charles “Andy” Williams brought a .22-caliber revolver to school, fired at random, killing two students and wounding 13 others at Santana High School, in Santee, California. And on March 22, an eighteen-year-old shot five students at Granite Hill High School in El Cajon, California. Fortunately, in this case, no one was killed.

The Los Angeles Times summed up this epidemic aptly on March 6 and called on public officials to act, saying “Nothing of course, assures that tragedy can be prevented, but leaders from the classroom to the White House can clearly take more steps to promote school safety.”

I now know that gun laws are not the only answer to solving this problem, but they do represent part of the answer. But the fact is that even the most simple, rational, and targeted
measures to deter guns from falling into the hands of our young people have been cast aside.

The fact is that there are some simple steps we can take to limit the number of guns from reaching our children. We can close loopholes on the sale and portation of high capacity ammunition clips. We can include trigger locks on every gun purchased.

And we need to continue with measures that are working. The Gun Free School Act of 1994 is targeting the fix that is working. And this bill we are introducing today refines this law slightly to make it work even better.

This legislation will close several loopholes in current law under which allows some students to escape punishment who bring guns to school.

Because the law effectively imposes a one-year expulsion for students who have "brought" a weapon to school, students who "have" or "possess" a weapon in school can go "shoo-free." Use current law, for example, a student could use a firearm that was technically "brought" to school by another student. The student could then possess it in his or her backpack or locker and thus potentially make it available to others and go unpunished because he or she did not technically "bring" it to school.

Another loophole that the bill addresses is the definition of school. The current prohibition on guns in schools applies to "a school." This could be interpreted to mean literally the school building.

Our bill clarifies that school means "any setting that is under the control and supervision of the local education agency," i.e., the school district. Without this change, a student could wield a firearm on the football field, on the school bus or in the parking lot and possibly evade punishment under this law.

Here are the four changes made by this bill: Under the current law, states are required to have a law requiring a one-year expulsion of students who have "brought a weapon to a school" in order to receive federal education funds.

The change our bill proposes is to add to current law, "or to have possessed a firearm." We are proposing this change because punishing only people who "bring" a weapon to school leaves a glaring loophole in the law.

Without this change, students who ask friends to bring a weapon to school or who obtain a weapon from someone who has "brought" it to school, but carry it around or use the weapon, would not be covered since current law uses the term "brought." Current law could be interpreted to mean that students can have a gun at school as long as they do not actually "bring" it into the school. I believe this change is an important clarification.

The IG's report says that without this change, states and school districts may "incorrectly implement the Act," resulting in non-compliance or the sub-

mission of erroneous information on disciplinary actions under the Act." This is because current law does not "specify expulsion as the consequence for students found in possession of a firearm."

Under current law, school districts and states are required to report expulsions. They are, however, required to report incidents. An example of this would be when students bring a weapon to or possess weapons in schools, for which no disciplinary action is taken. Without reporting all incidents in which students have or possess weapons in schools, it is impossible to determine if school officials are in fact enforcing the law, if they are actually expelling students.

The IG's audit cites an example at one Maryland school in which a student who brought a firearm to school was not expelled. Instead, the school's administrators allowed the student to withdraw from school and the school district of the incident. Police arrested the student. So action was taken, but the incident itself did not appear in the annual report because technically the student was not expelled.

Similarly, the IG found that in one California district, school officials did not expel a student "involved in a firearm incident" because the student was arrested and did not return to school.

In these cases, the students did face legal consequences for their action, but the weapons incidents were not reflected in the school's report because the law requires reporting only expulsions, not incidents.

The bill would add several new reporting requirements. School districts and states would have to report 1. all firearms incidents; 2. each modification of an expulsion, e.g., when an administrator shortens an expulsion, which is allowed under current law; 3. each modification of education in which the incident occurred, elementary, middle, high school.

Only by thorough reporting can public officials, the Department of Education, and the Congress know how well the law is working and how effectively it is being enforced.

These proposed changes should remedy that deficiency.

There are two additional changes we are proposing based on the IG's work. The Department has incorporated these two changes in their guidance to states and school districts, but I believe these changes should be codified in the law so they cannot be changed administratively.

The prohibiting act in "school" applies "to a school," which implies that this means the building only. For many years, the U.S. Department of Education interpreted this to mean the school buildings only.

Under that approach, therefore, a student could bring a weapon to school and leave it in an unlocked car, where it would still be readily available to students throughout the school day.

Interpreted strictly to mean "school buildings," that policy also allowed guns on athletic fields, in equipment sheds, and in schoolyards. As one Virginia legislator put it, "you could legally come to a PTA meeting packing a weapon."

Fortunately, the Department has corrected its guidance to school districts to clarify that the prohibition on bringing guns to schools applies to the school campus. The guidance states, "The one-year expulsion requirement applies to students who bring weapons to any setting that is under the control and supervision of the local education agency.

Under our bill, weapons would be allowed to be kept in cars and trucks on school property only if the weapons are "lawfully stored inside a locked vehicle on school property." This provision is an effort to recognize that in some communities students may go hunting directly after school.

Under current law, the chief school administrator in a school district can modify an expulsion on a case-by-case basis.

Our bill would require that all modifications be put in writing. The IG found inconsistent reporting of modifications. This change should establish one consistent, clear policy and should provide a record of expulsions that are modified.

Guns have no place in schools. Congress made this clear in 1994 when we adopted the Gun-Free Schools Act. This is a good law that should remain in place. The bill we introduce today makes some important clarifications in that law and strengthens it.

The latest Annual Report on School Safety reports that 3,930 students were expelled for bringing a firearm to school. One student is one too many, in my view.

The latest incidents in California are but another disturbing reminder of the "culture of violence" that pervades our society. All of us must ask why students resort to guns to deal with their grievances or vent their frustrations. Clearly, we must take strong steps to address the underlying societal issues and to get guns out of the hands of youngsters.

This bill is one small, yet important, step to ensure that no more school-children die from weapons violence. I urge my colleagues to enact this bill promptly.

I ask unanimous consent that a summary of the bill be printed in the RECORD.

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

THE GUN-FREE SCHOOLS REFINEMENT ACT—SUMMARY


Current law: Requires states to have a law requiring a one-year expulsion of students who have "brought a weapon to a school."
Proposed Change: Adds “or possessed a weapon.”

2. ENTIRE SCHOOL CAMPUS

Current law: The prohibition on bringing a weapon to school applies “to a school.”

Proposed Change: Clarifies that the prohibition on bringing guns to schools applies to entire school, specifically “any setting that is under the control and supervision of the local education agency,” unless a gun is lawfully locked in a vehicle.

3. REPORT INCIDENTS, MODIFICATIONS

Current Law: Requires only reporting of expulsions.

Proposed Changes: Requires the reporting of—
1. All weapons incidents;
2. Each modification of an expulsion (e.g., when an administrator shortens an expulsion); and
3. The level of education in which the incident occurs (elementary, middle, high school).

4. MODIFICATIONS IN WRITING

Current Law: Allows states’ laws to allow the chief administering officer of a school district to modify one-year expulsions on a case-by-case basis.

Proposed Change: Requires that all modifications of expulsions be put in writing.

Mr. DORGAN. Mr. President, I am pleased to join Senator FEINSTEIN in introducing the Gun-Free Schools Refinement Act. As my colleagues may remember, Senator FEINSTEIN and I were the principal authors of the Gun-Free Schools Act of 1994, and as a result of this law, more than 13,000 students have been expelled from school between 1996 and 1999 for bringing a gun to school. This is more than 13,000 potential tragedies that have been avoided because we as a nation adopted a “zero tolerance” policy toward bringing a weapon into our school classrooms and hallways.

Despite the Gun-Free Schools Act, however, school shootings still occasionally occur, and even one of these incidents is too many. That’s why, nearly two years ago, Senator FEINSTEIN and I asked the Department of Education’s Inspector General to conduct a review of the Gun-Free Schools Act to ensure that states and local school districts are vigorously enforcing this important law.

The Inspector General completed this review and issued her final report in February, 2001. Fortunately, the IG found no evidence that states or school districts were intentionally ignoring instances where students brought weapons to schools. However, while we were glad to learn that schools are generally trying to comply with the spirit of the law, the IG did find some instances where schools and states have not complied with the letter of the law. This may result in uneven enforcement of the Gun-Free Schools Act. Therefore, the IG recommended in March that Congress consider making a number of technical changes to the Gun-Free Schools Act to clarify areas of the statute where schools were confused about what was required in the enforcement of their “zero tolerance” policies.

The Gun-Free Schools Refinement Act would make four changes to the 1994 law:

First, this legislation clarifies that the law applies to students who “possess” a gun in school, not just those who “brought” a weapon to school, as the law currently reads. A common-sense interpretation of the law would still require school students who possess firearms in school, even if they were not the ones who physically brought the guns there. This change merely codifies a commonsense reading of the law so that it applies to students who either bring or possess a weapon at school.

Second, this bill clarifies that the Gun-Free Schools Act applies not just to the school buildings but to the grounds and any other setting under the supervision of the school, such as buses or off-campus athletic events or field trips. This change codifies the Department’s reasonable definition. I do want to mention, however, that this change would still allow some school districts the flexibility to permit rifle clubs, hunter safety education, or other sanctioned school activities, as long as these limited purposes provide reasonable safeguards to ensure student safety and are otherwise consistent with the intent of the Gun-Free Schools Act.

This bill also requires that schools report all incidents of students bringing a gun to school, even if a student’s expulsion is ultimately shortened using the case-by-case of expulsion provided for in the Gun-Free Schools Act. Technically the law requires schools to report only expulsions, and the IG found that this has led to considerable confusion among schools about whether they also need to report non-expulsion expulsions. The Department of Education has already taken a step in the right direction toward addressing this issue by revising the reporting form that schools use when reporting firearm incidents. This will further clarify for states and schools the data they need to report.

Finally, this legislation requires that modifications to one-year expulsions, which are made on a case-by-case basis by the chief school officer, be made in writing. This will simply ensure that school officials, parents or other appropriate individuals will have access to a written record explaining why the expiration was shortened.

In summary, I think these are simple, straightforward, and sensible changes to the Gun-Free Schools Act. I urge my colleagues to join me and Senator FEINSTEIN in making these technical changes which are consistent with the Senate debates on upcoming legislation reauthorizing the Elementary and Secondary Education Act.

By Mrs. BOXER (for herself and Mr. WYDEN):

S. 650. A bill to amend the Mineral Leasing Act to prohibit the exploitation of Alaska North Slope crude oil; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. BOXER. Mr. President, this year the spotlight on energy policy has increased. One issue that is key for this debate is the energy needs of Americans. Americans are very dependent on gasoline, and it is imperative that we address this problem.

First on the demand side of the equation, what should incorporate the Corporate Average Fuel Economy standard for SUVs and light trucks so that it equals the standard for cars. That would save 1 million barrels of oil per day. By becoming more energy efficient, the amount of our dependence on oil will decrease.

Second, we also need to focus on the supply side of the picture. For example, we should protect the American supply by banning the exportation of crude oil from Alaska’s North Slope. And today, I am introducing, along with Senator WYDEN, legislation to do just that.

For 22 years, from 1973 to 1995, the export of Alaska North Slope oil was banned. We banned it to reduce our dependence on imported oil and to keep gasoline prices down.

Unfortunately, at the behest of oil producers, the ban was lifted in 1995. The General Accounting Office has estimated that lifting the export ban resulted in an increase in the price of crude oil by about $1 per barrel. In fact, some oil companies used their ability to export this oil to artificially increase the price of gasoline on the West Coast.

With the spotlight on energy policy, President Bush and others have called for drilling in the Arctic National Wildlife Refuge, (ANWR). It makes no sense to destroy a beautiful, pristine landscape, one of the most remarkable wildlife habitats in the world, for oil that will only last six months. And this call to destroy ANWR comes even in the face of the possible export of American oil that is being drilled in areas already open to drilling.

For a little under a year now, no North Slope oil has been exported. But this has been done voluntarily—and in one case mainly to ensure that a proposed merger was approved by the FTC. Although there are no exports now, the threat exists and given our current situation, this ban is necessary to preclude any chance of exporting this oil. This is oil that is on public lands, and that is transported along a federal right-of-way. Taxpayers own this product. We need to ensure that American consumers and industry will remain first. I encourage my colleagues to support the Oil Supply Improvement Act.

By Mr. REED (for himself, Mr. JEFFORDS, Ms. MIKULSKI, Ms. COLLINS, Mr. WELLSTONE, and Mrs. CLINTON):

S. 651. A bill to provide for the establishment of an assistance program for health insurance consumers; to the Committee on Health, Education, Labor, and Pensions.
Mr. REED. Mr. President, I rise today to join with my distinguished colleagues, Senators JEFFORDS, COLLINS, MIKULSKI, WELLSTONE and CLINTON, in introducing bipartisan legislation that we believe can make a real difference in the lives of health care consumers nationwide. The Health Care Consumer Assistance Act provides grants to States to create, or expand upon, health care consumer assistance, or health ombudsman programs.

In 1997, the President's Advisory Commission on Consumer Protection and Quality in the Health Care Industry noted that consumers have the right to accurate information and assistance in making decisions about health care. One model program, the Administration on Aging's Long Term Care Ombudsman Program, has been highly successful for twenty-five years in promoting quality living and health care for nursing home residents nationwide.

Now more than ever, people need this kind of assistance to navigate the health care system. The Health Care Consumer Assistance Act would create a grant program for States to establish private, non-profit, independent entities to operate statewide ombudsman programs. Each State ombudsman program would be a "one-stop" source for information, counseling and referral services for health care consumers.

Last summer, the Henry J. Kaiser Family and Commonwealth Reports magazine released the results of a survey on consumer satisfaction with health plans. This survey is part of a larger project examining ways to improve how consumers resolve problems with their health insurance plans. The survey found that while most people who experienced a problem with their plan were able to resolve them, the majority of those surveyed were confused about where to go for information and help.

Over the past few years, a growing number of States have taken steps to give patients new rights in dealing with their health insurance plans. For example, more than thirty States now have an external review process for residents to appeal adverse decisions by their health plans. While the majority of those surveyed thought the ability to appeal a decision to an independent medical expert would be helpful, only one percent had actually used the process available in many States. In fact, many consumers were unaware this option even existed, much less how to use it.

The legislation we introduce today seeks to remedy this information gap by providing grants to States that wish to establish health care consumer assistance programs. These programs are designed to help make health care consumers more educated and effective as they seek to understand and exercise their health care choices, rights, and responsibilities.

I believe that the Health Care Consumer Assistance Act would complement a Patient's Bill of Rights that includes a strong appeals process and access to legal remedies. It may, in fact, actually serve to ease the ongoing debate about litigation. By empowering health care consumers with information and effective strategies for resolving problems, they will have paid for when they need it most, the chances that a health-related dispute will end up in court are drastically minimized. When a person is sick and in need of medical care, the last thing they want is to have a protracted legal battle, they simply want the care that will make them better.

Under this bill, the Secretary of Health and Human Services will provide funds to eligible States to create or expand with an independent, non-profit agency, to provide a variety of information and support services for health care consumers, including the following: educational materials about strategies for health care consumers to resolve problems, centers that provide a 1–800 telephone hotline for consumer inquiries; coordinate and make referrals to other private and public health care entities when appropriate; and conduct education and outreach in the community.

The health care system today is highly complex and confusing and complex, it becomes critically important that consumers have a place where they can go for counseling and assistance. As health care plans begin to make health care plans, and a 1–800 telephone hotline for consumer inquiries; coordinate and make referrals to other private and public health care entities when appropriate; and conduct education and outreach in the community.

The health care system today is highly complex and confusing and complex, it becomes critically important that consumers have a place where they can go for counseling and assistance. As health care plans begin to make health care plans, a 1–800 telephone hotline for consumer inquiries; coordinate and make referrals to other private and public health care entities when appropriate; and conduct education and outreach in the community.

The concept of a health care consumer assistance program has gained considerable support over the past several years as States have contemplated the patient protection issue and several States have introduced or enacted health care ombudsman legislation. However, a Families USA survey of existing programs has found that while some States have successfully launched their programs, other State initiatives have faltered due to a lack of sufficient funding.

I believe that Americans deserve access to the information and assistance they need to be empowered and informed health care consumers. As the health insurance system becomes more complicated, it becomes critically important that consumers have a place where they can go for counseling and assistance. As health care plans begin to make health care plans, a 1–800 telephone hotline for consumer inquiries; coordinate and make referrals to other private and public health care entities when appropriate; and conduct education and outreach in the community.

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SEC. 3. FUNDING.

There are authorized to be appropriated $100,000,000 to carry out this Act.

SEC. 4. REPEALS AND TRANSITIONS.

Not later than 1 year after the Secretary first awards grants under this Act, and annually thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the activities funded under section 4 and the effectiveness of such activities in resolving health care-related problems and grievances.

By Mr. EDWARDS (for himself, Mr. JEFFORDS, Mr. LEAHY, and Mr. WELLSTONE):

S. 652. A bill to promote the development of affordable, quality rental housing in rural areas for low-income households; to the Committee on Banking, Housing, and Urban Affairs.

Mr. EDWARDS. Mr. President, I rise to introduce legislation introduced last year to promote the development of affordable, quality rental housing for low-income households in rural areas. I am pleased, along with Senator JEFFORDS, Senator LEAHY, and Senator WELLSTONE, to introduce the “Rental Housing Act of 2001.”

There is a pressing and worsening need for quality rental housing for rural families and senior citizens. As a group, residents of rural communities are proportionately poor and have fewer resources than residents of our cities. Rural areas contain approximately 20 percent of the nation’s population as compared to suburbs with 50 percent. Yet, twice as many rural American families live in bad housing than in the suburbs. An estimated 2,600,000 rural households live in substandard housing with severe structural damage or without indoor plumbing, heat, or electricity.

Substandard housing is a particularly acute problem in rural areas of my home state of North Carolina. Ten percent or more of the population in five of North Carolina’s rural counties live in substandard housing. Rural housing units, in fact, comprise 60 percent of all substandard units in the state.

Even as millions of rural Americans live in wretched rental housing, millions more are paying an extraordinarily high price for their housing. One out of every three renters in rural America pays more than 50 percent of his or her income for housing; 20 percent of rural renters pay more than 50 percent of their income for housing.

Most distressing is when people living in housing that does not have heat or the worst plumbing pay an extraordinary amount of their income in rent. More than 90 percent of people living in housing in the worst conditions pay more than 50 percent of their income for housing costs.

Unfortunately, our rural communities are not in a position to address these problems alone. They are disproportionately poor and have fewer
resources to bring to bear on the issue. Poverty is a crushing, persistent problem in rural America. One-third of the non-metropolitan counties in North Carolina have 20 percent or more of their population living below the poverty line. Not surprisingly, the economies of rural areas are generally less diverse, limiting job and economic opportunity. Rural areas have limited access to many forces driving the economy, such as technology, lending, and investment, because they are remote and have low population density. Banks and other investors, looking for larger projects with lower risk, seek metropolitan areas for loans and investment. Credit in rural areas is often more expensive and available at less favorable terms than in metropolitan areas.

Given the magnitude of this problem, it is startling to find that the federal government is turning its back on the situation. In the face of this challenge, the federal government’s investment in rural rental housing is at its lowest level in more than 20 years. Federal spending on rural rental housing has been cut by 73 percent since 1994. Rural rental housing unit production financed by the federal government has been reduced by 88 percent since 1990. Moreover, poor rural renters do not fare as well as urban renters accessing existing programs. Only 17 percent of very low-income rural renters receive housing subsidies, compared with 28 percent of urban poor. Rural counties fared worse with Federal Housing Authority assistance on a per capita basis, as well, getting only $25 per capita versus $264 in metro areas. Our veterans in rural areas are no better off: Veterans Affairs housing dollars are spent disproportionately in metropolitan areas.

To address the scarcity of rural rental housing, I believe that the federal government must come up with new solutions. We cannot simply throw money at the problem and expect the situation to improve. Instead, we must work in partnership with State and local governments, private financial institutions, private philanthropic institutions, and the private and nonprofit sectors to make headway. We must use our dollars to increase the supply and quality of rural rental housing for low-income households and the elderly.

Senator JEFFORDS, Senator LEAHY, Senator WELLSTONE, and I are proposing a new solution. Today, we introduce the Rural Rental Housing Act of 2001 to create a flexible source of financing to allow project sponsors to build, acquire or rehabilitate rental housing based on local needs. We demand that the federal dollars be spent more strategically by matching funds and by requiring the sponsor to find additional sources of funding for the project. We are pleased that more than 70 housing groups from 26 states have already indicated their support for this legislation.

Let me briefly describe what the measure would do. We propose a $250 million fund to be administered by the USDA’s Rural Housing Service, for agriculture, USDA. The funds will be allotted to states based on their share of rural substandard units and of the rural population living in poverty, with smaller states guaranteed a minimum of $2 million. We will leverage federal funding by requiring states or other non-profit intermediaries to provide a dollar-for-dollar match of project funds. The funds will be used for the acquisition, rehabilitation, and construction of low-income rural rental housing.

The USDA will make rental housing available for low-income populations in rural communities. The population served must earn less than 80 percent area median income. Housing must be in rural areas not exceeding 25,000. Priority for assistance will be given to very low income households, those earning less than 50 percent of area median income, and in very low-income communities or in communities with a severe lack of affordable housing. To ensure that housing continues to serve low-income populations, the legislation specifies that housing financed under the legislation must have a low-income use restriction of not less than 20 years.

The Act promotes public-private partnerships to foster flexible, local solutions. The USDA will make assistance available to public bodies, Native American tribes, for-profit corporations, and private nonprofit corporations with a record of accomplishment in housing or community development. Again, it stretches federal assistance by limiting most projects from financing more than 50 percent of a project with cost assistance. The assistance may be made available in the form of capital grants, direct, subsidized loans, guarantees, and other forms of financing for rental housing and related facilities.

Finally, the Act will be administered at the state level by organizations familiar with the unique needs of each state rather than creating a new federal bureaucracy. The USDA will be encouraged to identify intermediary organizations in the state to administer the funding provided that it complies with the provisions of the Act. These intermediary organizations can be states or state agencies, private nonprofit community development corporations, nonprofit housing corporations, community development loan funds, or community development credit unions.

This Act is not meant to replace, but to supplement the Section 515 Rural Rental Housing program, which has been the primary source of federal funding for affordable rental housing in rural America from its inception in 1963. Section 515 is administered by the USDA’s Rural Housing Service, makes direct loans to non-profit and for-profit developers to build rural rental housing for very low income tenants. Our support for 515 has decreased in recent years—there has been a 73 percent reduction since 1994—which has had two effects. It is practically impossible to build new rental housing, and our ability to preserve and maintain the current stock of Section 515 units is hobbed. Fully three-quarters of the Section 515 portfolio is more than 20 years old.

The time has come for us to take a new look at a critical problem facing rural America. How can we best work to promote the development of quality rental housing for low-income people in rural America? My colleagues and I believe that to answer this question, we must comply with certain basic principles. We do not want to create yet another program with a large federal bureaucracy. We want a program that is flexible, that leverages public-private partnerships, that leverages federal funding, and that is locally controlled. We believe that the Rural Rental Housing Act of 2001 satisfies these principles and will help move us in the direction of ensuring that everyone in America, including those in rural areas, have access to affordable, quality housing options.

I request that the text of the bill be printed in the Record.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) There is a pressing and increasing need for rental housing for rural families and seniors, as evidenced by the fact—

(A) two-thirds of extremely low-income and very low-income rural households do not have access to affordable rental housing units;

(B) more than 900,000 rural rental households (16.4 percent) live in either severely or moderately inadequate housing; and

(C) substandard housing is a problem for nearly 547,000 rural renters, and approximately 165,000 rural rental units are overcrowded.

(2) Many rural United States households live with serious housing problems, including a lack of basic water and wastewater services, structural insufficiencies, and overcrowding, as shown by the fact that—

(A) 28 percent, or 28 million rural households in the United States live with some kind of serious housing problem;

(B) approximately 1,000,000 rural renters have multiple housing problems; and

(C) an estimated 2,600,000 rural households live in substandard housing with severe structural damage or without indoor plumbing, heat, or electricity.

(3) In rural America—

(A) one-third of all renters pay more than 30 percent of their income for housing; and

(B) 20 percent of rural renters pay more than 50 percent of their income for housing; and
(C) 92 percent of all rural renters with significant housing problems pay more than 50 percent of their income for housing costs, and 60 percent pay more than 70 percent of their income for housing.

(4) Rural economies are often less diverse, and therefore, jobs and economic opportunity are limited because:

(A) The nature of the economy in rural environments, such as remoteness and low population density, limit access to many forces driving the economy, such as technological and investment; and

(B) local expertise is often limited in rural areas where the economies are focused on farming or natural resource-based industries.

(5) Rural areas have lesser access to credit than metropolitan areas since—

(A) banks and other investors that look for larger projects with lower risk seek metropolitan areas for loans and investment;

(B) credit that is available is often insufficient, leading to the need for interm or bridge financing; and

(C) credit in rural areas is often more expensive and available at less favorable terms than in metropolitan areas.

(6) The Federal Government investment in rural housing has dropped during the last 10 years, as evidenced by the fact that—

(A) Federal spending for rural rental housing has dropped nearly 88 percent since 1990;

(B) rural rental housing unit production financed by the Federal Government has been reduced by 66 percent since 1980; and

(7) To address the scarcity of rural rental housing, the Federal Government must work in partnership with State and local governments, private financial institutions, private philanthropic institutions, and the private sector, including nonprofit organizations.

SEC. 3. DEFINITIONS. In this Act:

(1) ELIGIBLE PROJECT.—The term ‘eligible project’ means a project for the acquisition, rehabilitation, or construction of rental housing and related facilities in an eligible rural area for occupancy by low-income families.

(2) ELIGIBLE RURAL AREA.—The term ‘eligible rural area’ means a rural area with a population of not more than 25,000, as determined by the most recent decennial census of the United States, and that is located outside a city with a population of 25,001 or more.

(3) ELIGIBLE SPONSOR.—The term ‘eligible sponsor’ means a public agency, an Indian tribe, a for-profit corporation, or a private nonprofit corporation—

(A) a purpose of which is planning, developing, or managing housing or community development projects in rural areas;

(B) that has a record of accomplishment in housing or community development and meets other criteria established by the Secretary by regulation.

(4) LOW-INCOME FAMILIES.—The term ‘low-income families’ has the meaning given the term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(5) QUALIFIED INTERMEDIARY.—The term ‘qualified intermediary’ means a State, a State agency designated by the Governor of the State, a public instrumentality of the State, a private nonprofit community development corporation, a nonprofit housing corporation, a community development loan fund, or a community development credit union, that—

(A) has a record of providing technical and financial assistance for housing and community development activities in rural areas; and

(B) has a demonstrated technical and financial capacity to administer assistance made available under this Act.

(7) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.

(b) Solicitation.—

(1) IN GENERAL.—The Secretary may, in the discretion of the Secretary, solicit applications from qualified intermediaries for a delegation of authority under this section.

(2) CONTENTS OF APPLICATION.—Each application under this subsection shall include—

(A) a description of the eligible State or the area within a State to be served;

(B) the incidence of poverty and substandard housing in the State or area to be served;

(C) the technical and financial qualifications of the applicant; and

(iv) the assistance sought and a proposed plan for the distribution of such assistance in accordance with section 4.

(3) MULTISTATE APPLICATIONS.—The Secretary may, in the discretion of the Secretary, solicit applications for a delegation of authority under this section.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $250,000,000 for each of fiscal years 2002 through 2006.

Mr. LEAHY. Mr. President, I am proud, once again, to rise and offer my support for the Rural Rental Housing Act. This important legislation will help reaffirm the federal government’s commitment to provide quality affordable housing in rural areas. I joined Senator Edwards in introducing this bill last year, and look forward to the opportunity to debate this issue in the 107th Congress.

The need for a new federal program to encourage production, rehabilitation and acquisition of rural rental housing has never been more evident than it is today. Families in small towns across the country find themselves with fewer options for an affordable place to live. In my home state of Vermont, like many other states across the country, housing costs have soared out of reach of most low-income families and rental vacancy rates have fallen to alarmingly low levels. For those people fortunate enough to find an available apartment it is increasingly difficult to afford the rent the market demands.

Despite this trend, the federal government has continued to scale back their commitment to rural housing programs over the last decade. Money for production has dropped nearly 88 percent since 1990, and funding for subsidized housing has fallen by 73 percent since 1994. This decline has made it increasingly difficult to maintain the existing housing stock, little less produce the number of units need to meet demand. In Vermont four thousand rental units were built with federal assistance between 1976 and 1985, but during the next ten years this number fell to under two thousand—nearly half of what was produced the decade before, despite the rising need. Nationwide it is estimated that nearly 2.6 million
households live in substandard conditions, often without proper plumbing, heat or electricity.

The Rural Rental Housing Act will provide $250 million dollars for a new matching federal grant program to address this situation. These funds will complement existing programs run by the Rural Housing Service at Department of Agriculture and will be used in a variety of ways to increase the supply, the affordability, and the quality of housing for the most needy residents, the lowest income families and our elderly citizens. Most importantly, this program is designed to be administered at the state and local level and to encourage public-private partnerships to best address the unique needs of each state.

I think it is time for the Senate to take action to address the needs of our country’s most rural populations. I am proud to be a cosponsor of this bill and I encourage my colleagues to add their support.

Mr. WELLSTONE. Mr. President, today I offer my support for the Rural Rental Housing Act of 2001. Communities in every state in this country are suffering from a critical lack of affordable rural housing. Rural areas have been particularly hard hit. This bill takes an important step toward re-establishing the production and preservation of affordable housing as a National priority. It assures that the needs of rural communities are not forgotten. I am pleased to be a co-sponsor of this bill, and urge all of my colleagues similarly to support this legislation.

The time has come for the federal government to get back in the business of producing affordable housing. Until we do, we will not get at the issue underlying the current affordable housing crisis: the rapid erosion of affordable housing stock. Every year, in fact, every day, we see the demolition of old affordable units without providing the creation of an equivalent number of new affordable housing units. And while there can be no question that some of our existing affordable housing units should be demolished, we have yet to meet our responsibility to replace the old units that are lost with new, better, affordable units. Our current policy simply results in too many displaced families, families who are forced to sometimes double-up or even become homeless in worst-case scenarios, overburdening otherwise already fragile communities.

The housing needs of rural communities are particularly pronounced. Rural households pay more of their income for housing than do urban households. They are less likely to receive government-assisted mortgages; they tend to be poorer than urban households. They have limited access to mortgage credit, and they are often targeted by predatory lenders. Rural communities face a disproportionate share of the nation’s substandard housing. They often have an inadequate supply of affordable housing. Development costs are higher in rural communities than in urban areas, and rural communities have a limited secondary mortgage market. Many low-income rural families have only limited experience with credit and lending institutions, and they often lack an understanding of what it takes to get a home loan. Compounding this problem is a lack of pre- and post-purchase counseling for rural homeowners.

Despite the critical housing needs of rural communities, developers seeking for new or improved rural rental housing is currently at its lowest funding level in more than 25 years. The Department of Agriculture, USDA, has oversight of most of the federal rural housing assistance programs. The primary sources of funding for rural housing assistance, the Section 515 Rural Rental Housing Loan Program, which makes direct loans to developers and cooperatives to build rural rental housing and the Section 521 Rental Assistance Program (which provides rent subsidies to low-income rural renters), have seen their funding levels steadily eroded since the mid-eighties. As a consequence, right now the rate of housing assistance to non-metro areas is only about half the rate of the early 1980s.

Unfortunately, while funding levels for rural housing assistance programs have been decreasing, the need for affordable rural housing has been increasing. According to an analysis of the 1995 American Housing Survey, AHS, data, 10.4 million rural households, 28 percent, have housing problems. When considering only rural renters, the problem becomes even more pronounced. Thirty-three percent of all rural renters are “cost burdened,” paying more than 30 percent of their income for housing costs. Almost one million rural renter households suffer from multiple housing problems. Of these households, 90 percent are severely cost burdened more than 50 percent of their income for rent. Sixty percent pay more than 70 percent of their income for housing. Nearly 60 percent of tenants in Section 515 housing are elderly, disabled or handicapped. The average tenant income is less than $5,000 a year, and the average income of tenants who receive Section 521 housing assistance is $7,300 per year. Ninety-eight percent of them are either low-income, 88 percent, or very-low income. Eighteen percent, or 75 percent, are single female or female-headed households.

The “Rental Housing Act of 2001” is intended to promote the development of affordable, quality rental housing in rural areas or low income households. The bill would authorize the Secretary of Agriculture, directly or through specified intermediaries, to provide rural rental housing assistance in the form of loans, grants, interest subsidies, annuities, and other forms of financial assistance to developments or projects. It would require that no state receives less than $2 million. It would limit the amount of assistance to 50 percent of the total cost of eligible projects, unless the project is smaller than 20 units and is targeted to very-low income tenants, then assistance can total up to 75 percent of the total cost. It would require that properties acquired, rehabilitated, or constructed with these funds remain affordable for low-income families for at least 30 years, and it would give priority to low-income families, low-income communities, or communities lacking affordable rental housing.

Federal funding for rental assistance could provide a good, responsible children. Many dads are there. But an increasing number of men are not doing their part, or are absent entirely. The decline in the involvement of fathers in the lives of their children over the last forty years is a troubling trend that affects us all. Fathers can help teach their children about respect, honor, duty and so many of the values that make our communities strong.

The number of children living in households without fathers has tripled over the last forty years, from just over 5 million in 1960 to more than 17 million today. Today, the United States leads the world in fatherless families, and too many children spend their lives without any contact with their fathers. The consequences are severe. A study by the Journal of Research in Crime and Delinquency found that the best predictor of violent crime and burglary in a community is not the rate of poverty, but the rate of fatherless homes.

When fathers are absent from their lives, children are: 5 times more likely to live in poverty; twice as likely to commit crimes; more likely to bring weapons into their home; twice as likely to drop out of school; twice as likely to be abused; more likely to commit suicide; over twice as
likely to abuse alcohol or drugs; and more likely to become pregnant as teenagers. I have had the opportunity to work with and visit local fatherhood programs in Indiana. I have talked to fathers, primarily young men between the ages of 15 and 25, by providing father peer support meetings, pre-marital counseling, family development forums and family support services, as well as co-parenting, employment, job training, education, and life skills classes.

The fathers there were eager to tell me about the profound impact these programs have made in their lives, and the lives of their children. One said to me, “After the six week fatherhood training program, the support doesn’t stop . . . I was wild before. The program taught me self-discipline, parenting skills, and responsibility.” Another said, “As fathers, we would like to interact with our kids. When they grow into something, we want to feel proud of that.” And yet another, “The program showed me how to have a better relationship with my child’s mother, and a better relationship with my child. Before those relationships were just financial.” While the program’s emotional benefits to families are difficult to measure, we do know it is helping fathers enter the workforce. Over eighty percent of the men who have graduated from the program are currently employed.

This type of investment is a fiscally responsible one, it helps get to the root cause of many of the social problems that cost our society and our government a great deal of money. The cost to society of drug and alcohol abuse is more than $110 billion per year. The social and economic costs of teenage pregnancy, abortion and STDs has been estimated at over $21 billion per year. The federal government spends $8 billion per year on dropout prevention programs. Last year, the federal government spent more than $105 billion on poverty relief programs for families and children.

All this adds up to a staggering price. My legislation, The Responsible Fatherhood Act of 2001, does three primary things to help combat fatherlessness in America. First, it creates a grant program for state media campaigns to encourage fathers to act responsibly. Second, it funds community programs that allow the tools necessary to be responsible fathers. Finally, the bill creates a National Clearinghouse to assist states with their media campaigns and with the dissemination of materials to promote responsible fatherhood. Senators Voinovich, Lincoln, Lugar, Johnson, Miller, Landrieu, Breaux, Gramm, Lieberman, Kohl, and Carr-per join the introduction of The Responsible Fatherhood Act of 2001. This legislation has been introduced in the House of Representatives by Congresswoman Julia Carson, and has the endorsement of the Congressional Black Caucus.

President Bush has included funding for responsible fatherhood in his budget blueprint and I encourage him to continue to make this initiative a priority. Collectively, I hope we are able to pass responsible fatherhood legislation prior to Father’s Day this year. I know that government cannot be the lone answer to this problem. We cannot legislate parental responsibility. But government can encourage fathers to behave responsibly, inform the public about the consequences of father absence, and remove barriers to responsible fatherhood.

I urge my colleagues to support this important initiative.

By Mr. LUGAR (for himself and Mr. HARKIN).

S. 657. A bill to authorize funding for the National 4-H Program Centennial Initiative; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LUGAR. Mr. President, I rise to introduce legislation authorizing funding for the National 4-H Program Centennial Initiative. In 2002 we will celebrate the centennial of the founding of the 4-H program. This important youth development program operates in each of the 50 states and more than 3,000 counties. The program is carried out through the cooperation of youth leaders and local governments; and the U.S. Department of Agriculture.

Last year over 6.8 million youth ages 5 to 19 participated in the 4-H program. Over 600,000 volunteer leaders work directly or indirectly with youth through the 4-H program.

The legislation I am introducing today recognizes the important role of 4-H in youth development. I am pleased that Senator Harkin has joined with me as a cosponsor. In celebration of its centennial, the National 4-H Council has proposed a public-private partnership to develop new strategies for youth development for the next century. The funding authorized in this bill will allow the National 4-H Council to convene meetings and hold discussions at the national, state, and local levels to form strategies for youth development. From input provided through these sessions, a final report will be prepared that summarizes the discussions, makes specific recommendations of strategies for youth development, and proposes a plan of action for carrying out those strategies.

Because 4-H is an important program for youth in each of our states, I am hopeful that there will be strong support for this initiative from my colleagues. I urge my colleagues to co-sponsor this legislation.

I ask unanimous consent that the text of the bill to be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows: S. 657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. NATIONAL 4-H PROGRAM CENTENNIAL INITIATIVE.

(a) FINDINGS.—Congress finds that—

(1) the 4-H Program is 1 of the largest youth development organizations operating in each of the 50 States and over 3,000 counties;

(2) the 4-H Program is promoted by the Secretary of Agriculture through the Cooperative State Research, Education, and Extension Service and land-grant colleges and universities;

(3) the 4-H Program is supported by public and private resources, including the National 4-H Council; and

(4) in celebration of the centennial of the 4-H program in 2002, the National 4-H Council has proposed a public-private partnership to develop new strategies for youth development for the next century in light of an increasingly global and technology-oriented economy and ever-changing demands and challenges facing youth in widely diverse communities.

(b) PURPOSE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Agriculture shall make a grant to the National 4-H Council to be used to pay the Federal share of the cost of—

(A) conducting a program of discussions through meetings, seminars, and listening sessions on the National, State, and local levels regarding strategies for youth development; and

(B) preparing a report that—

(i) summarizes and analyzes the discussions;

(ii) makes specific recommendations of strategies for youth development; and

(iii) proposes a plan of action for carrying out those strategies.

(2) COST SHARING.—

(A) IN GENERAL.—The Federal share of the program under paragraph (1) shall be 50 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of the program under paragraph (1) may be paid in the form of (i) cash; or (ii) in-kind contributions.

(c) GRANT.—The National 4-H Council shall submit the report prepared under subsection (b) to the President, the Secretary of Agriculture, the Committee on Agriculture of the Senate, and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(d) AUTHORIZATION OF APPROPRIATIONS.—The appropriation to be appropriated to carry out this section $5,000,000 for fiscal year 2002.

Mr. HARKIN. Mr. President, I am pleased to join Senator Lugar, the chairman of the Committee on Agriculture, Nutrition, and Forestry, to introduce this legislation to authorize a national effort to strengthen 4-H’s youth development program. With the
4-H program set to observe its centennial in 2002. This legislation is a fitting tribute to the tremendous contributions 4-H has made over the years to youth development in both rural and urban communities.

The 4-H program is uniquely positioned to expand upon its record of service to our youth all across America and across our many diverse communities, from farms to inner cities. 4-H is federally authorized, carried out through state land-grant universities and supported with public and private resources, including from the National 4-H Council. However, the key to 4-H's success is the multitude of volunteers who make the 4-H program work at the local community level.

This legislation will authorize a new initiative for developing and carrying out strategies for strengthening 4-H youth development in its second century. Working through public-private partnerships, the National 4-H Council will assist state leagues and provide them with a program of discussions around the country involving meetings, seminars and listening sessions to address the future of 4-H youth development. Based on the information and ideas gathered, a report will be written that summarizes and analyzes the discussions, makes specific recommendations of strategies for youth development and proposes a plan of action for carrying out those strategies.

The objective, of course, is to build on the tradition and success of 4-H to develop new approaches for youth development that are appropriate and effective in the 21st Century. Youth today face ever-growing pressures, demands and challenges far different from those of the past. 4-H has a great deal to offer them, but to be fully successful 4-H must adapt to the realities of an increasingly complex and rapidly changing world. 4-H must also be responsive to the widening diversity of the American family where its contributions really make a difference.

In short, 4-H can expand its fine record of service and accomplishment even more in its second century by developing new strategies for youth development. That is exactly what this legislation is designed to help achieve. I urge my colleagues to support it.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 658. A bill to amend title 32, United States Code, to authorize units of the National Guard to conduct small arms competitions and athletic competitions, and for other purposes; to the Committee on Armed Services.

Mr. LEAHY. Mr. President, I am pleased to rise today with Senator JEFFORDS to introduce legislation that will allow the National Guard to participate fully in international sports competitions. Currently, members of the National Guard are involved in a variety of athletic and small arms competitions, but their authority for such activities is unclear. This legislation will make it easier for the Guard to support the competitions and allow them to use their funds and facilities for such events. This is basic but necessary legislation.

The National Guard is already participating in such events. The Vermont National Guard hosted the 2001 Conseil International du Sport Militaire, CISM, World Military Ski Championships at the Stowe ski area this month. This military ski event united military personnel from more than 100 countries, promoting friendship and mutual understanding through sports. More than 350 international athletes competed in such events as the biathlon, giant slalom, cross country, and military patrol race. They tested their skill and mettle in the beautiful Green Mountains, where the recent nor'easter added to the already bountiful snow cover there.

But it takes a lot more than a 3-foot base of powder to carry off these competitions. It takes clear authorities, regulations, and resources. This legislation will allow the Guard to continue with full participation of the National Guard. I urge the Senate to join Senator JEFFORDS and me in sponsoring this legislation and moving it quickly through the legislative process.

I ask unanimous consent that additional material be printed in the RECORD.

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

S. 658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONDUCT OF SMALL ARMS COMPETITIONS AND ATHLETIC COMPETITIONS BY THE NATIONAL GUARD.

(a) PREPAREDNESS.—There is an athletic competition generally.—Section 504 of title 32, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ‘‘or’’ at the end of paragraph (2);

(B) by striking paragraph (3) and inserting:

“(3) prepare for and participate in small arms competitions;”;

and

(C) by adding at the end the following new paragraph:

“(4) prepare for and participate in qualifying athletic competition.”;

and

(2) by adding at the end the following new subsections:

(c)(1) Units of the National Guard may conduct a small arms competition or qualifying athletic competition in conjunction with training required under this chapter if such activity (treating the activity as if it were a non-appropriated services) meets the requirements set forth in paragraphs (1), (3), and (4) of section 508(a) of this title.

(2) Facilities and equipment of the National Guard, including military property and vehicles described in section 508(c) of this title, may be used in connection with activities carried out under paragraph (1).

(3) Expenditures incurred in an applicable provision of an appropriations Act, amounts appropriated for the National Guard may be used to pay the costs of activities carried out under paragraphs (1) and (2) if such activities are relevant to the performance of military duties or—

“(2) physical fitness consistent with the standards that are applicable to members of the National Guard involved with small arms and training and competitions to promote morale and military readiness. Although the Department of Defense (DOD), Air Force (USAF), and Army (DA) regulations allow use of appropriated funds to support sports programs, there are some things under general fiscal law principles for which appropriated funds were not used, unless specifically authorized by law. The Active Components cover these costs with non-appropriated funds. Unlike the Air Force and the Army, the National Guard receives no non-appropriated funds for Morale, Welfare, Recreation (MWR) sports activities and, therefore, cannot cover costs associated with sports programs with such funds. Section XXX addresses this inconsistency and provides authority for NGB to spend appropriated funds on items the Active Components generally cover with non-appropriated funds.

The Departmental, national, and international sports competition programs are run by the Joint Staff in coordination with the Air Force and the Army. DOD Directive 34–107 outlines the requirements for soldier/airman athletes to apply to compete at this higher level as individuals or as part of departmental teams. It also provides specific statutory authority to use appropriated funds to purchase personal furnishings for soldier/airman competitors at this level. There is no authority, however, on the National Guard to use appropriated funds to support certain costs of military duty in the members’ armed force.”;

(b) C LERICAL AMENDMENTS.—(1) The head-
armed forces in determining whether a member of the National Guard is fit for military duty. Second, the amendment requires the National Guard hold only sports events that meet the requirements set forth in paragraphs (1), (3), and (4) of section 508(a) of title 32, United States Code. This limitation allows the National Guard Bureau to hold sporting events only if: (1) such event "will not result in a significant increase in the cost of the training;" (32 U.S.C. § 502(a)(1), (3), (4). These limitations safeguard one of the National Guard’s competitive events within DOD, namely to enhance military readiness.

Mr. JEFFORDS. Mr. President, it is with great pleasure that Senator LEAHY and I today introduce the National Guard Competitive Sports Equity Act.

Passage of this bill will allow the National Guard to utilize appropriated funds in support of National Guard Sports Programs. The National Guard Bureau sanctioned competitive events and associated training programs.

The National Guard Competitive Events and Sports program adds value to the National Guard by enhancing the Guard’s competitive training programs through participation in military, national and international sports competitions. The National Guard Competitive Sports Program trains, coordinates and participates in events such as the U.S. Army Games, World Championships and Olympic Games, Competition International Sports Militaire, CISM, and manages the World Class Athlete Program.

The National Guard Sports Office manages four core programs that include marksmanship, biathlon, parachute competition and marathon programs.

This legislation is important because it will allow these programs to continue to flourish and provide the National Guard training resource equity on par with similar programs available to active duty soldiers.

Under current law, active component services are able to utilize Morale, Welfare and Recreation, MWR funds for training allowances, personal clothing and specialized equipment in support of training and competitive events. The Guard does not receive or have access to similar funding sources. The Guard is forced to use training funds potentially earmarked for other events or not participate.

This important legislation will allow this program to continue and provide the National Guard with the funding flexibility it requires to maintain this highly successful program.

By Mr. CRAPO (for himself, Mr. CRAIG, Mr. HAGEL, Mr. COCHRAN, Mrs. LINCOLN, Mr. ROBERTS, Mr. HELMS, Mr. DAYTON, and Mr. HUTCHINSON): S. 659. A bill to amend title XVIII of the Social Security Act to adjust the labor costs relating to items and services furnished in a geographically reclassified hospital for which reimbursement under the medicare program is provided on a prospective basis; to the Committee on Finance.

Mr. CRAPO. Mr. President, I rise today to introduce the Medicare Geographic Adjustment Fairness Act of 2001. I am pleased to have the support of several of my colleagues including Senators CRAIG, HAGEL, COCHRAN, LINCOLN, ROBERTS, HELMS, DAYTON, and HUTCHINSON. These members recognize the need for adequate reimbursements for rural health facilities. I am also grateful to Representative BART STRAUB who will be introducing this legislation in the House.

The Medicare Geographic Adjustment Fairness Act will amend the Social Security Act to redirect additional Medicare reimbursements to rural hospitals in an equitable manner. In particular, the country are losing Medicare reimbursements, which results in severe implications for surrounding communities.

As you know, in an attempt to keep Medicare from consuming its limited reserves, Congress enacted the Balanced Budget Act of 1997, BBA, which made sweeping changes in the manner that health care providers are reimbursed for services rendered to Medicare beneficiaries. These were the most significant modifications in the history of the program.

All of the problems with the BBA, whether hospitals, nursing facilities, home health agencies, or skilled nursing facilities, are especially acute in rural states, where Medicare payments are a bigger percentage of hospital revenues and profit margins are generally much lower. These facilities were already managed at a highly efficient level and had "cut the fat out of the system." Therefore, the cuts implemented in the BBA hit the rural communities in Idaho and throughout the United States in a very significant and serious way.

In the 106th Congress, the Senate did a tremendous job of bringing forth legislation that adjusted Medicare payments to health care providers hurt by cuts ordered in the BBA. While this was a meaningful step, the Senate must continue to address the inequities in the system.

My bill would expand wage-index reclassification by requiring the Secretary of Health and Human Services to deem a hospital that has been reclassified for purposes of its inpatient wage-index to also reclassify for purposes of other services which are provider-based. This provision would help approximately 400 hospitals, 90 percent which are rural. Furthermore, this provision would be budget neutral.

I know my colleagues in the Senate share my commitment of promoting access to health care services in rural areas. Expanding wage-index geographic reclassification will allow hospitals to recoup lost funds and use those funds to address patients’ needs in an appropriate and meaningful way. I encourage my colleagues to cosponsor the Medicare Geographic Adjustment Fairness Act.

By Mr. THOMPSON (for himself, Mr. BREAUX, Mr. MURkowski, Mr. JEFFORDS, Mr. GRAMM, Mr. NICKLES, and Mrs. LINCOLN):

S. 661. A bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent federal excise tax on railroad and inland waterway transportation which remain in the general fund of the Treasury; to the Committee on Finance.

Mr. THOMPSON. Mr. President, today I am introducing legislation to repeal the 4.3-cent federal excise tax on railroad and inland waterway transportation fuels. This tax was signed into law by President Clinton in 1993 in order to help reduce the federal budget deficit. Now that the budget is in surplus, the time is no longer needed. Railroad and barges should not continue to be the only forms of transportation that must pay this tax for purposes of deficit reduction, particularly during this time of high fuel prices. I am pleased to be joined in my efforts by the Senator from Louisiana, Mr. Breaux, the Senator from Alaska, Mr. MURKOWSKI, the Senator from Vermont, Mr. JEFFORDS, the Senator from Oklahoma, Mr. NICKLES, the Senator from Texas, Mr. GRAMM, and the Senator from Arkansas, Mrs. LINCOLN.

The Omnibus Budget Reconciliation Act of 1993 imposed a Federal excise tax of 4.3 cents per gallon on all transportation fuels. The revenue raised from the tax was dedicated to deficit reduction, so tax revenue was deposited in the general fund instead of into any of the transportation trust funds. Prior to the 1993 act, the gasoline, aviation and diesel fuel excise taxes had been considered to be “user taxes.” The revenue raised from these taxes was deposited into the transportation trust funds and was dedicated to improving highways, airports and waterways. There is
no railroad trust fund. Therefore, the 1993 act was a significant departure from previous treatment of transportation fuel taxes.

In 1997, Congress redirected the 4.3-cent gasoline excise tax back into the highway trust fund and the 4.3-cent aviation fuel tax back into the airport and airway trust fund as a part of the surface transportation reauthorization bill, TEA-21. The 1997 law restored the gasoline and aviation taxes to their previous status as true user fees. The revenue collected from these taxes are once again used for the benefit of our highways and airports. However, the final version of TEA-21 did not touch the tax on inland waterway barge fuel or railroad fuel, so that tax revenue is still being deposited in the general fund.

Last Congress, the Senator from Rhode Island, John Chafee, led the effort to repeal the 4.3-cent excise tax on railroad and barge fuel. The 106th Congress finally decided to repeal the tax as part of the Taxpayer Refund and Relief Act of 1999. Unfortunately, the bill was vetoed by President Clinton. I am pleased to carry on the work of my former colleague by introducing this bill to repeal the 4.3-cent tax on railroad and barge fuel effective this year. I believe the time has come to repeal the 4.3-cent tax, since it provides no benefit to the railroad and barge systems, and it only imposes a burden on those industries that are important to my home state of Tennessee. I look forward to working with my colleagues to repeal this outdated tax.

By Mr. DODD (for himself, Mr. BYRD, Mr. SANTORIUM, Mr. CONRAD, Mr. FEINGOLD, Mr. KYNDY, Mr. KOHL, Mr. LEAHY, Mr. DOGAN, and Mr. VOINOVICH):

S. 662. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals; to the Committee on Veterans' Affairs.

Mr. DODD. Mr. President, according to the Department of Veterans Affairs, today some 1,500 American World War II-era veterans, members of the so-called Greatest Generation, will pass away. Tomorrow about the same number will pass away. That daily number will not only continue for the next months, and years to come. Most of them were not career soldiers, but they answered the call to serve our country. Many bravely confronted our enemies in distant lands, in battles that we regard as history, but that they remember as their personal stories. Midway Island, Omaha Beach, and Iwo Jima are just a few of the places hallowed by their deeds. Through their strength and dedication these veterans have earned the respect and gratitude of all Americans to follow.

As these veterans pass away, their families are rightfully seeking to preserve the record of their loved ones' service to our nation. One way in which they are seeking to record that service is to secure official burial recognition. But, because of a provision of current law, the Department of Veterans Affairs is prohibited from providing an official headstone or grave marker to any family as to 20,000 of these families each year.

The law I am referring to dates back to the Civil War era, when our nation wanted to ensure that our fallen soldiers were not buried in unmarked graves. Thus, the law instructs the VA to provide a grave marker for veterans who would otherwise lie in unmarked graves. Of course, in this day and age, a grave rarely goes unmarked. Today, virtually every deceased veteran is buried in a marked grave, or in some other way duly memorialized by surviving family members. Until 1990, the surviving family members of a deceased veterans could receive from the VA, after a burial or cremation, a partial reimbursement for the cost of a private headstone, a VA headstone, or a VA marker. The choice was solely up to the vet’s surviving family members. However, budgetary belt tightening measures enacted in 1990 eliminated the reimbursement component and precluded the VA from providing a headstone or a marker where the family had already done so privately. That measure has left the VA without any recourse when dealing with veterans families who, after private burial arrangements, other than denying their request for official headstones or grave markers.

The inequity created by the current law is not difficult to understand. A family who is aware of this peculiarity in the law can simply request the official headstone, or in most cases grave marker, prior to making private arrangements for a headstone or marker. The VA will examine the request, find that the veteran’s grave has not been marked, and provide the marker, bestowing the appropriate recognition for service to the Nation. The family is then able to incorporate the VA marker into its private arrangements as the family deems fit. However, many, if not most, families do not know about the peculiarities of the law in this area. Most families are unaware of the current law and act as any family would in a time of loss and grief—by making private arrangements to commemorate the deceased. For most, the idea of checking with the VA at this most difficult time is the farthest thing from their minds, but the effect of not doing so is absolute and final. When families purchase a private headstone, as nearly every family does these days, they unknowingly forfeit the opportunity to receive a government headstone or marker.

The Guzzo family of West Hartford, CT is one of the countless families who have found out about this law the hard way. Thomas Guzzo first brought this matter to my attention several years ago. His late father, Agostino Guzzo, served in the Philippines and was honorably discharged from the Army in 1947. Today, Agostino Guzzo is interred in a mausoleum at the Cedar Hill Cemetery in Hartford, CT, but the mausoleum bears no reference to his service as recorded in the current law. Like so many families, the Guzzo family provided its own marker and subsequently found that it was not eligible for an official VA marker.

When I was first contacted by the Guzzo family, I attempted to straightforwardly understand what I thought was a bureaucratic mixup. I was surprised to realize that Thomas Guzzo’s difficulties resulted not from some glitch in the system, but rather from the law itself. In the end, I wrote to the former Secretary of Veterans Affairs regarding Thomas Guzzo’s very reasonable request. The Secretary responded that his hands were tied as a result of the obscure law. Furthermore, the Secretary’s response indicated that, even if a marker could be provided for Agostino Guzzo, that marker could not be placed on a cemetery bench or tree dedicated in his name. The law prevented the Department from providing a marker for placement anywhere but the grave site and thus prevents families from recognizing their veteran’s service as they wish.

I rise today to introduce a bill that will appropriately address these issues and ensure our deceased veterans are treated equitably. The bill will allow the families of deceased veterans to receive an official headstone or grave marker in recognition of their veteran’s contribution to our nation, regardless of whether their grave is privately marked.

What I propose today is a modest means of solving a massive problem. The VA has described this issue as one of its greatest public affairs challenges, but the cost of fixing it is relatively small. Last Congress, the idea was scored by the Congressional Budget Office at less than $3 million dollars per year over the first 5 years. This bill will put at ease countless families who are disillusioned by the current system. Moreover, it gives those families the appropriate flexibility, with respect to common cemetery restrictions, to commemorate deceased veterans by dedicating a tree or bench or other suitable site in the veteran’s honor.

America is different today than it was when we changed the burial benefits in 1990. Our fiscal house is in order; disciplined spending has produced budget surpluses for the first time in many years. We know that the VA is forced to reject as many as 20,000 headstone and grave marker requests each year under the current law. These are meritorious requests by deserving applicants whose families unknowingly forfeit their right to this modest memorial in a time of stress and loss. The cost of fixing this inequity is minor. It
is appropriate, I feel, to make sure that all our veterans receive the recognition they have earned.

The policy is simple. We should provide these markers or headstones to the families when they request them, and we should allow these families to recognize those who served in a manner deemed fitting by each family.

Time is of the essence. One thousand five hundred veterans pass away each day, and each day there are 1,500 new families who may be denied a modest recognition of the service their loved one gave to our Nation.

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. 662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO PROVIDE HEADSTONES OR MARKERS FOR MARKED GRAVES OR OTHERWISE COMMEMORATE CERTAIN INDIVIDUALS.

(a) In GENERAL.—Section 2306 of title 38, United States Code, is amended—

(1) in subsections (a) and (e)(1), by striking ''the unmarked graves of''; and

(2) by adding at the end the following:

``(f) A headstone or marker furnished under subsection (a) shall be furnished, upon request, for the marked grave or unmarked grave of the individual or at another area appropriate to the purpose of commemorating the individual.''

(b) APPLICABILITY.—The amendment to subsection (a) of section 2306 of title 38, United States Code, made by subsection (a) of this section, and subsection (f) of such section 2306, as added by subsection (a) of this section, shall apply with respect to burials occurring on or after November 1, 1990.

By Mr. WELLSTONE (for himself and Mr. DAYTON):

S. 663. A bill to authorize the President to award a Congressional Gold Medal to Eugene McCarthy in recognition of his service to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

Mr. WELLSTONE. Mr. President, in recognition of his distinguished record of service to the United States, I am introducing a bill today to award a Congressional Gold Medal to Eugene McCarthy.

The Congressional Gold Medal is considered to be the most distinguished recognition of Congress bestows. I believe, and I hope my colleagues will agree, that the Congressional Gold Medal is a fitting tribute to the dedicated service Eugene McCarthy has given to our Nation.

Eugene McCarthy graduated from St. John University in Minnesota in 1935, and from the University of Minnesota in 1939. He taught economics and sociology at public and Catholic high schools and colleges in Minnesota and North Dakota, including at St. Thomas College in St. Paul, and at his own alma mater, St. Johns University. McCarthy served in the military intelligence division of the U.S. War Department in 1944. In 1948, he was elected to Congress to represent the State of Minnesota. For Eugene McCarthy, this was merely a first step, revealing that his long-time interest in politics would be more meaningful than it would be a career. He has pursued his political vocation and mission for more than 40 years. This span covers Eugene McCarthy’s service in the House of Representatives and in the Senate during the years of his anti-war presidential campaign of 1968, his Independent candidacy of 1976, and the many books, essays and speeches that always spoke out for reform of the political process and the limitation of executive power.

Eugene McCarthy exemplified the highest standards of public service and dedication to Constitutional principles as a member of the House of Representatives for five terms, from 1948 to 1958, and as a Member of this body, the Senate, for two terms, from 1959 to 1971. Through his shaping of legislation on civil rights, tax policy, Social Security and Medicare, the minimum wage, unemployment compensation, government subsidies and Congressional oversight of the Central Intelligence Agency, McCarthy upheld the finest principles of politics and policy. As Chairman of the Senate Special Committee on Unemployment Problems he initiated hearings which led to the Committee’s outlining of many of the economic development and social welfare programs later enacted during the Kennedy and Johnson administration. On the Ways and Means and Finance Committees of the House and Senate, respectively, McCarthy pushed for additional benefits and minimum wage coverage for migrant workers. In the early 1960s, he led the fight to give Medicare coverage to seniors. McCarthy led the House throughout the 1960s in efforts to extend unemployment compensation. Beginning in 1954, and subsequently for more than 15 years in both the House and the Senate, McCarthy called for Congressional oversight of the CIA. Eugene McCarthy’s principled campaign for the Democratic Presidential nomination in 1968 and his courageous stand regarding U.S. withdrawal from the Vietnam War inspired countless young people to believe they could make a difference in public life. He always emphasized the role of Congress in foreign policy, and his actions helped hasten the end of the most controversial war in our history. Eugene McCarthy deplored cynicism and any tendency to look upon all politicians as corrupt. He said: ''Truth will prove the best antidote to cynicism which is an especially dangerous attitude among young people. . . Not only does it destroy confidence and hope, some of the most precious assets of youth, but it eats away the will to attack and solve the problems, as it does problems in other fields.

As a distinguished author, poet and lecturer, Eugene McCarthy has elevated the language of public dialogue in a way that epitomizes the deepest and most cherished values of American political life. “What the country needs,” McCarthy said in 1968, “is a freeing of our moral energy, a freeing of our resolution, a freeing of our concern.” He argued that if a free country the potential for leadership must exist in every man and every woman.” McCarthy has authored numerous books on American politics and institutions, including “A Liberal Answer to the Conservative Challenge,” 1964; “America Revisited: 150 Years of Tallulah,” 1960; and “Up Till Now: A Memoir,” 1988.

Eugene McCarthy has dedicated much of his life to our Nation. His leadership and service have extended far beyond his tenure in the United States Congress. It is an honor for me to ask that we award the congressional Gold Medal to this deserving scholar and gentleman. This bill offers us here in the Senate finally to recognize Eugene McCarthy’s extraordinary contributions to the United States and to say: Eugene McCarthy, we thank you.

By Mr. GREGG (for himself and Mr. KOHL):

S. 664. A bill to provide jurisdictional standards for the imposition of State and local tax obligations on interstate commerce, and for other purposes; to the Committee on Finance.

Mr. GREGG. Mr. President, today I introduce with Senator KOHL the New Economy Tax Fairness Act, or NET FAIR. As we all know, the Internet and electronic commerce have reshaped our society over the last decade. Much of the success that our Nation’s economy has enjoyed has been a result of innovative companies making use of Internet technology to conduct commerce over the Internet. E-commerce has created new jobs, increased productivity, lowered business costs, generated a higher level of convenience for consumers, and sparked overall growth in the U.S. economy.

With this in mind, there remain those that would like to tax interstate commerce over the Internet even while this budding technology has yet to meet its full potential. The NET FAIR Act addresses the issue of taxing remote sellers that conduct interstate commerce electronically.

In 1992, the Supreme Court ruled in Quill Corp. v. North Dakota that States cannot force out-of-State retail firms to collect sales taxes. The Court held that Congress alone has the authority to impose such requirements under the interstate commerce clause of the Constitution. NET FAIR builds upon the Quill decision by extending the same approach that currently governs catalogue sales to the Internet. Under NET FAIR, states would only require a company to collect sales and use tax, or to pay business activity taxes, only if their goods or services
I ask that the text of this legislation be printed in the RECORD.

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

SEC. 1A. SHORT TITLE.

This Act may be cited as the ‘New Economy Tax Fairness Act’ or NET FAIR Act.'
CONGRESSIONAL RECORD — SENATE
March 29, 2001

"(6) Sales Tax.—The term ‘sales tax’ means a tax that is—
(A) imposed on or incident to the sale of tangible or intangible personal property or services as specified under the laws imposing such tax; and
(B) measured by the amount of the sales price, cost, charge, or other value of or for such property or services.

"(7) Solicitation of Orders or Contracts.—The term ‘solicitation of orders or contracts’ includes activities normally ancillary to a solicitation.

"(8) State.—The term ‘State’ means any of the several States, the District of Columbia, or any territory or possession of the United States or any political subdivision thereof.

"(9) Use Tax.—The term ‘use tax’ means a tax that is—
(A) imposed on the purchase, storage, consumption, distribution, or other use of tangible or intangible personal property or services as may be defined or specified under the laws imposing such tax; and
(B) measured by the purchase price of such property or services.

"(10) World Wide Web.—The term ‘World Wide Web’ means a computer server-based file transfer protocol, file transfer protocol, or other similar protocols.

"(f) ELECTRON.—This section shall not be construed to limit, in any way, constitutional restrictions otherwise existing on State taxing authority.

SEC. 102. DEFINITION OF BUSINESS ACTIVITY TAXES.

(a) Limitations.—No State shall have power to assess after the date of enactment of this Act or at any time thereafter a tax which is imposed by such State or political subdivision for any taxable year ending on or before such date, on the income derived for any taxable year ending after such date by a person subject to state and local business taxes and be required to collect State and local sales taxes. Currently, a business falls into a state or local taxing jurisdiction when it has a “substantial physical presence” or “nexus” there. And that makes sense. If a business is located in a State—uses the roads there, impacts the environment there, employs local workers there it should pay taxes and business fees there, and it should collect sales taxes on products sold there.

But if a business is located out of State, and simply ships products to consumers there, it is not part of the local economy. It does not use local services or infrastructure. And it should not be subject to the taxes and tax collection burdens that support a community not its own.

That seems simple. But as with anything that happens in tax law, it is not. Cases have been brought in courts across the country trying to clarify exactly how to define “substantial physical presence.” Is it maintaining a Web site? Sending employees to training conferences? Taking orders over the Internet? Our bill codifies the decisions already established by the courts and restates the principle on which they are all based: State and local taxing authorities do not have jurisdiction over businesses that are not physically located in their borders.

Because this area of the law is as arcane as it is important, it is important to describe what our bill does not do. It does not exempt e-businesses or any other mail order businesses from taxation. The businesses our bill cover pay plenty of taxes—Federal taxes and State and local taxes and fees in every state in which they maintain a physical presence.

Our bill does not offer special breaks for e-businesses. Though the struggling e-economy will certainly benefit from having its fair share clarified, noticing we state in this bill goes beyond current established case law.

Our bill does not take away any revenue States and localities are currently collecting. Only Congress has the right to regulate the flow of commerce between the States. State and local tax collectors have never been able to reach into other States and collect revenues from businesses outside their borders.

Our bill does not threaten “main street businesses.” In fact, it is just the opposite. The small stores of Main Street are threatened by malls and simply ships products to consumers there, impacts the environment there, employs local workers there it should pay taxes and business fees there, and it should collect sales taxes on products sold there.

Our bill codifies the decisions already established by the courts and restates the principle on which they are all based: State and local taxing authorities do not have jurisdiction over businesses that are not physically located in their borders.

Because this area of the law is as arcane as it is important, it is important to describe what our bill does not do. It does not exempt e-businesses or any other mail order businesses from taxation. The businesses our bill cover pay plenty of taxes—Federal taxes and State and local taxes and fees in every state in which they maintain a physical presence.

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Our bill does not threaten “main street businesses.” In fact, it is just the opposite. The small stores of Main Street are threatened by malls and mega-stores—not by the Internet or catalogue companies. In fact, many Main Street specialty stores are staying alive by offering their products over the Internet.

In Wisconsin, for example, we have many cheese makers who have run small family businesses for years. A quick search on the World Wide Web yields 20 Wisconsin cheese makers selling over the Internet. They are from Wisconsin towns like Plain, Durand, Fennimore, Tribe Lake, Thorp, and Prairie Ridge. Could these small towns support specialty cheese makers with walk-in traffic only? Would these small businesses continue to sell over the Internet if they had to figure and remit sales taxes and business fees to the over 7000 taxing jurisdictions into which they may ship? Of course not.

What our bill does do is protect businesses, big and small, and consumers from facing a plethora of new taxes and tax compliance burdens. What it does do is keep the life-line of Internet sales available for our small businesses and entrepreneurs. What it does do is clarify the tax law and eliminate the need for State-by-State litigation—that governs the developing world of e-commerce. What it does do is provide predictability to the mail order business sector an industry that employs 300,000 in the State of Wisconsin.

I urge my colleagues to support NETFAIR and protect thousands of businesses and millions of consumers from new and onerous tax burdens.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 65—HONORING NEIL L. RUDESTINE, PRESIDENT OF HARVARD UNIVERSITY

Mr. KERRY submitted the following resolution, which was referred to the Committee on Health, Education, Labor, and Pensions:

S. Res. 65

Whereas Neil L. Rudenstine is retiring as the 26th President of Harvard University in Cambridge, Massachusetts, on June 30, 2001, after 10 years of service in the position;

Whereas Harvard University, founded in 1638, is the oldest university in the United States and 1 of the preeminent academic institutions in the world;

Whereas throughout the history of the United States, graduates of Harvard University have served the United States as leaders in public service, including 7 Presidents and many distinguished members of the United States Senate and the House of Representatives;

Whereas in recognition of his belief in, and Harvard University’s continued commitment to, public service as a value of higher education, Neil L. Rudenstine has established the Center for Public Leadership at Harvard University’s Kennedy School of Government to prepare individuals for public service as a value of higher education in an ever-changing world;

Whereas in order to make a Harvard University education available to as many qualified young people as possible, during Neil L. Rudenstine’s tenure, the University expanded its financial aid budget by $8,300,000 to help students graduate with less debt;

Whereas Neil L. Rudenstine has made Harvard University a good neighbor in the community of Cambridge and greater Boston by launching a $21,000,000 affordable housing program and by creating more than 700 jobs; and

Whereas Neil Rudenstine built an academic career of great distinction, including 2 bachelor’s degrees, 1 master’s degree, and a Rhodes Scholarship, a Harvard Ph.D. in
English, recognition as a scholar and authority on Renaissance literature, and preeminent positions in higher education: Now, therefore, be it

RESOLVED,

SECTION 1. HONORING NEIL L. Rudenstine.

The Senate—

(1) expresses deep appreciation to President Neil L. Rudenstine of Harvard University for his contributions to higher education, for the spirit of public service that characterized his decade as Harvard University’s president, for his many years of academic leadership at other universities, and for the grace and elegance that he brought to all he has done; and

(2) wished him well in every future endeavor, anticipating the continuing benefit of his thoughtful expertise to American higher education.

SEC. 2. TRANSMITTAL.

The Secretary of the Senate shall transmit a copy of this resolution to Neil L. Rudenstine.

AMENDMENTS SUBMITTED AND PROPOSED

SA 155. Mr. Harkin (for himself, Mr. Wellstone, Mr. Biden, and Mr. Breaux) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

SA 156. Mr. Lieberman (for himself and Mr. Breaux) proposed an amendment to the bill S. 27, supra.

SA 157. Mr. BINGHAM proposed an amendment to the bill S. 27, supra.

SA 158. Mr. BINGHAM proposed an amendment to the bill S. 27, supra.

SA 159. Mr. NELSON, of Florida proposed an amendment to the bill S. 27, supra.

SA 160. Mr. KERRY proposed an amendment to the bill S. 27, supra.

SA 161. Mr. LEVIN (for himself, Mr. Enslen, Mrs. Clinton, Mr. Dorgan, Mr. Nelson, of Nebraska, and Mr. Reid) proposed an amendment to the bill S. 27, supra.

SA 162. Mr. DURBIN (for himself and Mr. Cochran) proposed an amendment to the bill S. 27, supra.

SA 163. Mr. THOMPSON (for himself, Mr. Lieberman, Ms. Collins, Mr. Leahy, Mr. Jeffords, and Mr. Dodd) proposed an amendment to the bill S. 27, supra.

SA 164. Mr. NELSON proposed an amendment to the bill S. 27, supra.

TEXT OF AMENDMENTS

SA 155. Mr. Harkin (for himself, Mr. Wellstone, and Mr. Biden) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

TITLE V—VOLUNTARY SENATE CANDIDATE SPENDING LIMITS AND BENEFITS

SEC. 501. VOLUNTARY SENATE SPENDING LIMITS AND PUBLIC BENEFITS.

(a) In General.—The Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"TITLE V—VOLUNTARY SPENDING LIMITS AND PUBLIC BENEFITS FOR SENATE ELECTION CAMPAIGNS

SEC. 501. CANDIDATES ELIGIBLE TO RECEIVE BENEFITS.

"(a) In General.—For purposes of this title, a candidate is an eligible candidate if the candidate—

(1) meets the primary and general election filing requirements of subsections (b) and (c); and

(b) PRIMARY FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate files for the Senate a declaration as to whether—

(A) the candidate and the candidate’s authorized committees—

(i) will meet the primary and runoff election expenditure limits of subsection (d); and

(ii) will only accept contributions for the primary and runoff election expenditures which do not exceed such limits; and

(B) the candidate and the candidate’s authorized committees will meet the general election expenditure limits under section 502(a).

(2) The declaration under paragraph (1) shall be filed on the date the candidate files a certification with the Secretary of the Senate under penalty of perjury that—

(A) the candidate and the candidate’s authorized committees—

(i) met the primary and runoff election expenditure limits under subsection (d); and

(ii) did not accept contributions for the primary or runoff excess of the primary or runoff expenditure limits under subsection (d), whichever is applicable;

(B) at least one candidate has qualified for the same general election ballot under the law of the State involved;

(C) such candidate and the authorized committees of such candidates—

(i) except as otherwise provided by this title, will not make expenditures which exceed the general election expenditure limit under section 502(a); and

(ii) will not accept any contributions in violation of section 315;

(iii) except as otherwise provided by this title, will not accept any contribution for the general election involved to the extent that such contribution would cause the aggregate amount of such contributions to exceed the amount of the general election expenditure limit under section 502(a);

(iv) will deposit all payments received under this title in an account insured by the Federal Deposit Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties; and

(v) will furnish campaign records, evidence of contributions, and other appropriate information to the Commission; and

(D) the candidate will make use of the benefits provided under section 503.

(2) The declaration under paragraph (1) shall be filed not later than 7 days after the earlier of—

(A) the date the candidate qualifies for the general election ballot under State law; or

(B) if, under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date the candidate wins the primary or runoff election.

(3) PRIMARY AND RUNOFF EXPENDITURE LIMITS.—(i) The requirements of this subsection are met if—

(A) the candidate and the candidate’s authorized committees did not make expenditures for the primary election in excess of an amount equal to the sum of—

(A) $250,000, and

(B) the aggregate amount of contributions received, by any opponent of the eligible candidate who receives payments under subsection (a) that are allocable to the excess expenditure amounts described in subsection (b) may make expenditures from such payments to defray expenditures for the primary, runoff, or general election without regard to the applicable expenditure limits under section 501(d) or 502(a).

(d) USE OF PAYMENTS FROM FUND.—Payments received by a candidate under subsection (a) shall be used to defray expenditures incurred with respect to the election for which the amounts were made available. Such payments shall not be used—

(1) except as provided in paragraph (4), to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate;

(2) to make any expenditures other than expenditures to further the applicable election of such candidate;

(3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made; or
"(4) To repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"(e) EXPENDED FUNDS.—Any amount received by an eligible candidate under this title may be retained for a period not exceeding 120 days after the date of the general election for the liquidation of all obligations to pay expenditures for the general election incurred during the general election period. At the end of such 120-day period, any unexpended funds received under this title shall be promptly repaid to the Secretary of the Treasury.

"SEC. 504. CERTIFICATION BY COMMISSION.

"(a) The Commission shall certify to any candidate meeting the requirements of section 501 that such candidate is an eligible candidate entitled to benefits under this title. The Commission shall revoke such certification if it determines a candidate fails to continue to meet such requirements.

"(2) Not later than 48 hours after an eligible candidate files a request with the Secretary of the Senate to receive benefits under section 505, the Commission shall certify to the Senate Election Campaign Fund and the amount of such payments which will be required under this title.

"(c) The amount of monies in the Fund which will be available to make payments required by this title in the succeeding calendar year, and the amount of payments which will be required under this title in such calendar year.

"SEC. 505. PAYMENTS RELATING TO ELIGIBLE CANDIDATES.

"(a) ESTABLISHMENT OF CAMPAIGN FUND.—(1) There is hereby established in the Treasury of the United States a special fund to be known as the 'Senate Election Campaign Fund'.

"(2)(A) There are appropriated to the Fund for each fiscal year, out of amounts in the general fund of the Treasury not otherwise appropriated, the amount of—

"(i) any contributions by persons which are specifically designated as being made to the Fund; and

"(ii) any other amounts which may be deposited into the Fund under this title.

"(B) It is the sense of the Senate that a contribution to the Fund under subparagraph (A) shall be made on a pro rata basis, with respect to any candidate, of amounts derived from income tax refunds due the person or additional amounts included with the person's return and not from any income tax liability owed by the person to the Treasury.

"(C) The Secretary of the Senate (referred to in this section as the 'Secretary') shall make the payments required by this title to an eligible candidate out of amounts in the Fund only for the purposes of—

"(A) making payments required under this title; and

"(B) making disbursements in connection with the administration of the Fund.

"(2) Amounts withheld under subparagraph (A) shall be paid when the Secretary determines that there are sufficient monies in the Fund to pay all, or a portion thereof, to all eligible candidates. Such amounts shall be available without fiscal year limitation.

"(3) Amounts in the Fund shall remain available for the purposes of—

"(A) making payments required under this title or which the Secretary determines to be necessary to assure that each eligible candidate will receive the same pro rata share of such candidate's full entitlement.

"(B) making payments required by law for the general election for the liquidation of all obligations to pay expenditures for the general election for the office of Senator; or

"(C) making payments required by law for the general election for the office of Senator which the Secretary estimates will be the amount of any payment by reason of this title; and

"(D) Amounts in the Fund shall remain available for the purposes of—

"(i) the amount of monies in the Fund which will be available to make payments required by this title in the succeeding calendar year; and

"(ii) the amount of payments which will be required under this title in such calendar year.

"(4) The Secretary shall notify the Commission of the amount of monies in the Fund which will be available to make payments required by this title by the end of the first calendar quarter of each calendar year.

"(5) The term 'annual election period' means, with respect to any candidate, a period beginning on the day after the date of such general election, or the date on which such candidate is selected or elected to such office, and ending on the date of the next general election for that office, or the date on which such candidate is selected or elected to such office, whichever is later.

"(6) The term 'eligibility period' means, with respect to any candidate, a period beginning on the day following the date of the last election for the office of Senator, and ending on the date of the next general election for the office of Senator.

"(7) The term 'primary election period' means, with respect to any candidate, a period beginning on the day following the date of the last general election for that office, or the date on which such candidate is selected or elected to such office, whichever is later.

"(8) The term 'runoff election period' means, with respect to any candidate, a period beginning on the day following the date of the last primary election for the office of Senator, and ending on the date of the runoff election for that office, whichever is later.

"(9) The term 'runoff election' means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be the candidate for the office of Senator for the next general election.
age or older, as certified pursuant to section 313(e); and

(b) Nonseverability of Certain Provisions.—

(1) In general.—If one of the provisions of, or amendments made by, this Act that is de-

rived or contributed to by any person or circumstance, is held to be unconsti-

tutional, the provision or amendment contained in any of the following sections:

(A) Section 101, except for section 323(d) of the Federal Election Campaign Act of 1971, as added by section 101.

(B) Section 135(b).

(C) Section 201.

(D) Section 203.

(c) Judicial Review.—

(1) EXPEDITED REVIEW.—Any Member of Congress, candidate, national committee of a political party, or any person adversely af-

fected by any provision of, or amendment made by, this Act, or the application of such provision or amendment to any person or circumstance, shall be invalid.

(2) Northwest District.—Notwith-

standing any other provision of law, any order of 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 Con-stitution.

(3) APPEAL TO SUPREME COURT.—It shall be the duty of the District Court for the Dis-

trict of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible ex-

tent the disposition of any matter brought under paragraph (1).

(4) APPLICABILITY.—This subsection shall apply only with respect to any action filed under paragraph (1) later than 30 days after the effective date of this Act.

SEC. 502. NOTIFICATION REQUIREMENTS.

The Federal Election Commission shall promulgate such regulations as necessary to allow the Federal Election Commission to notify eligible candidates (as defined in section 506 of the Federal Election Campaign Act of 1971), as added by section 501, of the ex-

penditures and contributions of an opposing candidate in the same election in a timely man-

ner for purposes of determining the pay-

ment amount under section 503 of such Act, as so added.

SEC. 503. NONSEVERABILITY.

(a) In General.—If any provision of, or amendment made by, this Act that is de-

scribed in subsection (b), or the application of such provision or amendment to any person or circumstance, is held to be uncon-stitutional, the provisions of, and amendments made by, this title shall be invalid.

(b) Provision.—A provision or amend-

ment described in this subsection is a provi-

sion or amendment contained in any of the following sections:

(1) Section 101.

(2) Section 202.

(3) Section 203.

(4) Section 204.

SA 156. Mr. BINGAMAN (for himself and Mr. BREAUX) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to pro-

vide bipartisan campaign reform; as follows:

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

SEC. 510. Disclosure of and prohibition on cer-

tain donations.

(a) In general.—A committee shall not be consid-
or more clearly identified candidates, regardless of whether or not the communication expressly advocates a vote against the candidate.”

SA 159. Mr. NELSON of Florida 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. __. PROHIBITION ON FRAUDULENT SOLICITATION OF FUNDS.

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437d) is amended—

(1) by striking “(a) IN GENERAL.—” before “No person shall—”;

(2) by adding at the end the following:

“(b) FRAUDULENT SOLICITATION OF FUNDS.—

No person shall—

(i) fraudulently misrepresent the person as speaking, writing, or otherwise acting for or on behalf of any candidate or political party or employee or agent thereof for the purpose of soliciting contributions or donations;

(ii) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).”

SA 160. Mr. KERRY 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. STUDY AND REPORT ON CLEAN MONEY CLEAN ELECTIONS LAWS.

(a) CLEAN MONEY CLEAN ELECTIONS DEFINED.—In this section, the term “clean money clean elections” means funds received under State laws that provide in whole or in part for the public financing of election campaigns.

(b) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the clean money clean elections of Arizona and Maine.

(2) MATTERS STUDIED.—

(A) STATISTICS ON CLEAN MONEY CLEAN ELECTIONS CANDIDATES.—The Comptroller General of the United States shall determine—

(i) the number of candidates who have chosen to run for public office with clean money clean elections including—

(I) the office for which they were candidates;

(II) whether the candidate was an incumbent or a challenger; and

(III) whether the candidate was successful in the candidate’s bid for public office; and

(ii) the costs described in subparagraph (A) are paid directly or indirectly from amounts donated in accordance with State law, except that no person (and any person established, maintained, or controlled by such person) may donate more than $10,000 to a State, district, or local committee of a political party for an activity described in paragraph (3) of subsection (a) which is transmitted through radio or television permitted under applicable State law other than for a Federal election activity that refers to a clearly identified candidate for election to Federal office.

(2) ADDITIONAL REQUIREMENTS.—

(A) CANDIDATE.—Any communication described in paragraphs (1) or (2) of subsection (a) which is transmitted through radio or television permitted under applicable State law other than for a Federal election activity that refers to a clearly identified candidate for election to Federal office.

(B) CONDITIONS.—Subparagraph (A) shall only apply if—

(i) the activity does not refer to a clearly identified candidate for Federal office; and

(ii) the costs described in subparagraph (A) are paid directly or indirectly from amounts donated in accordance with State law, except that no person (and any person established, maintained, or controlled by such person) may donate more than $10,000 to a State, district, or local committee of a political party in a calendar year to be used for the costs described in subparagraph (A).

SEC. 306. STUDY AND REPORT ON CLEAN MONEY CLEAN ELECTIONS LAWS.

Section 318 of 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. __. CLARITY STANDARDS FOR IDENTIFICATION OF SPONSORS OF ELECTION-RELATED ADVERTISING.

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

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking and inserting

“Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, cable television, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever”,

(ii) by striking ‘an expenditure’ and inserting

‘a disbursement’; and

(iii) by striking ‘direct’; and

(iv) by inserting ‘or makes a disbursement for an electioneering communication (as defined in section 304(d)(3))’ after “public political advertising”;

(B) in paragraph (3), by inserting ‘and permanent street address, telephone number, or World Wide Web address’ after ‘name’; and

(2) by adding at the end the following:

“SPECIFICATION.—Any communication described in subsection (a) shall—

1. be of sufficient type size to be clearly readable by the recipient of the communication;

2. be contained in a printed box set apart from the other contents of the communication; and

3. be printed with a reasonable degree of color contrast between the background and the printed statement.

(3) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—Subparagraph (A) of section 309(d)(3) shall apply to—

(i) any communication described in paragraphs (1) or (2) of subsection (a) which is transmitted through radio or television permitted under applicable State law other than for a Federal election activity that refers to a clearly identified candidate for election to Federal office; and

(ii) any communication described in paragraphs (1) or (2) of subsection (a) which is transmitted through radio or television permitted under applicable State law other than for a Federal election activity that refers to a clearly identified candidate for election to Federal office.

(B) CONDITIONS.—Subparagraph (A) shall only apply if—

(A) the activity does not refer to a clearly identified candidate for Federal office; and

(B) the costs described in subparagraph (A) are paid directly or indirectly from amounts donated in accordance with State law, except that no person (and any person established, maintained, or controlled by such person) may donate more than $10,000 to a State, district, or local committee of a political party for a communication described in section 309(d)(1) of 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. __. INCREASE IN PENALTIES.

(A) IN GENERAL.—In section 309(d)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)(1)) (A) is amended to read as follows:

(1) Any person who knowingly and willfully commits a violation of any provision of
this Act which involves the making, receiving, or reporting of any contribution, donation, or expenditure—

(i) aggregating $25,000 or more during a calendar year shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both; or

(ii) aggregating $2,000 or more (but less than $25,000) during a calendar year shall be fined under such title, or imprisoned for not more than one year, or both.

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

SEC. 7. STATEMENT OF LIMITATIONS.

(a) IN GENERAL.—Section 406(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(1)) is amended by striking “3” and inserting “5”.

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

SEC. 8. SENTENCING GUIDELINES.

(a) IN GENERAL.—The United States Sentencing Commission shall—

(1) promulgate a guideline, or amend an existing guideline under section 994 of title 28, United States Code, in accordance with paragraph (b); and for violations of the Federal Election Campaign Act of 1971 and related election laws; and

(2) submit to Congress an explanation of any guideline promulgated under paragraph (1) and any legislative or administrative recommendations regarding enforcement of the Federal Election Campaign Act of 1971 and related election laws.

(b) CONSIDERATIONS.—The Commission shall provide guidelines under subsection (a) taking into account the following considerations:

(1) Ensure that the sentencing guidelines and policy statements reflect the serious nature of such violations and the need for aggressive and appropriate law enforcement action to prevent such violations.

(2) Provide a sentencing enhancement for any person convicted of such violation if such violation involves—

(A) a contribution, donation, or expenditure from a foreign source;

(B) a large number of illegal transactions;

(C) a large aggregate amount of illegal contributions, donations, or expenditures;

(D) the receipt or disbursement of governmental funds; and

(E) intent to achieve a benefit from the Government.

(3) Provide a sentencing enhancement for any violation by a person who is a candidate or a high-ranking campaign official for such candidate.

(4) Ensure reasonable consistency with other relevant directives and guidelines of the Commission.

(5) Account for aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancements.

(6) Ensure the guidelines adequately meet the purpose of sentencing under section 3553(a)(2) of title 18, United States Code.

(c) EFFECTIVE DATE; EMERGENCY AUTHORITY TO PROMULGATE GUIDELINES.

(1) NOTwithstanding section 402, the United States Sentencing Commission shall promulgate guidelines under this section not later than the later of—

(A) 90 days after the date of enactment of this Act; or

(B) 90 days after the date on which at least a majority of the members of the Commission are in the United States and holding office.

(2) EMERGENCY AUTHORITY TO PROMULGATE GUIDELINES.—The Commission shall promulgate guidelines under this section in accordance with the procedures set forth in section 21(a) of the Sentencing Reform Act of 1987, as though the authority under such Act has not expired.

SA 164. Mr. REED 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. 5. AUDITS.

(a) RAND On audits.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting “(1)” before “The Commission”; and

(2) by adding at the end the following:

“(2) RANDOM AUDITS.—

(A) IN GENERAL.—Notwithstanding paragraph (1), the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act.

(B) LIMITATION.—The Commission shall not institute an audit or investigation of a candidate’s authorized committee under subparagraph (A) until the candidate is no longer an active candidate for the office sought by the candidate in that election cycle.

(C) APPLICABILITY.—This paragraph does not apply to an authorized committee for a candidate for office that is subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.”.

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN ACCOUNTS MAY BE AUDITED.—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. 6. 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 the proceedings described in paragraphs (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 injury 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 an 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. 7. INCREASE IN PENALTY FOR KNOWINGLY COMPELLING 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 $5,000” and inserting “the greater of $15,000 or an amount equal to 300 percent”. 

SEC. 8. 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, use the name of any candidate in any activity on behalf of such committee. Such committee shall adopt 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. 9. 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 BEFORE AN ELECTION.—If the complaint in a proceeding is filed within 60 days immediately before 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 (15)(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) RESOLUTION AFTER ELECTION.—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. 10. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL ELECTION COMMISSION.

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

(1) by striking “(a)” before “There”; and

(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 beginning after 2001, by an amount equal to the increase, if any, in the 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.”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, March 29, 2001. The purpose of this hearing will be to review environmental trading opportunities for agriculture.

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

COMMITTEE ON FINANCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, March 29, 2001, to hear testimony on Debt Reduction.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 29, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the Administration’s National Fire Plan.

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

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 29 at 10:00 a.m. to conduct an oversight hearing. The subcommittee will review the National Park Service’s implementation of management policies and procedures to comply with the provisions of Title I, II, III, V, VI, VII, and VIII of the National Parks Omnibus Management Act of 1996.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Government Affairs Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Thursday, March 29, at 10:00 a.m. for a hearing entitled, “The National Security Implications of the Human Capital Crisis.”

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Securities and Investment of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 29, 2001, to conduct a hearing on “S. 206, The Public Utility Holding Company Act of 2001.”

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

PRIVILEGE OF THE FLOOR

Mr. DODD. Mr. President, I ask unanimous consent that William Lyons, a legislative assistant in my office, be afforded privileges of the floor during the proceedings.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Title 46, Section 1235(b), of the U.S. Code, as amended by Public Law 101–595, and upon the recommendation of the Chairman of the Committee on Commerce, Science, and Transportation, appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: The Senator from Arizona (Mr. MCCAIN), ex officio, as Chairman of the Committee on Commerce, Science, and Transportation; and the Senator from Maine (Ms. SNOWE), Committee on Commerce, Science, and Transportation.

The Chair, on behalf of the Vice President, pursuant to Title 14 U.S.C. 194(a), as amended by Public Law 101–595, and upon the recommendation of the Chairmen of the Committees on Commerce, Science, and Transportation, appoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy: The Senator from Arizona (Mr. MCCAIN), ex officio, as Chairman of the Committee on Commerce, Science, and Transportation; and the Senator from Illinois (Mr. FITZGERALD), Committee on Commerce, Science, and Transportation.

ORDERS FOR FRIDAY, MARCH 30, 2001

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m. on Friday, March 30. I further ask consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two hours reserved for use later in the day, and the Senate then resume consideration of S. 27, the campaign finance reform bill, as under the previous order.

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

PROGRAM

Mr. SESSIONS. For the information of all Senators, the Senate will resume consideration of the campaign finance reform bill at 9 a.m. Amendments will be offered throughout the morning, with stacked votes to begin at 11 a.m. All amendments to the bill will be disposed of during tomorrow’s session, with a vote on final passage to occur at 5:30 p.m. on Monday.

ADJOURNMENT UNTIL TOMORROW AT 9 A.M.

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.
There being no objection, the Senate, at 9:30 p.m., adjourned until Friday, March 30, 2001, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 29, 2001:

DEPARTMENT OF DEFENSE

CHARLES S. ABBELL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE ALPHONSO MALDON, JR.

DEPARTMENT OF COMMERCE

GRANT D. ALDONAS, OF VIRGINIA, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE, VICE ROBERT S. LARUSSA.

BRENDA L. BECKER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE DEBORAH K. KILMER, RESIGNED.

IN THE NAVY

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 Admiral

REAR ADM. KEITH W. LIPPERT, 0000
A TRIBUTE TO MARY MACK BLOUNT

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 29, 2001

Mr. TOWNS. Mr. Speaker, I rise today to honor Mary Mack Blount of Brooklyn, New York for her hard work, dedication and commitment to caring for others.

Ms. Mack Blount was born in Macon, Georgia, the third of seven children born to Robert and Myrdis Mack. Mary’s family moved to Shelby, North Carolina where she graduated from high school. Shortly after graduation she moved to Brooklyn where she earned her Bachelors of Science degree in Accounting from Tuoro College. After graduation she married Harry Blount. Mary and Harry have four children.

Mary has always been a committed civic activist. She was an active member of the Crown Heights Community Council as well as the Stuyvesant Town Council. Mary is also a member of the Christ Fellowship Baptist Church where she teaches Sunday School and is a member of the church-based group, Women of Words. In addition, to Mary’s civic work she continues to work fulltime for the New York City Board of Education as an Education Analyst.

Mr. Speaker, Ms. Mary Mack Blount is a hard working dedicated parent and civic activist with a deep commitment to her church and her community. As such, she is more than worthy of receiving our recognition today, and I hope that all of my colleagues will join me in honoring this truly remarkable woman.

INTRODUCTION OF THE MILITARY TAX CREDIT ACT OF 2001

HON. MICHAEL E. CAPUANO
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 29, 2001

Mr. CAPUANO. Mr. Speaker, today, in honor of the thousands of men and women who proudly serve in our nation’s armed forces, I take great pride in rising to formally introduce the Military Tax Credit Act of 2001. Without question, our most valuable national security assets are the men and women who have voluntarily stepped forward to protect and defend our freedoms. Time and again, these individuals have risen to the challenge of protecting our national interests, and they have done so with a sense of honor and duty. Truly, the nation owes each and every person serving in our nation’s armed forces a debt of gratitude for the sacrifices that they make every day.

Yet, there is one particularly troublesome sacrifice that many in our armed services are forced to make. This sacrifice has less to do with national security and more to do with financial security. When it comes to providing our military personnel with an adequate system of pay we have, very simply, missed the mark. As a result, today we have a cadre of personnel, enlisted and officers, married and single, who are in a constant struggle to make their financial ends meet.

Mr. Speaker, we’ve all heard the horror stories of military families forced on to public assistance and personnel that have had to seek part-time jobs to supplement their military pay. It seems incredible that over the past several years, in the biggest boom for the growth of the expanding economy, we have been unable to provide a military pay structure that falls in line with this growth. I am well aware of numerous well-intentioned efforts in Congress to address the situation and I have supported many of these initiatives. The various pay increases enacted over the last several years have been a tremendous help. However, they clearly have not been enough and I believe that more can and must be done to improve the financial situation of our men and women in uniform.

Since President Bush took office in January, one of the central tenets of his Administration has been to return some of the surplus back to the American people. While I may disagree with his plans to accomplish this goal, I do believe a portion of the surplus should be used to address certain issues like the military pay situation. The Military Tax Credit Act of 2001 would use funds from the budget surplus to provide a refundable tax credit to all active duty military personnel.

Under this legislation, single personnel would be eligible for a $2800 refundable credit; while married personnel would receive a $4000 refundable credit. In addition to those active duty personnel in the Army, Navy, Marines and Air Force, the credit would extend to active duty Coast Guard and National Guard personnel. Moreover, a portion of it would be made available to any reserve personnel serving thirty or more days on active duty.

The beauty of this proposal is that even though every person; regardless of rank or service, is eligible for the benefit, the credit would provide a refundable tax credit to all active duty military personnel.

IN TRIBUTE TO FREDRICK NELSON

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 29, 2001

Mr. FARR of California Mr. Speaker, I rise today to honor a dear friend of mine, Mr. Fred Nelson, who passed away unexpectedly on February 5, 2001. Fred was an integral part of the community of Carmel, California, and will be missed by us all.

Fred and I went to school together in Carmel, and he graduated from Carmel High School in 1958. He was a great athlete. Every football team he played on lost not a single game and won all the league’s championships. After graduation, he joined the U.S. Army, and served his country in uniform until 1961. After serving in the Army, he worked as a banker in the San Francisco Bay Area until finally returning to Carmel seven years ago.

For those of my colleagues who know the community of Carmel, you are first struck by the beauty of the town and the area around it. But you are equally drawn to the notion that Carmel is a town of neighbors, not occupants, and we are a tight-knit community. Many people knew and loved Fred, and I am thankful to all those who knew and loved Fred. Fred’s passing has affected many people, and he will be sorely missed by his wife, Lynne; his son, Rodrick of Los Altos, California; his mother, Winfred Haag of Carmel; his sister, Lynn Rivera of Aptos, California; and his two grandsons.

INTRODUCTION OF THE PULMONARY HYPERTENSION ACT OF 2001

HON. KEVIN BRADY
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 29, 2001

Mr. BRADY of Texas. Mr. Speaker, today I am introducing the Pulmonary Hypertension Act of 2001. In short, this legislation will ensure greater federal resources are devoted to...
Pulmonary Hypertension research at the National Heart, Lung, and Blood Institute (NHLBI) and complement the private efforts of the PH Community.

Pulmonary Hypertension (PH) is a rare lung disorder in which the pressure in the pulmonary arteries rises above normal levels and may become life threatening. When pulmonary hypertension occurs in the absence of a known cause, it is referred to as primary pulmonary hypertension (PPH). PPH is extremely rare, occurring in about two persons per million population. As of 1998, approximately 5–10 thousand individuals suffered from this disease—the greatest number reported in women between the ages of 21 and 40. Nonetheless we now know that men and women in all age ranges, from very young children to elderly people, can develop PPH. It also affects people of all racial and ethnic origins equally.

I first became aware of this illness a couple of years ago when one of my constituents and close friend came to speak to me about a disease his now eight year-old daughter, Emily, had just recently been diagnosed with. At that time, the federal health care system was in need of a cure for PPH, and that Emily could not be expected to live beyond 3–5 years. I began to think that in order to get Emily and other PH sufferers a chance to really experience life, the federal investment in Pulmonary Hypertension research must be expanded to take full advantage of the tremendous potential for finding a cure or effective treatment.

Why does the federal government have a role in our fight against Pulmonary Hypertension? Pulmonary hypertension is frequently misdiagnosed and has often progressed to late stage by the time it is accurately diagnosed. More importantly, PH has been historically chronic and incurable. This unpredictable survival rate has not been encouraging to patients, their families or physicians. Furthermore, in 1996–97 almost six million, Americans took anorexic drugs which can cause PPH in some people. Thousands now have PPH and are in terminal stages or have already succumbed to the disease. It is anticipated that many more cases of PPH from diet drugs will be diagnosed within the coming years.

I also believe that federal resources will complement the dollars and efforts the Pulmonary Hypertension community is doing on their own. This public-private partnership will also help ensure that everyone is working together so that we get the most "bang for the buck".

However, thanks to efforts Congress has taken in the past, the efforts of the pulmonary hypertension community, and the National Heart, Lung, and Blood Institute (NHLBI), that is beginning to change. More treatments are available and some patients are managing the disorder for 15 to 20 years or longer, although most Pulmonary Hypertension sufferers are not that fortunate. I am pleased that in 1981, NHLBI established the first PPH-patient registry in the world. The registry followed 194 people with PPH over a period of at least 1 year and, in some cases, for as long as 7.5 years. Much of what we know about the illness today stems from this study. But, we still do not understand the cause or have a cure for PPH.

Mr. Speaker, I rise today at a fork in the road. We can either take the road that becomes a dead-end, or with the Committee's help, we can take the road that provides a future for the individuals and families of Pulmonary Hypertension.

TRIBUTE TO BERYL HAMPTON KILGORE

HON. ZOE LOFGREN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 29, 2001

Ms. LOFGREN. Mr. Speaker, today I rise to congratulate Beryl Hampton Kilgore, a 75-year resident of San Jose. Beryl Kilgore will be celebrating her 100th birthday on March 31, 2001.

Beryl Hampton was born on March 31, 1901 in Fortbweston in northern California. She married Charles Kilgore in 1920 and they had two daughters, Martha Miller and Norma Mencacci. The Kilgore family moved to San Jose in 1926 and Mrs. Kilgore has resided there since that time.

Beryl Hampton Kilgore has been a treasured resident of the Chai House since 1996 and is beloved by all who know her. I join my voice to the many others offering congratulations to this wonderful woman on her 100th birthday. I wish her nothing but happiness on this joyous occasion and the best to her and her family in the coming year.

HONORING SUNRISE HOUSE

HON. MARGE ROUKEMA
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 29, 2001

Mrs. ROUKEMA. Mr. Speaker, I rise today to commend and honor the important work being done by the Sunrise House Foundation and to congratulate the dedicated community leaders being honored on the occasion of the 10th anniversary of Sunrise House's Halfway Home.

The anniversary of the halfway home will be celebrated at a gala event this week. Honorees at the dinner include my good friends state Senator Robert E. Littell and his wife, former New Jersey GOP State Chairwoman Virginia Newman Littell. Senator Littell has been a major supporter of Sunrise House's Teen and Clean Program for addicted adolescents while Mrs. Littell has been a leading advocate of a safe haven for abused children and active in the Year of the Child celebration.

Also being honored is Lorraine Hade, daughter of the legendary Clara "Mother" Hale, with whom she founded the Hale House center for children of drug-abusing women in New York. Hale House has served as a model for the Sunrise House Halfway Home. In addition, Sussex County Prosecutor Dolores Blackburn will receive the John P. Diskin Memorial Award for her work addressing the need for addiction treatment services.

Sunrise House is a non-profit drug and alcohol treatment program in Lafayette, New Jersey. The Sunrise Halfway Home is an extended treatment program for pregnant women and new mothers at risk of relapse into drug or alcohol addiction, particularly homeless women. Participants typically enter the program during their pregnancy and receive prenatal treatment at Morristown Memorial Hospital. Following delivery, the women and their infants share a room at the Halfway Home and undergo education in parenting skills. In addition to substance abuse therapy, the women are encouraged to complete their high school diplomas if they have not already done so, and can be placed in vocational training or treatment through Sussex County Community College and the Private Industry Council.

The Halfway Home opened its doors in 1990 in Franklin, with a capacity of four women and their infants. The facility moved to Lafayette in 1997 and now has a capacity of 12 women and infants. Since its inception, the home has treated 119 women and 125 children.

Mr. Speaker, we must rehabilitate those who have made the unfortunate choice of ruin- ing their lives and those of their children by abusing drugs or alcohol. We cannot allow innocent children to be forced to bear the burden of disastrous choices made by their parents. Programs such as the Halfway Home are vital to ensuring that the children of addicted mothers get another chance at a "normal" life. The fact that it is a public-private partnership—it receives state funding in addition to private funds from generous donors—makes it all the much better an example that should be copied across our nation.

I ask my colleagues in the United States House of Representatives to join me in congratulating Sunrise House, its staff, volunteers and dedicated community leaders being honored on this celebrated 10th anniversary. May God bless all those who have been so dedicated.

A TRIBUTE TO MR. DOUGLAS X. ALEXANDER

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 29, 2001

Mr. TOWNS. Mr. Speaker, I rise today in honor of Douglas X. Alexander for his many contributions to his East New York community. Douglas was born and raised in Brooklyn. He attended New York City Community College and received a degree in marketing from Baruch College. He has been a business leader for many years, recently completing a successful career as a Vice President at Chase Manhattan Bank. Douglas's professional career, while challenging, did not fulfill his need to serve his community. As a result, he continues to be a dedicated community leader, serving as chairman of the Brooklyn Advisory Board of the New York Urban League, a board member of the Bedford Stuyvesant Restoration Revolving Loan Fund, on the board of the St. Francis De Sales School for the Deaf and the New York Chapter of Habitat for Humanity. Douglas has also served as a Zoning Commissioner, a Regional Panel on the Cabinet Secretary, a Vice District Governor and a District Governor of the Lions Club. There is no doubt that while Douglas will be retired
from his professional job, he will continue to work very hard on behalf of his community.

His work has not gone without recognition. He has received the Black Achievers in Industry Award for the Harlem YMCA, the Man of the Year Award from the Brooklyn Branch of the NAACP, and a Melvin Jones Fellowship from the Lions Club.

Mr. Speaker, Douglas X. Alexander has been a role model for youth, a community leader and a business leader who firmly believes that if he can help someone along life's way then his living shall not be in vain. As such, he has more than worthy of receiving our recognition today, and I hope that all of my colleagues will join me in honoring this truly outstanding man.

RETIREE OF NEIL L. RUDENSTINE, PRESIDENT OF HARVARD UNIVERSITY

HON. MICHAEL E. CAPUANO
OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. CAPUANO. Mr. Speaker, I join with my colleagues in expressing to the Dean, Professor Douglas X. Alexander, my deepest appreciation for all he has done in his many years of leadership in education and in the community.

Mr. Speaker, over the years, Dr. Alexander has made great strides in cancer research and a new Harvard Biomedical Community has facilitated collaboration with industry on important research in that field.

Neil Rudenstine also understood that a university will not achieve greatness if its doors are only open to the few. Just as our country gains its great strength from the contributions of our hard working and diverse people, a university's greatness depends upon giving educational opportunities to a wide variety of people. He expanded opportunities for Harvard undergraduates by increasing the financial aid budget by $83 million. This initiative has meant that students on financial aid can finish school with less debt so that they can concentrate on their educations instead of worrying about how they will pay for it. He also expanded Harvard Law School's Low Income Protection Plan so that law students can pursue the law-related career of their choice regardless of salary.

Under his leadership, not only has Harvard maintained its standing as one of the premier universities of the world, but Mr. Rudenstine saw it to be that Harvard was also a good neighbor to the community around it. Through his leadership, Harvard launched a $21 million affordable housing program in the Cambridge area. The University created more than 700 new jobs in Greater Boston and achieved the largest operating surplus in Harvard's history—$120 million—during President Rudenstine's tenure. In addition, he led Harvard's most successful endowment campaign, raising an unprecedented $2.6 billion.

Mr. Speaker, President Rudenstine will visit Washington on April 22, 2001 for his last official journey from Cambridge to appear before Washington-area alumni and friends prior to his retirement on June 30, 2001. The members of the Massachusetts delegation in the House of Representatives wish to express our deep appreciation for the contributions of Neil Rudenstine to higher education, for the spirit of public service which characterized his decade as Harvard's president, his many years of academic leadership in other universities, and for the grace and elegance that he brought to all he has done. We wish him well in every future endeavor, anticipating the continuing benefit of his thoughtful expertise to American higher education.

HON. SAM FARR
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. FARR of California. Mr. Speaker, not long ago a most impressive man gave the invocation to the House. On March 14, The Reverend Calvin Turpin opened our session with a prayer of humility and spiritualism. Dr. Turpin comes from my district from the city of Hollister.

On that morning I had the pleasure of introducing to you and our other colleagues Dr. Turpin and I inserted into the RECORD some of his personal backgroup. But I wanted to expand on that information so you could all be aware of the contributions of Dr. Turpin, not only to this body, but to persons across the United States.

Mr. Speaker, I submit Dr. Turpin's biography to be reprinted for the House.

BIOGRAPHY

GENERAL

Name: Calvin C. Turpin
Address: 188 Elm Drive, Hollister, CA 95023
Phone: (831) 607–6362
Birth: November 8, 1924 (Granite City, Illinois)
Married: Endell Coody
Children: Susan Turpin Jones, 1956; John Thomas Turpin, 1958
Hobbies: Camping, Reading, Authentic Cowboy Cooking

EDUCATION

B.A.—Baylor University, 1949
B.D.—Southern Baptist Theological Seminary, 1955
M.A.—Baylor University, 1962
M.Div.—Southern Baptist Theological Seminary, 1967
M.L.S.—Vanderbilt University (Peabody College), 1962
M.Div.—Southern Baptist Theological Seminary, 1975
S.T.D.—Golden Gate Baptist Theological Seminary, 1967 (Doctor of Science in Theology)

Other Education
University of Arkansas, 1945–47 (Law, Business)
Texas Tech University, 1950 (Graduate Study in History)
Vanderbilt University Divinity School, 1955–56 (Ph.D Study)
Judson College (Computer Science, History)
San Bernardino State University (Special Study)

PROFESSIONAL EXPERIENCE
Oral and Southern Baptist Minister
Minister of Churches: California, Texas, Kentucky, Tennessee
Jacksonville College, 1950–52 (Professor of History, English, Greek)
Belmont College, 1955–56 (Professor of Religion)
Austin-Peay State University, 1956–57 (Professor of Bible)
Golden Gate Baptist Theological Seminary, 1961–66 (Assoc., Librarian, Acting Librarian, Instructor: Old Testament, Research)
Graduate Theological Union, 1965 (Library Consultant)
Minot State University, 1966–67 (Director of Libraries, Prof. of Library Science)
Judson College, 1967–70 (Director of the Library, Prof. of Religion and Library Science, Chairman: Dept of Library Science)
North Texas State University (Visiting Professor)
Hardin-Simmons University, 1970-77 (Director of Libraries and Prof. of Religion. Early retirement due to health)
FRATERNITIES, ORGANIZATIONS, HONORS, ETC.
Beta Phi Mu (International Library Science Honor Fraternity)
Gammas iota Phi Delta Kappa
American Library Association (past member)
American Theological Library Association (past member)
Western Theological Library Association (President, past member)
Alabama Library Association (past member)
Texas Library Association (past member)
American Association of University Professors (past member)
Rotary Club (past member)
Lions Club (past member)
The American Legion: Post #69; National Chaplain, 2000-2001; California Department Chaplain, 1996-98; District 26 Chaplain; Commander and Chaplain, Post #69; Boys State: Attended Arkansas first session, 1940; 40 & 8, Voiture 621
Lilly Endowment Scholar
Who’s Who in America—2000
Who’s Who in the World (selected for inclusion)
Who’s Who in Religion (various years)
Who’s Who in the West (various years)
Who’s Who in American Education (various years)
Who’s Who in American College and University Administration (various years)
Who’s Who in Library Science (various years)
Who’s Who in Community Service (various years)
Who’s Who in Alabama (various years)
Who’s Who in Texas (various years)
Directory of American Scholars (various years)
Men of Achievement (various years)
Two Thousand Men and Achievement (various years)
Personalities of the South (various years)
Distinguished Service Award (Hardin-Simmons University)
Member: Lighthouse Baptist Church, Seattle, California
Congressional Senior Citizen Intern—Washington, D.C.—1989
Veterans Memorial Park Commission, San Benito County, California
Rent Control Commission, Hollister, California
PUBLICATIONS
Beyond My Dreams: Memories . . . Interpretations. Romance Publishers
50 Years of Ministry: Challenges and Changes. C.T.C. Publishing Co.
Selected Writings and a Limited Bibliography of Calvin C. Purpin, Romance Pub.
Rupert N. Richardson: The Man and His Works, Hardin-Simmons University
History of the First Baptist Church, Gilroy, Calif. Romance Publishers
Contributions To A Romanian History Symposium, Hardin-Simmons University
Writings and Research of the Faculty at Hardin-Simmons University
Encyclopedia of Southern Baptists (Historical articles)
Over 100 articles in various publications
U.S. Army, 1943-45 (Field Artillery, Coast Artillery, Military Police—worked with Prisoners of War)
U.S. AIR FORCE AUXILIARY—CIVIL AIR PATROL
Rank: Lieutenant Colonel (Retired)
Chaplain: Depuy Chief of Chaplains (National)—Retired
Pacific Region Chaplains: Alaska, California, Hawaii, Nevada, Oregon, Washington—ranked No. 1 in Nation
Pacific Region Deputy Chaplain California Wing Chaplain—Ranked No. 1 in Nation
Group B, CA. Wing
Group 10, CA. Wing
Founder and Director: Pacific Region Chaplains’ Staff College
Texas Assistant Wing Chaplain
Abilene Composite Squadron, Texas Aerospace Instructor
Observer Rated
Awards:
Exceptional Service Award
National Commander’s Commendation
Senior Commander’s Commendation
Unit Citation
GI Robb Wilson—No. 384
Paul E. Garber (with star) Grover Loening Leadership Membership
Charles E. “Chuck” Yeager Aerospace Achievement
Aerospace Education
Red Service Ribbon
Search and Rescue
Encampment
Senior Recruitment Ribbon
Certificate of Proficiency
California Wing Chaplains Award (First to be named by perpetuity)
Pacific Regional Chaplain of the Year, 1989
Schools, Study, etc.
Level I Orientation
ECI TC
Squadron Officer’s School
Squadron Learning Course
Region Staff College
National Staff College
Pacific Region Chaplains’ Staff College (several)
UNITED STATES SERVICE COMMAND
Rank: Brigadier General
Chaplain: Professional Development Committee, Chair
“THE ORPHAN DRUG TAX CREDIT ACT OF 2001”
HON. KEVIN BRADY
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 29, 2001
Mr. BRADY of Texas. Mr. Speaker, I am pleased to introduce the “Orphan Drug Tax Credit Act of 2001”. The purpose of this legislation is to remedy a problem that has arisen with regard to the Orphan Drug Tax Credit. This credit, which Congress made permanent in 1996, was enacted in order to encourage research and pharmaceutical companies to develop therapies for rare diseases and conditions. The credit applies to 50% of qualified clinical trial expenses incurred with respect to drugs that are designated as “orphan” by the Food and Drug Administration (FDA).
The designation process requires a finding by the FDA that the drug under development meets the statutory definition of an “orphan”, that it is intended for treatment of a patient population of less than 200,000. Unfortunately, this process can take from two months to longer than a year. The end result, is that in some cases, companies find themselves in the difficult position of either having to: (1) postpone the start of their clinical trials until the designation is received, thereby delaying important research and patient access; (2) or beginning the research before the designation thereby increasing the cost of the product’s development. Neither choice is in the interest of the patient.
The “Orphan Drug Tax Credit of 2001” would solve this dilemma by providing that the credit would cover the costs of qualified clinical trial expenses of a designated orphan drug, regardless of whether such expenses were incurred before or after the designation was granted, provided the designation was actually received. This legislation would go into effect upon the date of enactment.
This bill passed both the House and Senate twice in the last Congress. It was included in H.R. 2488, the “Financial Freedom Act of 1999” which was vetoed by President Clinton for unrelated reasons. The provision was also included in H.R. 2990, which passed the House on October 6, 1999, and in H.R. 4577, the “Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations, 2001,” which passed the Senate on July 10, 2000. The time has arrived for us to move this legislation in final form and I am hopeful that it can be included in a tax package this year.

VACCINE INJURED CHILDREN’S COMPENSATION ACT OF 2001 (VICCA)

HON. DAVE WELDON
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 29, 2001
Mr. WELDON of Florida. Mr. Speaker, today, I am pleased to join Representative JERROLD NADLER and several other Members of Congress in introducing Vaccine Injured Children’s Compensation Act of 2001 (VICCA). Over the past year, the Vaccine Injury Compensation Program (VICP) has been subject to several congressional hearings. I have met with parents, doctors, and attorneys who have been involved in the current program seeking compensation for injuries that resulted from vaccines. Serious vaccine injuries are, thankfully, very rare. However, some children suffer serious adverse reactions to vaccines. In a small number of cases these are very debilitating reactions. We must work aggressively to understand why some children suffer adverse reactions so that we may develop precautionary measures to reduce adverse reactions. I am a strong proponent of vaccination. I believe it is important that children be vaccinated against these devastating diseases. Widespread vaccination has and will continue to spare our nation from the scourge of epidemics. Our nation benefits from widespread vaccination. Those of us who are healthy are the beneficiaries of national vaccination efforts. As such, I believe very strongly that we as a nation have an obligation to meet the needs of those children who suffer adverse reactions.
I also believe that our federal public health officials should do more to ensure that we are
The Vaccine Injured Children’s Compensation Act of 2001 (VICCA) would make a number of substantive and administrative changes to the VICP, in an attempt to restore the program so that it fulfills the promises that were intended. A broad coalition of Members of Congress from across the political spectrum has joined together to address these concerns.

The bill clarifies that this program is to be a remedial, compensation program, which is consistent with the original intent expressed by Congress in the House Report accompanying the National Childhood Vaccine Injury Act of 1986. Today, the program is too litigious and adversarial. VICCA makes changes regarding burden of proof. Currently, the burden of proof is such that some children may not be receiving compensation that is due them. I believe we should bend over backwards to ensure that every child who was injured receives compensation. The intent of the program was to provide compensation for all claimants whose injuries may very well have been caused by the vaccine. The program needs to fully recognize that strict scientific proof is not always available. Serious side effects of vaccines are rare and as such, it is often difficult to prove a causal relationship with the certainty that science and medicine often expect. Indeed there may be multiple factors that lead to an adverse reaction in some children and the program should recognize this. VICCA ensures that this is taken into account and it ensures that when the weight of the evidence is balanced, we err on the side of the injured child.

Our bill will also make it easier to ensure that the costs associated with setting up a trust for the compensation award are a permitted use of the funds. This is important in ensuring that these funds are available to provide a lifetime of care for the injured child. The bill also stops the practice of discounting to ensure that the value of an award for pain and suffering is fully met.

We also recognize the important need for counseling in helping parents and siblings of a profoundly injured child cope with these new challenges. The bill also ensures the payment of interim fees and costs to claimants’ attorneys. Under the current program, families and attorneys are often forced to bear these expenses for years while a claim is heard. Attorneys for the claimants are going to be paid for their fees and costs at the end of a claim, regardless of whether or not they prevail. Thus there is no logical reason why they should not be allowed to petition for interim fees and costs. This provision simply ensures a more fair process for the claimants, by ensuring that the injured child can have good representation while pursuing his or her claim. It ensures that they are able to put their best case forward. The current practice hinders the ability of many claimants to put their best case forward. This should not be the case in a program that was established to ensure provisions for children who have been injured.

Finally, the bill makes a number of changes to statutes of limitation. The program should serve the purpose of compensating those who were harmed. Thus, it is important to ensure that it is as inclusive as possible to ensure that injured children are compensated and fully cared for.

### THE COMMUNITY SOLUTIONS ACT

**HON. J.C. WATTS, JR.**
**OF OKLAHOMA**

**IN THE HOUSE OF REPRESENTATIVES**

**Thursday, March 29, 2001**

Mr. WATTS of Oklahoma. Mr. Speaker, I am proud to introduce, along with my good friend and colleague, TONY HALL, the Community Solutions Act of 2001, legislation that will strengthen our ability to serve the poor and the homeless, the addicted and the hungry, the unemployed, victims of violence, and all those that we are called on to reach out to, both as public servants and as individual citizens.

The Community Solutions Act is a comprehensive approach that will enhance the power of communities and individuals to solve the difficult problems that grow from poverty and destitution in our wealthy nation.

Our Nation is blessed with tens of thousands of devoted people who work with the poor on a daily basis, in the neighborhoods, on the street corners, in the shelters and the soup kitchens, shirtsleeves rolled up, literally extending a helping hand to those who have lost hope. These are the people who touch the poor.

They operate thousands of centers throughout the country that provide services to the underprivileged. In many neighborhoods these centers are centers of hope and often the only source of hope in an otherwise desolate landscape.

Through our legislation we invite these courageous and selfless men and women to help us as a society to find those in need and deliver to them needed services. Those services include hunger relief, drug counseling, protection from violence, housing and other assistance to help them become fully invested in their rights as Americans.

For too long we have excluded these individuals from helping us help others. In the effort to wipe out poverty and hopelessness, we need all the soldiers we can muster.

In addition to increasing our outreach to the poor by increasing the number of hands that are reaching out, the Community Solutions Act provides a number of tax incentives to encourage Americans in their generous giving to these causes.

A charitable deduction for taxpayers who do not itemize seems not only good public policy but also a matter of simple fairness for more moderate income Americans who use the standard deduction but contribute to charities and receive no tax relief for doing so. This initiative will give them equal standing with wealthier contributors. We also allow tax free contributions to charity from IRAs, and we expand the charitable deduction for food products.

Finally, we provide the opportunity for personal empowerment for the poor through the establishment of Individual Development Accounts or IDAs. One of the great challenges in the escape from poverty is how to build assets and capital to start a business, to buy a home or to pay tuition, and how to manage money.

The IDAs we set up will provide to eligible individuals a government match of up to $500 a year tax-free and will serve as a repository for other tax-free private giving. Recipients will be trained in the skills of money management and will learn how to invest for the future for themselves and for their families.

Last year we passed the Community Renewal and New Markets Initiative to reach out to impoverished communities in this land of plenty. The Community Solutions Act goes one more step, reaches out a little farther, to get government services to every one who needs them. With the help of these thousands of dedicated individuals, we can accomplish that goal.

**HONORING REVEREND DR. THURMONT COLEMAN, SR.**

**HON. ANNE M. NORTHPUR**
**OF KENTUCKY**

**IN THE HOUSE OF REPRESENTATIVES**

**Thursday, March 29, 2001**

Mrs. NORTHPUR. Mr. Speaker, today I would like to recognize someone who has devoted his time and energy to his church and beliefs. Rev. Dr. Thurmond Coleman, Sr., pastored the First Baptist Church in Jeffersontown, Kentucky for 45 years. Upon his retirement he was named Pastor Emeritus. Dr. Coleman has served as the Moderator of the Central District Association for the past six years, and his tenure will end in July 2001. He is a community leader bringing about reconciliation between black and white Baptists and among all races and religions.

On Saturday, March 31, 2001, Dr. Coleman will be honored for his hard work and dedication as Moderator of the Central District Baptist Association, which has a membership of 147 churches.

Individuals such as Dr. Coleman play a vital role in reconciling the divisions in our community and in building the hope of a better future for each person. I am proud to bring your attention to Rev. Dr. Thurmond Coleman, and all of his achievements.
In the House of Representatives

Thursday, March 29, 2001

Mr. TOWNS. Mr. Speaker, I rise today to recognize Harriet Tubman and her hard work and dedication to social justice. Harriet Tubman is credited with freeing many African-Americans from slavery. She is remembered for her work with the Underground Railroad, her life and commitment to helping others gain their freedom.

Mrs. Tubman was born a slave, in Bucktown, Maryland. The date of her birth is unsure, but it is believed to be March 10, 1820. She was born Araminta, but decided later to take on her mother’s first name instead. Starting life on a plantation, she grew up doing hard labor in the fields and suffered repeated beatings. At the age of 13, she was struck in the head by an overseer with a heavy weight that fractured her skull and subjected her to continuous blackouts.

After her owner died in 1849, Mrs. Tubman was able to escape to Philadelphia on the Underground Railroad. In 1850, the Fugitive Slave Law was passed. The law criminalized providing assistance to runaway slaves. This new law did not stop Mrs. Tubman, however, from repeatedly making trips back into the southern states where she eventually freed about 3,000 slaves, including her elderly parents using the Underground Railroad. Since she freed so many people from slavery, Harriet Tubman became known as the “Moses of her people”.

Despite these achievements, Harriet Tubman’s role as a member of the Union Army’s forces, during the Civil War, is not widely recognized. She later reported to General David Hunter at Hilton Head, South Carolina in 1863 where she worked as a nurse, scout, spy and cook for the Union Army. During the War, Harriet led a bold raid in South Carolina that freed over 800 slaves.

In 1884, after the Civil War, Harriet Tubman married John Tubman a freed slave. Four years later, her husband died leaving her to live the latter portion of her life in poverty. Nevertheless, Mrs. Tubman campaigned to raise funds for black schools. She also created the Harriet Tubman Home for Indigent Aged Negroes in her own home.

As we end our celebration of Women’s History Month, I ask my colleagues to join me in honoring Mrs. Harriet Tubman for her hard work, extraordinary contributions toward social justice and her service with the Union forces by supporting my legislation to posthumously award her veteran status.

IN HONOR OF THE 30TH ANNIVERSARY OF HARD ROCK CAFÉ INTERNATIONAL

HON. JOE SCARBOROUGH
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. SCARBOROUGH. Mr. Speaker, I rise today in tribute to Hard Rock Café International. June 14th will mark the 30th anniversary of the Hard Rock Café’s service to numerous communities throughout the United States. Chartered in 1971, the popular theme restaurant has remained a stronghold in the community throughout the cultural and economic changes that have occurred since it opened its doors.

For the past 30 years, Hard Rock Café has embodied the spirit of rock music; and as the originator of theme-restaurant dining, it continues to be a rock connection for music enthusiasts worldwide. Hard Rock Café is one of the most globally recognized brands known for its legendary music memorabilia as it showcased throughout its many venues. Hard Rock Café has provided a venue for new and legendary performers through their live café performances and concerts.

Another top priority for Hard Rock Café is a dedication to a wide variety of philanthropic causes around the world. Their pioneering mission to give something back to the community has not only served as a catalyst to raise funds, but it has enhanced the very profile of corporate charity work and served as an example of the good that can be done when local businesses become community partners. Hard Rock Café has also used their visibility to increase awareness of world issues including AIDS, homelessness, environmental conservation, and the care and nurturing of children.

Mr. Speaker, I ask you to join me in celebrating the 30th Anniversary of Hard Rock Café International. As a musician and music enthusiast, I thank them for their outstanding support of the musical art form and the many artists across the world. As a father and public official, I commend their service to communities throughout the United States and the world.

COAST GUARDMEN FROM STATION NIAGARA

HON. FRANK A. LOBIONDO
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. LOBIONDO. Mr. Speaker, it is with great sadness and profound regret that I rise today. I rise to address the House about two heroes who died on Saturday morning.

While patrolling the waters of Lake Ontario on Friday night, four Coast Guardsmen from Station Niagara were hit by a wave that capsized their boat. All the men were thrown into the frigid water of the Great Lakes where, even in their survival suits, they could not last longer than a few hours. Their fellow Coast Guardsmen, joined by members of the Lewis Fire Department, Erie County Sheriff’s office, and Canadian Coast Guard, searched for these men during the night and all four were eventually recovered. However, despite hours of intensive medical care, Boatswain’s Mate Second Class Scott Chism of Lakeside, California and Seaman Chris Ferreby of Morris-town New Jersey, both passed away on Saturday morning. The remaining two crewmen are recovering from their ordeal.

Petty Officer Chism is survived by his wife Atalissa, his five-year-old daughter Kelsey and his seven-month-old son Tyler.

As the chairman of the Subcommittee on Coast Guard and Maritime Transportation, I want to extend our sympathy to these men’s families, their “shipmates” at Station Niagara who sought them so valiantly through the dark night and to the entire Coast Guard community who shares our grief at their loss. Our thoughts and our prayers are with them at this difficult time.

This tragedy underscores the hazardous nature of even routine operations of the Coast Guard and should serve as a stark reminder to all of us here in Congress that the watch our brave Coast Guard men and women stand each day in service to our nation is a dangerous one.

Mr. Speaker, two heroes died Saturday morning but their lives exemplified the Coast
Guard’s core values of Honor, Respect and Devotion to Duty and their example lives on in the works of their fellow Guardsmen who risk their lives each day to protect each of us.

A TRIBUTE TO BETTY COLEMAN-LONG

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 29, 2001

Mr. TOWNS. Mr. Speaker, I rise today to honor Betty Coleman-Long of Brooklyn, New York for her commitment to her community and her joy of life.

Mrs. Coleman-Long is one of four siblings, two brothers, Michael and Charles Coleman and one sister, Mozelle Wickham. She is married and the proud mother of two, Paige L. Long, MD, and Courtney Long, a published author.

Mrs. Coleman-Long owns and operates Gospel Den in Bedford Stuyvesant and is an active member and worshiper of Brown Memorial Baptist Church. She is also the former president of the Floral Club.

Betty takes advantage of the many opportunities to celebrate the culture of New York as she is an avid theater and moviegoer, jazz aficionado, and she enjoys dining out. There is no greater joy in Betty’s life than her religious beliefs.

Mr. Speaker, Betty Coleman-Long is a parent, a business owner, and a strong believer in living in life to its fullest, yet she never loses sight of her deep religious convictions and the importance of her community. As such, she is more than worthy of receiving our recognition today, and I hope that all of my colleagues will join me in honoring this truly remarkable woman.

HONORING VIRGINIA “GINNY” EUBANKS

HON. HEATHER WILSON
OF NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 29, 2001

Mrs. WILSON. Mr. Speaker, in honor of Women’s History Month, I asked New Mexicans to send me nominations of women in New Mexico who have given special service to our community, but may have never received recognition for their good deeds.

I received twenty-eight worthy nominations describing sacrifices and contributions these women have made for our community. I was particular to the more than 100 nominations received for Mrs. Virginia “Ginny” Eubanks, Principal of Eisenhower Middle School in Albuquerque, New Mexico. The nominations came from current students, former students, teachers and parents all describing Mrs. Eubanks’ caring, professional, and enthusiastic style of leadership.

I would like to share with you quotes from the people who appreciate the job she has done at Eisenhower Middle School and love her for the contributions she has made to the thousands of lives she has touched.

Teachers and parents say:

I am thoroughly impressed with the dedication, professionalism and enthusiasm of Mrs. Eubanks. She consistently commends the students, stating that they impressed and inspired her daily.

I believe she is the driving force at Eisenhower which has resulted in the school being rated exemplary status—only one of two middle schools in New Mexico to receive this ranking. She has high standards and has assembled an excellent team.

Mrs. Eubanks is a good example of what it takes to live an honest and productive life. She has proven to be of great benefit for our children. Her door was always open to everyone.

She is the reason I continue to teach. She created an environment that had high expectations for students and staff, while at the same time allowing all to experience the joy of learning and the safety of belonging.

In their nominations, students told me:

I think Mrs. Eubanks is really cool. She is nice and doesn’t get me in trouble. She supports kids, she is very involved in her school and does not sit around when something happens, she acts on it.

Mrs. Eubanks will always try things that will stand out. Like if we sold a lot of magazine orders she would do something crazy like have a pie thrown at her or she would offer to be in the dunk tank. Just an all around great person.

She is very helpful in time of need. She would talk it through and find away to make it better. If a student came to her with an idea she would help make it work. She’s always been there for the students.

Mrs. Eubanks is always there for people. She is open-minded and never turned anyone away from their goals. I find that my middle school experience prepared me for high school, and Mrs. Eubanks as the head principal of the school set the tone for that good experience.

She always has something positive to say to the students and has inspired me to do my best. Mrs. Eubanks has led us to have better test scores. She turned the school into a better place.

Mrs. Eubanks is very sweet and considerate. I remember one time in 6th grade that she let me put my purse in her office. It was at a dance and I couldn’t fit it in my locker. So I was just carrying it around when she said “Would you like me to put your purse in my office.” She is so nice.

Mrs. Eubanks has changed my life for the best. She has taught me how to let people feel good about the best of their abilities. She taught us how to care for each other.

This school is nice and at times fun. She gives a zest to the school. She helps keep the school in line and keeps it at the top of its rank. She keeps us motivated.

Ginny Eubanks has made a positive impact on the people she tutored—young and old alike. She is a role model for education and leadership. Mrs. Eubanks is on a leave of absence due to illness and as one student said, “she is always there for students when we are in need, so it’s now our turn to help her.”

Virginia Eubanks is a woman of courage and vision, an exemplar of what an educator should be. She knows it takes the best education to give children the tools they need to build wings for their dreams. She inspires students, by her own example, to care for one another and be supportive, values that would benefit everyone.

Please join me in thanking a distinguished educator, Virginia Eubanks, for her faithful service to our children and the nation.

HONORING THE UNIVERSITY OF COLORADO—125 YEARS OF EDUCATING

HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today in honor of an institution that has improved the lives of thousands of people, the University of Colorado. The university is celebrating 125 years of providing a superior education to the people of Colorado, the Nation, and individuals from around the world.

The university, which was established in 1876, opened its doors on September 5, 1877, with just one building, 2 instructors, and 44 students. Since its founding, the University of Colorado has grown from one building in Boulder to four different campuses throughout the State. The Boulder campus alone has nearly 200 buildings and includes 10 colleges and schools. Over the course of the university’s proud history, more than 200,000 degrees have been earned. It is this continued commitment to education and improving people’s lives that we celebrate today.

America has been built on the ideas and intellect of an educated society. CU has played an important role as a catalyst for growing and providing students with opportunities to learn about subjects as diverse as space flight dynamics and African-American history. The inspiration and knowledge that CU’s students gain today will change the way we all will live tomorrow.

CU has helped countless students find their paths in life. Many of them went on to make important contributions to our country. Although it’s not possible to name them all, I’d like to acknowledge a few of CU’s most outstanding alumni:

Byron White—Not only was he CU’s first all-American football player, but after an outstanding career at the Justice Department, he was appointed as a Supreme Court Justice.

Scott Carpenter—As one of just thirteen CU graduates to travel to outer space, Scott was one of the original seven Mercury Astronauts and flew the second American manned orbital flight.

Cynthia Lawrence—Calkins—the world-renowned opera star.

Three-term Colorado Governor Roy Romer and former U.S. Senator Hank Brown.

CU played a significant role in helping these alumni become leaders in their fields.

In addition to training young minds, the University of Colorado is also a leading research institution. As one of just 34 public research universities invited to join the prestigious Association of American Universities, CU has more than 900 separate research investigations in progress—in such areas as bio-technology, superconductivity, information technologies, telecommunications, and environmental and space sciences. The University of Colorado also ranks eleventh among public universities in the country in Federal research support.

CU’s research programs are at the cutting edge of scientific inquiry, producing award-winning science that is transforming the way we live. The discoveries of CU biochemistry professor Thomas Cech, for instance, have helped us understand the catalytic properties...
of RNA. Prof. Cech was awarded the 1989 Nobel Prize in Chemistry for his efforts.

I am very proud of CU and its accomplishments, and expect to hear about amazing new contributions that future CU graduates will make to our economy, to our knowledge base, to our society, and to our world. The continued excellence of CU’s teachers, faculty, and students—another successful 125 years for the University of Colorado.

PAYDAY BORROWER PROTECTION ACT OF 2001
HON. BOBBY L. RUSH
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 29, 2001

Mr. RUSH. Mr. Speaker, I rise today to introduce the Payday Borrower Protection Act of 2001.

With a slowing economy, payday loan companies are springing up in storefronts all across America. Payday lenders provide short-term loans with minimum credit checks to consumers who are in need of ready cash, but these predatory businesses exist to exploit the financial situation many low- and middle-income families face. To the financially strapped consumer, these loans may seem like the answer to a prayer. However, with exorbitant interest rates ranging from 261% to 913% annually, these transactions are a recipe for disaster.

Payday lenders often utilize “loanshark” tactics, such as threatening civil or criminal action against the borrower to pressure them into more expensive roll over loans. Fearing reprisal, borrowers sink further into debt. Similar to the Greek mythical character, Sisyphus, who was condemned to an eternity of rolling a boulder uphill, payday borrowers become trapped in a perpetual cycle of fees and payments which serve only to line the pockets of the payday lender. A 1999 Indiana Department of Financial Institutions audit revealed that, on average over a twelve-month period, consumers renewed their loans ten times; one consumer six times.

Mr. Speaker, my bill would bring fairness to the payday loan industry. Specifically, it would: 

Require payday lenders to be licensed under state law; 

Place a ceiling of 36 percent on the annual interest rate a payday lender can charge; 

Limit the period of maturity of any loan to two weeks for each $50 of loan principal; 

Limit the principal amount of a payday loan to less than $500; 

Prohibit threatening criminal or civil action in order to force a borrower into rolling over a payday loan; 

Prohibit rolling over any deferred deposit loan unless 30 days has elapsed from the termination of any prior payday loan; and 

Provide a private cause of action, criminal and civil penalties for violation of this act.

Mr. Speaker, I urge my colleagues to join me in ensuring that consumers are protected from the predatory practices of payday lenders by supporting the Payday Borrower Protection Act of 2001.

PAYDAY BORROWER PROTECTION ACT OF 2001
HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 29, 2001

Mr. TOWNS. Mr. Speaker, today it gives me great pleasure to rise in honor of Gus McIver Sanders on the occasion of his retirement from the New York City Police Department. Mr. Sanders was born on January 19, 1942 in Darlington, South Carolina. He graduated with honors from high school and received a two-year basketball scholarship from the Friendship Junior College in Rockhill, South Carolina. He decided early on that he needed bigger challenges than his small town in South Carolina had to offer so he moved to New York City where he worked for Fairchild Publications. He worked at Fairchild for a few years before he joined the Army. He was stationed in Germany and worked in communications. When his tour of duty ended, he returned to the United States and used his military experience to get a job with the phone company. After several years with the phone company, Gus decided to shift his focus to his true love, helping people. He applied for a job as a police officer with the New York City Police Department. He was sworn in to protect the citizens of New York City on October 29, 1973. He went to the police academy and from there was assigned to the 83rd Precinct in Bushwick, NY where he would stay until his retirement this year.

Gus was an active police officer. He has made numerous arrests and made a point of helping as many people as he could in the Bushwick community. He had a variety of assignments during his tenure on the force including foot patrol, mobile patrol, warrants, plain clothes anti-crime and community affairs. Over the past ten years he has been assigned to the community affairs division of the 83rd Precinct. As a Community Affairs Officer, P.O. Sanders has placed the people of Bushwick first. He has also volunteered his services to a variety of special events for children and the community including an annual children’s Halloween party, a Christmas party, a community picnic, and the Precinct’s National Night Out Against Crime. He also volunteers for Meals on Wheels, delivering meals to the homebound elderly. In addition, he has helped the homeless and victims of fires find housing in their hour of need.

Mr. Speaker, Gus McIver Sanders is a dedicated community and public servant who has served the people of New York City and the New York City Police Department with honor and dignity. As such, he is more than worthy of receiving our recognition today, and I hope that all of my colleagues will join me in honoring this truly remarkable man.

HON. JOHN T. DOOLITTLE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 29, 2001

Mr. DOOLITTLE. Mr. Speaker, today I wish to remember two of my young constituents, Bryan Paul Richmond and Brendan James Allan, whose lives were recently cut short in a tragic accident. On February 21, 2001, both seventeen-year-olds were killed by an avalanche while skiing between Squaw Valley and Alpine Meadows. Although my words cannot fill the void that their passing has left in the hearts of many people, I hope that I can bring a degree of comfort to their families in honoring them today.

Bryan Paul Richmond and Brendan James Allan shared much in terms of common experience. Bryan was a senior at Truckee High School, while Brendan was in his last year at Prosser Creek Charter School, in Truckee. Both excelled academically and planned to attend college upon graduating. They also had a mutual love of skiing and were nationally ranked competitors with the Squaw Valley Ski Team. In fact, they were both named to the Far West Ski Team, an honor given to the top skiers in the Far West Division. They shared the dream of becoming members of the U.S. Ski Team one day.

In a sad, but perhaps fitting twist of fate, these two friends who were born only one day apart, and who shared a talent and passion for skiing, left this world on the same day doing what they loved most. Their lives were claimed by the very mountains that had given them so much joy.

Bryan is survived by his mother, Patti Robbins-Nicols, his father, Don Richmond, and his younger sister, Diane.

Brendan leaves behind his mother, Shelly Allan Boone, his father Gary Allan, and his younger sister, Heather.

May both families remember these young men with fondness whenever they gaze up at the majestic, snow-covered peaks of the Sierra Nevada Mountain Range. May they hear the exuberant laughter of two boys when the gusty mountain winds blow. May they sense great calm when the first snow of a new season blankets the world in silence. And may Bryan and Brendan rest in peace while their memory burns bright in the hearts of their loved ones.

TRIBUTE TO RETIRING PROFESSOR DOCTOR E. EDWARD SEE
HON. IKE SKELOTON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 29, 2001

Mr. SKELOTON. Mr. Speaker, it has come to my attention that a long and exceptionally distinguished career in the field of education is coming to an end. Dr. E. Edward See, of Warrensburg, Missouri, will retire from Central Missouri State University on June 30, 2001. Dr. See has been a popular and highly respected educator in the state of Missouri for nearly forty years. A graduate of Central Missouri State University and Missouri University, Dr. See has specialized in theater and speech. Throughout his career he taught junior and senior high school in the Raytown, Missouri, school district, as a graduate assistant at Central Missouri State University and Missouri University, and as a professor and chair of the theater department at Central Missouri State University.

In addition to his commitment in the classroom, Dr. See has directed approximately 45
plays at Central Missouri State University and served as president and on the board of directors for the Speech and Theatre Association of Missouri. He has been honored for endeavors in teaching and drama. He was nominated for the Outstanding Teacher Award by the Speech and Theatre Association of Missouri, directed a play which received commendation from the Kennedy Center/American College Theatre Festival, and saw the establishment of seven different scholarships.

Mr. Speaker, Dr. See deserves the thanks and praise of the many students that he has served for so long. I know the Members of the House will join me in paying tribute to this exceptional teacher.

LET’S MAKE SOCIAL SECURITY SOLVENT FOR 75 YEARS AND BEYOND

HON. MARTIN OLAV SABO
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 29, 2001

Mr. SABO. Mr. Speaker, we all want to ensure Social Security’s long-term solvency. So, the only remaining question is how we get it done.

Congress could reduce benefits or increase the retirement age like the Social Security reform measures enacted in 1977 and 1983. During these past efforts, Congress phased in an increase in the normal retirement age from 65 to 67 and reduced benefit levels. I haven’t heard a lot of support lately for further increasing the retirement age or cutting benefits for future retirees.

Some believe we should create individual accounts to invest funds in the private market. This proposal would accelerate the Social Security solvency problem by taking funds out of the system that have already been counted when estimating long-term solvency.

Further, concerns have been raised that using individual accounts would jeopardize the progressive nature of the system, which helps ensure low-income workers a basic benefit level. Social Security was established as a guarantee for a minimum retirement package. Individuals already have the option of supplementing this plan with private savings and investments.

Others suggest investing Social Security funds in equity markets, while also retaining guaranteed minimum retirement package. Individuals already have the option of a guaranteed minimum retirement package. Individuals already have the option of supplementing this plan with private savings and investments.

Mr. Speaker, I rise in memory of Justice Earl Stover, a pillar in the community of Silsbee, Texas, whose passing last month shook so many of us who have been touched by his passion for life and his commitment to his community. As a college football player, Earl Stover became known as “Smokey” Stover—and the name stuck. Smokey’s life touched every corner of his community in Silsbee. If you ask former Silsbee School District Superintendent Herbert Muckleroy what he thought of Smokey, he’ll tell you about Justice Stover’s respectability: “He believed in education. His boys got a good education and he wanted everybody else to get the same. And he supported whatever it took to do that.”

Eddie Doggett, who worked for Smokey almost half a century in 1957, will tell you about Justice Stover’s work ethic: “He believed in loyalty. He set goals and accomplished them.”

And Chief Justice Ronald Walker, who served with Smokey Stover on the Ninth Court of Appeals, will tell you tales about Smokey’s sharp legal mind: “Many of his opinions are now recorded for the posterity and benefit of this state’s jurisprudence.”

Justice Stover served his community as president of the Silsbee Chamber of Commerce, president of the Silsbee Kiwanis Club, as a trustee of the Silsbee School District, as a strong supporter of the Silsbee Doctors Hospital, and as an active member of his church.

His contributions to the Texas legal community were recognized when Justice Stover served as the Hardin County Attorney, as presiding judge of the 88th Judicial District Court for nine years, and as a Justice on the Ninth Court of Appeals for seven years.

Along with his other friends, my life was enriched by knowing Smokey. He always brought a smile to your face and he always offered an encouraging word. He understood the important role government could play in the lives of ordinary people. Justice Stover was firmly committed to the proposition that in the courtroom before the bar of justice, the powerful and the powerless stood as equals. He knew that in the halls of Congress and the Legislature, the workings of the democratic process can guarantee every citizen an equal opportunity to share in the American dream. Smokey always reminded me to “watch out for your Social Security.” I knew he didn’t just mean for him, but for every American who deserves to live their latter years with independence and dignity.

On December 9, 2000, Smokey Stover’s battle with cancer took his life, leaving a void in our community that cannot be replaced. The words of his Silsbee neighbor Mitch Hickman best expressed the admiration we all held for Justice Stover. “You could go home and dust off your Bible, read it cover to cover, and not find enough good words to say about Smokey Stover.”
Tribute to Jerry Cleveland Whitmire

HON. JAMES E. CLYBURN
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 29, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mr. Jerry Cleveland Whitmire who passed away on December 19, 2000. Mr. Whitmire was a loyal servant of his community and of his country as an infantry officer in Korea and Vietnam. I believe the eulogy given by Reverend Charles M. Blackmon gives the most appropriate praise to this wonderful South Carolinian. Mr. Speaker, I ask you to join me today in honoring Mr. Whitmire.

Eulogy for Jerry Cleveland Whitmire

December 19, 2000

We are gathered, this afternoon, for a soldier's funeral. The last journey in this world. Jerry Cleveland Whitmire—"Trigger"—will be draped in the flag of the United States of America, the flag for which he fought. And he will be escorted at each step by an Honor Guard, fellow soldiers of the United States Army.

Ladies and gentlemen, I have presided at more military funerals than I can possibly count. I am always impressed by the dignity and precision of the Honor Guard. I am also impressed by something else: These superbly trained soldiers are here for a specific purpose. They are here to remind us that it is not only family and friends who have come here to say farewell to Jerry. A grateful nation has also come here to say farewell. America is here to say farewell to a son, a dutiful servant, a hero.

It strikes me that to truly understand and appreciate this man, we need to look at his roots. We need to go back to the early years of his life. Jeremiah Whitmire was born in 1838. He was the son of a blacksmith and yeoman farmer in Charlotte County, Virginia. His brothers, James and Charles, will also be remembered here. And also remembered here is the eloquent eulogy given by Reverend Charles M. Blackmon-give the most appropriate praise to his wonderful South Carolinian. Mr. Speaker, I ask you to join me today in honoring Mr. Whitmire.

Tribute to Jerry Cleveland Whitmire

HON. ROBERT MENENDEZ
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 29, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Police Officer Edward Ryan, Firefighter Brian O’Sullivan, and EMT Lt. Raymond Branagan, all of whom will be honored by the Knights of Columbus on March 31, 2001.

For the past eight years, the Fourth Degree Assembly of Knights of Columbus of Bayonne, New Jersey has honored officers from the city’s three branches of service. The award honors both individuals who go above and beyond the call of duty and the departments that employ these brave men and women.

Police Officer Edward Ryan is being honored for evacuating the occupants of two burning buildings. On January 22, 2000, Officer Ryan was dispatched to a call regarding a fire at 86 W. 16th Street. Upon arrival, Officer Ryan found the building engulfed in flames with the fire spreading to the adjoining residence. Despite a rapidly spreading fire and severe smoke conditions, Officer Ryan heroically evacuated all residents from both buildings, allowing the fire department to immediately concentrate on fighting the fire, rather than dealing with searching for trapped residents.

Firefighter Brian O’Sullivan is being honored for recently saving a life. He is a member of...
Bayonne’s Engine Company 6. In December 2000, Engine Company 6 was dispatched to Marist High School in response to a call about an unconscious female. Upon arrival, Firefighter O’Sullivan recognized that she was not breathing, so he used an automatic external defibrillator and a bag valve mask to save her life. Brian O’Sullivan became a firefighter in 1999, and was a member of the first class trained as both a firefighter and an EMT.

Lieutenant Raymond Branagan is an EMT, and is being honored for his administrative and instructional work with McCabe Ambulance. He currently is the lead instructor and administrative assistant to the Director of the McCabe Institute of Emergency Preparedness. Lt. Branagan is in charge of arranging courses on CPR for the American Heart Association, on First Aid for the National Safety Council, and on OSHA/PEOSHA blood and airborne pathogens for the Bayonne Police and Fire Departments, the Bayonne Board of Education, and Bayonne Head Start.

Today, I ask my colleagues to join me in recognizing Officer Ryan, Firefighter O’Sullivan, and Lt. Branagan for their courageous contributions to their community.

HON. PAUL E. KANJORSKI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 29, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Joe Shaver, who is retiring after 32 years as chief deputy coroner of Luzerne County, Pennsylvania.

Joe was born in 1934 in Wyoming, Pennsyl-
vania, graduated from Wyoming Memorial High School in 1952, and graduated from the McAllister School of Mortuary Science in 1953. He began his long career by helping out parking cars and handling other chores at Metcalf’s Funeral Home in Wyoming while he was still in high school, and he served an ap-
prenticeship at the Luther M. Kniffen Funeral Home in Wilkes-Barre from 1954 to 1957. From 1957 to 1963, he served in the U.S. Army Reserve Medical Corps, including active duty in West Germany from 1957 to 1959. In 1959, Joe became a partner in the business that was renamed the Metcalf & Shaver Fu-
neral Home, and he became the owner in 1986. He was recalled to active duty with the Army from 1960 to 1961 due to the Berlin cri-
sis and served an additional year at Fort Chaffee, Arkansas.

In 1969, Dr. George Hudock Jr. was ap-
pointed coroner following the death of the pre-
vious coroner, and his first act was to appoint Joe as his chief deputy. At that point, Joe had already served as a deputy coroner for six years and had been assisting Dr. Hudock with autopsies for three years. In Joe’s 32 years as chief deputy coroner, he has assisted in more than 2,800 autopsies.

While Joe’s memberships and affiliations are too numerous to list them in full, a few ex-
amples will serve to show his long history of community involvement. He is a member of Holy Trinity Lutheran Church in Kingston and has served on its council for several years, in addition to having served in the choir. He is a member and past president of the Rotary Club of Wyoming and a Paul Harris Fellow, a mem-
ber and past president of the Wyoming Business Club, a life member of Wyoming Hose Company No. 1, and a member of VFW Post 396 in Wyoming.

Joe and his wife, the former Janice Ludwig, were married in 1962. They have two children and three grandchildren.

Mr. Speaker, I am pleased to call to the at-
tention of the House of Representatives the long history of Joe Shaver’s service to the community, and I wish him and his wife the best in his retirement.

2001 WOMEN’S HISTORY MONTH

HON. ELEANOR HOLMES NORTON
OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 29, 2001

Ms. NORTON. Mr. Speaker, during the month of March 2001 we celebrate Women’s National History Month. This year’s theme is “Celebrating Women of Courage and Vision.” All across this country, Americans are pro-
moting community, school and workplace cele-
brations honoring women’s accomplishments, contributions, courage and vision.

In the Nation’s Capital, the District of Co-
lumbia Commission for Women will participate in the national observance of Women’s History Month to recognize the courage and vision ex-
hibited by women of the District of Columbia.

Mr. Speaker, women of every race, creed, color and economic background have contrib-
uted to the growth and strength of our commu-
nity. For more than three decades, programs of the District of Columbia Commission for Women have provided all our citizens with oppor-
tunities to bring attention to the creative, civic and professional accomplishments of women.

This year as part of its Women’s History Month observance, the District of Columbia Commission for Women will establish a scholar-
ship at the University of the District of Co-
lumbia to support women in pursuit of their academic and career endeavors.

Mr. Speaker, I urge you and all our col-
leagues to join with me in commending the District of Columbia Commission for Women and its members for their dedication, courage and vision.

IN RECOGNITION OF ERNEST PEPPLES AND HIS SERVICE TO THE U.S. TOBACCO INDUSTRY

HON. SAXBY CHAMBLISS
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 29, 2001

Mr. CHAMBLISS. Mr. Speaker, I would like to take a moment to recognize an individual, Ernest Pepples, for his significant efforts on behalf of a valuable yet ever more challenged industry. Ernie has had a distinguished and honorable career within the global and U.S. to-

bacco industry and deserves the recognition of Congress at the time of his retirement.

Mr. Ernest Pepples joined Brown & Williamson Tobacco Corporation in 1972 and was appointed vice president and general counsel and became a member of the company’s board of directors in 1975. He was named senior vice president in 1980. At the time of his retirement, he was responsible for the company’s legislative representation and government affairs efforts including its rela-
tionship with Congress.

Prior to joining Brown & Williamson, he was partner in the Louisville, Kentucky, law firm of Wyatt, Tarrant & Combs. A native of Louis-
ville, Mr. Pepples is a graduate of Yale Univer-
sity and the University of Virginia Law School. He also is a member of the American, Kentuck-
ian and Louisville Bar Associations.

Throughout his career, Ernie has served in leadership positions for a variety of boards and councils including the board of directors of the Tobacco Merchants Association of Prince-
ton, New Jersey, and the Kentucky Tobacco Research Board of Lexington, Kentucky.

Now, in recognition of his retirement from Brown & Williamson and the tobacco industry after 30 years of service, I believe he should be duly recognized by this body for his integ-
rial qualities and personal efforts to find common ground on many difficult issues. Indeed, Ernie developed a reputation as a leading expert on regulatory and business issues involving not only tobacco manufacturers but also tobacco growers, suppliers, consumers, wholesalers and retailers. My district in Georgia has been a direct beneficiary of Ernie’s talent. It is with this background that I say thank you Ernie for his dedication and service over the years and congratulate him on an out-
standing career. He has worked hard for his home state of Kentucky, Georgia and the en-
tire tobacco community within our country. Those of us who have worked with Ernie will miss his hard work, honesty, and dedication. We will also miss his great smile.

Congratulations Ernie on an outstanding ca-
career and best wishes to you and your family upon retirement.

HONORING OSCAR FELDENKREIS
HON. ILEANA ROS-LEHTINEN
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 29, 2001

Ms. ROS-LEHTINEN. Mr. Speaker, it is my very great pleasure to warmly congratulate Oscar Feldenkrais on being honored for re-
ceiving the National Community Service Award by the Simon Wiesenthal Center.

Oscar Feldenkrais has become a successful entrepreneur and civic leader in the South Florida community. Following the wonderful example of success established by his father, Simon Wiesenthal Center Trustee and Miami leader, George Feldenkrais, Oscar diligently worked to build his empire in the apparel field. He began his career while still a student in high school, first in retail sales and then work-
ing at the headquarters of Supreme Interna-
tional, the company his father started. He has been President and Chief Operating Offi-

Oscar is actively involved with the State of Israel Bonds for which he has served as presi-
dent of the Miami chapter. He has devoted his time and attention to the Greater Miami Jewish Federation, Temple Menorah and the Lehman Day School and is currently
the chairman of the Florida Israel Chamber of Commerce.

First and foremost of all his accomplishments, he was the proud and loving father of three beautiful daughters (Jennifer, Erica and Stephanie) and is deeply devoted to his wife, Ellen. I want to join with his family, friends, and colleagues in celebrating this outstanding honor and I wish him every future success.

TRIBUTE TO DOMINIK HASEK

HON. JACK QUINN
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. QUINN. Mr. Speaker, I rise today to thank the greatest goaltender of all time, Dominik Hasek, for his most generous gift to the city of Buffalo, NY. Yesterday, the Dominator provided $1 million—the largest single donation ever by a Buffalo athlete—to establish his own charitable foundation called Hasek’s Heroes. The money will be used to create a hockey and skating program for underprivileged Buffalo youth.

The program, to go into effect in September, will be overseen by a board of directors and operated by the Community Foundation for Greater Buffalo. The program will include a USA Hockey-certified coaching staff, and will initially be open to children ages 6–14.

The plan is to expand the program to those 18 and younger and establish teams that will play a competitive schedule throughout the region.

In closing, I want to once again thank the Dominator for becoming a Donator, and as a loyal Sabres fan I look forward to watching Dominik Hasek in the National Hockey League for many more years to come.

TRIBUTE TO OFFICER TERRY FOSTER

HON. KAREN McCARTHY
OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to mourn the loss of a dedicated police officer, loving husband, father and hero to our community. Only three weeks away from retirement with the Independence, Missouri Police Department, Police Officer Terry Foster gave his life on March 18 while in the line of duty.

Officer Foster was a life-long resident of the Greater Kansas City Area and a 32 year veteran of the Independence Police Department. Officer Foster began his service to the Department in 1968, and worked his way up through the ranks to become a detective. Ten years ago he decided he would return to patrol duty, because he felt the community needed him the most. Terry Foster is best remembered by his peers and a people person who always took time to listen. His fellow officers describe him as a genuinely nice guy whose strong work ethic and friendly smile made him a mentor to many of the department’s young officers. “He was a man that did his job well,” said Independence Detective Carl Perry, “He’s going to be sorely missed.”

Terry Foster is the fifth Independence police officer and the first since 1966 to lose his life in the line of duty. This past Thursday, March 22, family, friends, and police officers from across the nation and my community came together to recognize the valor and courage of Officer Terry Foster, and lay his body to rest.

The hundreds of officers who attended the funeral did so out of respect for a man who honored their profession,” said Sidney Whitfield of the Jackson County Sheriff’s Department. For the first time in 25 years, the Independence Police Department posthumously awarded Officer Terry Foster the department’s medal of valor, which is the highest honor the department can bestow upon an officer.

In the days following this tragic event, our community and the national law enforcement community joined together to mourn the loss of this outstanding man. Officer Terry Foster sacrificed his life for the greater good. Independence Mayor Ron Stewart, a former Independence police officer, described Terry Foster as an officer on the front lines of public service. “As police officers we are charged with providing that first line of defense. He laid his life on the line for his fellow man,” said Mayor Stewart. “The community of Officers Foster leaves a lasting legacy that will further our genuine appreciation and deep gratitude to those who have dedicated their lives to protect and serve. Terry Foster’s service to our community will never be forgotten. He made a difference in our lives. May we learn from his example that even in the line of duty officers risk their lives, and their families may sacrifice a loved one for the safety of all of us. Mr. Speaker, I ask the House to join me
in saluting this heroic man and extending our condolences and gratitude to his wife Debbie, son, Christopher, daughter, Lori, step-son, Bryan, father, Albert, his beloved dog, Cassie Earlene, and the Independence Police Department.

**TRIBUTE TO ROY F. NARD**

**HON. JAMES A. TRAFICANT, JR. OF OHIO**

**IN THE HOUSE OF REPRESENTATIVES**

Thursday, March 29, 2001

Mr. TRAFICANT. Mr. Speaker, today, I am deeply saddened to share the news of the passing of Roy F. Nard.

Roy F. Nard was born on May 28, 1923 to James A. and Mary E. Parrish Nard. Besides his wife, formerly Virginia A. Smith, whom he married in 1948, he is survived by two sons, Roy F. Jr. and Kenneth Sr.; a daughter, Barbara Sepesy; and five grandchildren. Mr. Nard’s two brothers, Michael and James, are deceased.

Roy worked for 35 years as a roll turner for Youngstown Sheet & Tube and LTV Steel prior to his retirement in 1979. Not only was he a contributing member of the Youngstown community, but also a loyal servant to his country. A veteran of World War II, he served in the elite Ranger Division and fought for our nation’s freedom.

He had a tremendous love for America’s pastime, baseball. He devoted much of his time to coaching and managing teams in the Kiwanis Little League and Youngstown Pony League. A man with vision, Roy co-founded the Youngstown Babe Ruth Baseball League. In addition to this accomplishment, he was a member of Ohio Football High School Officials Association for 22 years.

His passion for sports drove him to volunteer as an assistant baseball coach and equipment manager for the football team at Cardinal Mooney for 16 years. His remarkable contributions to the school’s athletic programs were rewarded in 1996 with his induction into the Cardinal Mooney Hall of Fame.

The lives of many were enriched by Mr. Nard’s life. He always took the time to make people feel extra special with a kind word or a warm smile. He was a wonderful friend and all who knew him looked up to him. Roy F. Nard will be sorely missed by the Youngstown community. I extend my deepest sympathy to his family.

**HONORING KENNETH CARPENTER**

**HON. PETER DEUTSCH OF FLORIDA**

**IN THE HOUSE OF REPRESENTATIVES**

Thursday, March 29, 2001

Mr. DEUTSCH. Mr. Speaker, I rise to honor the lifetime achievements of one of Florida’s most active nature enthusiasts. Kenneth Carpenter, a retired Air Force lieutenant colonel and business man, died Monday, February 5, 2001 at his home in Oakland Park at the age of 88. Mr. Carpenter was a lifelong outdoorsman and devoted countless hours to developing a 65 mile section of the Florida National Scenic Trail. He will be dearly missed by his community.

Mr. Carpenter was born on September 14, 1912 in Synder, Illinois and married Thelma Danner on September 11, 1935. He graduated from the University of Illinois in 1936 with a degree in education and then obtained his master’s of arts degree from Ohio State University in 1937. He was a dedicated teacher whose career was interrupted twice so he could serve his country in World War II and the Korean War.

After retiring from the armed forces in 1961, Mr. Carpenter moved to Fort Lauderdale and opened an auto supply store and later became a residential realtor. However, he gave up all of his business affairs to devote the rest of his life to canoeing and hiking the Florida and Appalachian Trails, a feat he accomplished at 78. Mr. Carpenter was a trail coordinator for the Broward County chapter of the Florida Trail Association and even during his struggle with cancer continued to make plans and attend meetings concerning the Florida Trail. Further treks have lead him to Peru, Colorado, Minnesota, Utah, and the Yukon. Mr. Speaker, Broward County will be forever grateful for the trails blazed by Mr. Carpenter, and will dearly miss his community leadership.

**INTRODUCTION OF H.R. 1289: THE REGISTERED NURSES AND PATIENTS PROTECTION ACT**

**HON. TOM LANTOS OF CALIFORNIA**

**IN THE HOUSE OF REPRESENTATIVES**

Thursday, March 29, 2001

Mr. LANTOS. Mr. Speaker, today my distinguished colleagues, JAMES MCGOVERN of Massachusetts and HILDA SOLIS of California, introduced H.R. 1289—legislation that would restrict the ability of hospitals, including hospitals operated by the Veterans’ Administration, to require registered nurses to work mandatory overtime hours as a normal course of business. Increasingly, hospitals and other employers in the health care field are requiring their employees to work overtime. Our legislation—the Registered Nurses and Patients Protection Act—would stop that unsafe and exploitative practice.

The Fair Labor Standards Act grants nurses the right to receive overtime compensation even though they are licensed professionals, but it does not limit the amount of overtime that nurses can work, nor does it permit them to refuse mandatory overtime. Our legislation would change that iniquity. Under our bill, mandatory overtime for licensed health care employees (excluding physicians) would be prohibited. The bill amends the Fair Labor Standards Act to prohibit mandatory overtime beyond 8 hours in a single work day or 80 hours in any 14 day work period. The legislation provides an exception in cases of a natural disaster or a declaration of emergency by federal, state or local government officials. Voluntary overtime is also permitted.

Mr. Speaker, no employer should be allowed to force an employee to work overtime or face termination, unless there is a situation that requires immediate emergency action. In other cases, employees should have the right to refuse overtime. If workers feel physically or psychologically unable or too tired to work additional hours, that should be their choice; it should not be the decision of a supervisor or hospital administrator.

In the health care field, the issue is not just employees’ rights. More importantly, it is an issue of patient safety. When nurses are forced to put in long overtime hours on a regular basis against their own better judgment, it puts patients at risk. A nurse should not be on the job after the 15th or 16th consecutive hour, especially after he or she has told a supervisor “I can’t do this—I’ve been on the job too many hours today.”

Mr. Speaker, nursing is a physically and mentally demanding occupation. By the end of a regular shift a nurse is exhausted. Health care experts and common sense tell us that long hours take a toll on mental alertness, and mandatory overtime under such conditions can result in inadvertent and unintentional medical mistakes—medication errors, transcription errors, and judgment errors. When a nurse is tired, it is much more difficult to deliver quality, professional care to patients. Increasingly, however, nurses are being forced to work 16, 18, or even 20 consecutive hours in hospitals all across our nation.

Studies have shown that when a worker (especially a health care worker) exceeds 12 hours of work, and is under pressure that he or she will make an error increases. A report of the Institute of Medicine on medical errors substantiates these common sense assumptions. The report states that safe staffing and limits on mandatory overtime are essential components to prevent medication errors.

An investigative report by The Chicago Tribune found that patient safety was sacrificed when reductions in hospital staff resulted in registered nurses working long hours of overtime because they were more likely to make serious medical errors. The report found that nursing services were deliberately cut in order to preserve historic profit levels.

Mr. Speaker, I am delighted to report that this legislation has broad support from the individuals most involved in this matter and the associations and organizations that represent them. These include the American Nurses Association (ANA), the California Nurses Association (CNA), Service Employees International Union (SEIU), American Federation of State, County and Municipal Employees (AFSCME), the Black Nurses Association and others. It is also supported by the American Federation of Government Employees (AFGE), which represents nurses and health care workers at our nation’s veterans’ hospitals.

Mr. Speaker, we need to give nurses more power to decide when overtime hours hurt their job performance. A nurse knows better than anyone—better than his or her supervisor and certainly better than a profit-driven hospital administrator—when he or she is so exhausted that continuing to work could jeopardize the safety of patients. You don’t have to be a brain surgeon to know that forcing nurses to work 12 or 16 hours at a time is a prescription for bad health care.

Mr. Speaker, we cannot continue to allow hospitals to force nurses to work so many hours that the health and safety of patients are put at risk. I urge my colleagues to join me as a cosponsor and support the Registered Nurses’ and Patient’s Protection Act.
TRIBUTE TO THE LATE BRUCE F. VENTO

HON. BETTY MCCOLLUM
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 29, 2001

Ms. MCCOLLUM. Mr. Speaker, I submit to the RECORD my tribute to a wonderful man; an outstanding Member of this body for 24 years; my Congressman, my teacher, my mentor, and dear friend—the late Bruce F. Vento.

Because of his leadership the working families of Minnesota—of America—are stronger. Our land and our lakes, our rivers and our streams are cleaner; our air is better. He gave us, our children, and future generations the Boundary Waters Canoe Area, and the Minnesota National Wildlife Refuge—thousands and thousands of acres of pristine environment that will fill our lives with weekends where the only sounds we hear will be "the sounds of the canoe paddle dipping, the winds waiting, and the birds singing."

Bruce was a voice to those without one; a shelter for those without a home, at a time when it was not the popular thing to do—homeless people, after all, rarely vote. But because of the McKinney-Vento Homeless Assistance Act, families down on their luck, are given a hand up.

Bruce welcomed and worked tenaciously to bring our newest neighbors fully into our community—the Lao-Hmong. Because he did so, St. Paul and our State is a richer, more tolerant, and more prosperous community.

Bruce Vento was a very emblem of public service; a civics lesson personified. Each day he rose without fanfare, "to make people's lives better, to provide opportunity—" to give them hope.

When I first met Bruce, he was my Congressman. He quickly became a friend and a mentor to a young Mom who sought to make a difference in her community. Bruce taught by example, and his example was always to listen, and to listen, and to listen and to share his knowledge.

I sat in the back at Mr. Vento's dinner and the president dropped by and dozens of our friends and neighbors. A weekend couldn't pass without you didn't run into him having morning coffee or maybe join him for lunch at the late East Side. Bruce Vento had the wherewithal to be a great congressman. He was the right man for that kind of politics. His eyebrows are too big; he isn't cool enough. He is a modest and principled and hard-working guy, but you couldn't put this over in a 30-second commercial. He managed to get to Congress because there was a strong DFL Party that endorsed him, and so when he pulled into the circle of Mr. Vento the wherewithal to be a great congressman. He, being a true East Sider, never told us he was. But which I now think he was.

Unknowingly, we did something great in sending him there. And our partisan loyalty gave him the freedom to take on thankless tasks, like protecting wilderness and dealing with the homeless.

I sat at the back at Mr. Vento's dinner and thought a what a shock it is when you realize the country is in the hands of people your own age. You go along for years thinking it's being run by jowly old guys in baggy suits and then you see that the jowly old guys are people you went to school with.

Mr. Vento is about my age, and I feel for him. He is fighting lung cancer and it has taken its toll on him. He looks haggard but game. His three boys were at the dinner in Washington, and their wives, and the event felt like a real valedictory. If Mr. Vento had wanted to make us all wince over our pudding, it wouldn't have taken much.

But he was upbeat and talking about the future and about national parks and the de- cision that the Boundary Waters Canoe Area was stronger. "All we need to do is take this new knowledge and apply it to public policy, and..."
thank you and expressing your appreciation for the work he did while serving in Congress.

Vento served for a total of 24 years in Congress, retiring in 1999. He was a champion for programs to support the environment and public lands, including the Minnesota National Wildlife Refuge and the Boundary Waters Canoe Area Wilderness. Vento was also a strong advocate for programs to help college students and veterans.

Vento was the first member of Congress to sponsor the Hmong Citizenship Act, which was signed into law by President Reagan in 1988. He was also a supporter of the clean air and clean water acts, and worked to protect the Boundary Waters Canoe Area, a wilderness area in northern Minnesota.

Vento was known for his strong leadership in the House, and was a member of the Democratic Party. He was a proponent of public service and believed in working hard to serve his constituents.

Vento was a man of the people, and was known for his down-to-earth manner and his passion for public service. He was a strong advocate for programs to help the poor and the needy, and was a tireless fighter for the rights of people in his district.

In conclusion, Rep. Bruce F. Vento was a man of the people who dedicated his life to public service. He was a champion for programs to support the environment and public lands, and was a strong advocate for programs to help college students and veterans. He was a true leader who was committed to making a difference in the lives of his constituents.

Godspeed, Congressman Vento.
at putting together a security alliance “to stop the U.S.” This meeting was reported in the May 18, 1999 issue of the Indian Express. Those of us who have been following Indian and South Asian issues are not surprised. The Indian Government has demonstrated many times before how utterly it is infected with corruption. In India, people tend to come up with a new word for bribery. They call it “fee for service.” It has become necessary to pay a fee to get government workers of any kind to deliver the services that they are mandated to provide. In November 1994, the newspaper Hitavada reported that the Indian government had refused to pay Surendra Nath, the late governor of Punjab, $1.5 billion to generate terrorist activity in Punjab, Khalistan, and in Kashmir as well. This is in a country where half the population lives below the international poverty line. Forty-two percent of the people live on less than a dollar a day and another forty-two percent live on less than $2 per day.

In India, corruption is endemic as is tyranny against minorities. Christians, Muslims, Sikhs, and others have been subjected to violence, tyrannical and human-rights violations for many years. Christian churches have been burned. Priests have been killed, nuns have been raped, and many other atrocities have been committed with impunity. Muslims have been killed in massive numbers and the ruling party has destroyed mosques. The Indian government has killed Sikhs. Religious pilgrims have been attacked with lathis and tear gas. This is just a recent sample of the atrocities against minorities in India.

Mr. Speaker, India is a significant recipient of American aid. How should the taxpayers of this country pay taxes to support the corruption and tyranny of the Indian Government? There is, however, something that America, as the world’s only superpower, can do about it. America can stop sending aid to India and America can thus stop funding the corruption and tyranny of the Indian Government. I commend it to all my congressional colleagues who care about spending our foreign aid dollars wisely.

THOUGH IT MAY WELL SURVIVE THE LATEST CRUDELLS, THE DEFENCE MINISTER, REPORTERS POSING AS ARMS DEALERS HAS REACHED ENOUGH OF ITS MAJORITY TO DARE THE OPPOSITION TO BACK THE PROMISED CLEANING.

The problem begins, says N. Vittal, the editor of the leading newspaper, The Times of India. The Indian government lacks a majority. The crisis may also be the beginning of the end for the 18-party ruling National Democratic Alliance. The NDA has lost one member, the Trinamul Congress party in the West Bengal state, which has 34 seats in the 212-seat state legislature. The Trinamul Congress is a small regional party, but its leader, Hemant Soren, is a powerful politician and holds the key to winning the support of the Janata Dal party, which has 36 seats in the state legislature. The Trinamul Congress party has refused to support the NDA government in West Bengal, and the state government has been unable to pass its budget. The NDA government in West Bengal has been in power since 1999, and has been the target of frequent protests and strikes. The Trinamul Congress party has been a key supporter of the NDA government in the state, and has been accused of being corrupt. The Trinamul Congress party has also been accused of being anti-Hindi and anti-Muslim. The Trinamul Congress party has been a key supporter of the NDA government in the state, and has been accused of being corrupt. The Trinamul Congress party has also been accused of being anti-Hindi and anti-Muslim. The Trinamul Congress party has also been accused of being anti-Hindi and anti-Muslim.

Mr. Speaker, I insert into the RECORD an article from the current issue of The Economist about the Indian corruption scandal. I commend it to all my congressional colleagues who care about spending our foreign aid dollars wisely.

[From The Economist, Mar. 24, 2001]

INDIA’S CORRUPTION BLUES

TOO MUCH SURVIVE THE LATEST CORRUPTION SCANDAL, THE AUTHORITY OF THE LEADING PARTY IN THE GOVERNMENT IS BADLY DENTED

Patalism is ever present in India, and the government in Delhi seems to be hoping that a populist initiative will help to win the election. But we cannot forget that they were involved in the welfare of entire communities and often remember these country doctors for their warm bedside manner and their home visits, but we cannot forget that they were involved in the welfare of entire communities and often sought higher medical education to better serve their patients.

Mr. Speaker, I insert into the RECORD an article from The Journal of the Arkansas Medical Society about the recent epidemic of African trypanosomiasis, also known as sleeping sickness, in Africa. The epidemic has spread to over 30 countries in Africa, and has affected over 60 million people. The disease is caused by a parasitic protozoan that is transmitted to humans through the bite of a tsetse fly. The disease is characterized by fever, sweating, headache, and sometimes also by skin problems.

[From The Journal of the Arkansas Medical Society, Dec. 1999]

Y2K: A LEGACY OF THE COUNTRY DOCTORS

ON FRIDAY, MAY 14, 1999, A MEMORABLE MILLENNIUM MEDICAL EVENT MEDITATING THE
PARALLEL LIVES

Two of the honored country doctors, P.L. Hathcock and Jesse Thomas Wood, have significantly parallel lives reflecting the important legacy of family and education. Both were born the same year, 1878, six days apart. Their father in both cases became physicians. P.L. Hathcock’s sons, Preston Loyce and Alfred Hiram, became general practitioners with their father in Fayetteville. A son-in-law, Dr. Ralph E. Waddington, also practiced with them at the Hathcock Clinic. In 1935, Dr. Alfred H. Hathcock moved to Batesville, his wife Mary Louise Barnett Hathcock’s hometown, to practice medicine. His son, Alfred Barnett, was an orthopedic surgeon specializing in hip and knee surgery in the nearby Fort Smith. Dr. Alfred Barnett Hathcock’s stepson, Stephen, “Sixth Generation M.D. Blends Conventional Medicine with Alternative Remedies,” practices in Little Rock. Dr. Jesse Thomas Wood’s sons, Julian Deal and Jack Augustus, became general practitioners in Seminole, Okla. Jack left for a general surgery residency. Upon completion of his training, he joined Dr. J. Warren Murry in Fayetteville. Currently, Dr. Jack Wood is an orthopedic surgeon specializing in hip and knee surgery at the Holt-Krock Clinic in Fayetteville. A son, Stephen, “Second Generation M.D. Blends Conventional Medicine with Alternative Remedies,” practices in Little Rock.

EDUCATORS AMONG US

Educational and leadership threads were woven in the country doctor’s legacy to us. Among those contributing to their profession and community were Drs. Ellis, Mock and P.L. Hathcock. Drs. Ellis and Mock were both members of the Arkansas Board of Medical Examiners and the Arkansas Medical Society. Drs. Ellis, Mock and P.L. Hathcock were active on school boards. Dr. Ellis served 15 years on Fayetteville’s school board as a chairman. Dr. Mock was president of the school board that built the first important school structure in the Prairie Grove district. Dr. P.L. Hathcock served as a state senator and attended at the Silver Rock school he attended as a child. When Dr. P.L. Hathcock practiced in Lincoln, he was a member of the county school board.

The venerable country doctor is remembered as having a one-on-one relationship with patients. However, he was also interested in community health and welfare. Dr. Harvey Doak Wood (Jan. 8, 1847–May 13, 1938) organized the Washington County Health Officer in 1913–1917. The importance of public health can be appreciated in a statement he made.

“May I mention but one instance of the progress in medical practice in the 62 years that has given more comfort and a higher appreciation of the greatest of all professions is the perfection of a diphtheria antitoxin that has saved the lives of millions of human beings.”

Incidentally, Dr. Wood was the fifth president of the Arkansas Medical Society; his patrons included the Wood splint, a modification of the Hodgen splint with myodermic traction; and he coined the name for the now familiar wooden splint. Dr. P.L. Hathcock also served as Washington County health officer for several years. With a strong desire for certification, Dr. Hathcock, who did not like his initials spelled out, this author has refrained from doing so.

Fayetteville Ordinance 181 established a city board of health in 1906. Dr. Andrew S. Gregg (1857–1938), a country doctor and two-term city alderman, was a two-term city health officer at the time of his death. He also served on the Arkansas State Board of Health. Because of a national emergency in 1944 and being without a health officer, Ordinance 877 was passed and approved April 3, designating the mayor as health officer. Ordinance 881, recreating the separate office of city health officer and repealing Ordinance 877, was passed Aug. 21, 1944. The importance of a public health officer at the city level, both members of the Arkansas Board of Medicine, and for the county or county jurisdictional level cannot be underestimated. “Continued economic and population growth in Northwest Arkansas is requiring the upgrading of standards of existing public health practice.”

“Lessons for the New Millennium From the Legacy of Country Doctors” fortunately have been recorded in painting, poetry, radio and TV. Examples are: “Horse and Buggy Doctor,” a historical account of the times, author Arthur E. Hertzler, M.D. (1884–1971) paint artist, author and doctor’s life. The story was written in 1938. Milburn Stone, an actor who portrayed Doc Adams in the TV show “Gunsmoke,” was asked to write the preface to the edition commemorating the author’s 100th birthday: “... For I feel certain that Dr. Hertzler was invited into heaven, where he can spend his time watching baseball games and sharpening his championship skills with a target pistol. Yet, he may have been offered an option—playing baseball, having three win- ters, he may have challenged hell. Possibly he is riding around that in a battered old buggy drawn by an unpredictable horse, sometimes he the fevered lad calling the attention of Satan and his staff to the stupidity of attempting to standardize everything.”

Sir Samuel Luke Fildes’ (1844–1927) painting, “The Doctor,” exhibited in 1891 depicts a doctor seated near a sick child lying across two chairs at home. He is attentively observing while the child’s mother, “The Doctor” also captures a “hush call” scene, which ultimately blossomed as a “home house” phenomena.

“The Healing Art” by John Greenleaf Whittier (1807–1892) to a young physician, with Dore’s picture of Christ healing the sick, elicits a comment from Sir William Whittler (1807–1875): “For I feel certain that Dr. Hertzler was invited into heaven, where he can spend his time watching baseball games and sharpening his championship skills with a target pistol. Yet, he may have been offered an option—playing baseball, having three win- ters, he may have challenged hell. Possibly he is riding around that in a battered old buggy drawn by an unpredictable horse, sometimes he the fevered lad calling the attention of Satan and his staff to the stupidity of attempting to standardize everything.”
CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2002

SPICE OF
HON. BENJAMIN A. GILMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

The House in Committee of the Whole 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. GILMAN. Mr. Chairman, I rise today in support of H. Con. Res. 83, the budget resolution for fiscal year 2002. I urge my colleagues to join in its adoption.

Our Nation now stands at a historic crossroads. After two decades of growing deficits and rising debt, the Congressional Budget Office has now projected rapidly growing surpluses for at least the next decade. The fiscal discipline enforced by the Republican Congresses since 1995 has now borne fruit.

The primary challenge now facing Congress is preventing a return to the days of deficit spending and rising debt. The FY 02 budget resolution accomplishes this and sets high but reachable goals in the areas of debt repayment and tax reduction.

In terms of debt reduction, this resolution provides for the unprecedented amount of $2.3 trillion over the next ten years, representing the maximum amount that can be retired without incurring penalties. The retirement of this substantial amount of debt will result in lower interest payment each year over the coming decade. The interest savings can then be redirected towards pressing needs or unforeseen emergencies. Moreover, the retirement of public debt will also lead to lower interest rates as it becomes “cheaper” for the Government to borrow money.

The resolution also provides for some much needed tax relief for American families. It allows taxpayers to keep roughly one-fourth of projected budget surpluses over the next ten years (28.9 percent of $5.61 trillion) through lower tax bills for all taxpayers.

Overall, taxpayers will keep at least $1.62 trillion of their earnings over the next ten years. This will be achieved primarily through four separate pieces of legislation, each accomplishing the following: retroactive marginal rate reductions, doubling the child tax credit, providing relief from the marriage penalty, and eliminating the death tax.

In terms of funding requirements, the resolution provides for many Government programs that have critical underfunded needs. Education, Medicare, Social Security, defense, and veterans. For example, it provides a 4 percent (over $5.7 billion) increase in defense spending to increase military pay, improve troop housing and extend additional health benefits to military retirees.

The budget provides a historic 12 percent increase in veterans spending for FY 2002 to address the underfunded needs, especially in the field of veterans health care, of those who served our Nation. This is a refreshing change from the veterans budgets of years past, which were often flatlined or contained only minimal increases.

The budget contains new spending authority of $153 billion for Medicare modernization, including the addition of a prescription drug benefit, and provides a reserve fund if additional Medicare modernization funds are needed. The Medicare program is in need of a major overhaul, both to reign in overall costs, and bring its benefits package more in line with 21st century health care. This budget resolution starts that process.

I am encouraged to see that this budget includes significant increases for the Department of Education, specifically, an increase for program spending of 11.5 percent for FY 2002. The budget calls for a number of increases to programs including an increase of $1 billion for Pell grants, a “reading first” initiative to strengthen early reading education, annual math and reading testing for grades 3 through 8 and a tax deduction to help teachers defray the costs associated with out of pocket classroom expenses. Although I support the majority of the budget’s proposals, I am concerned with the school choice option, that will funnel Federal funds from public schools to private and religious schools and the streamlining and consolidation of a number of Federal education programs that may be lost in the shuffle.

Finally, Mr. Chairman, the budget is consistent with the provisions of H.R. 2, the Social Security and Medicare Lock-Box Act of 2001, which passed the House earlier this year. This act creates a point of order against legislation that reduces the total unified surplus below the combined total of the Social Security Trust Fund surplus and the Medicare Hospital Insurance (HI) Trust Fund surplus. Consequently, the measure creates a procedural “lock-box” protecting the Social Security and Medicare surpluses from being used for any purpose other than debt reduction until the enactment of Social Security and Medicare reform legislation.

This is a responsible budget resolution. It preserves the integrity of the Social Security and Medicare systems, makes necessary investments in Medicare, education, national security and veterans health care, provides for appropriate tax relief, pays down an unprecedented level of public debt, and sets aside a prudent reserve fund for unforeseen emergencies. For these reasons, I intend to support it, and urge my colleagues to do the same.
HIGHLIGHTS

The House passed H.R. 6, Marriage Penalty and Family Tax Relief.

Senate

Chamber Action

Routine Proceedings, pages S3069–S3181

Measures Introduced: Twenty-one bills and one resolution were introduced, as follows: S. 644–664, and S. Res. 65. Pages S3151–52

Measures Reported:

Special Report entitled “Report on the Activities of the Committee on Finance of the United States Senate During the 106th Congress”. (S. Rept. No. 107–8)


Campaign Finance Reform: Senate continued 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 S3070–S3141

Adopted:

Bingaman Amendment No. 157, to require the Presidential Inaugural Committee to disclose donations and prohibit foreign nationals from making donations to such Committee. Pages S3110–11

Nelson Amendment No. 159, to prohibit fraudulent solicitation of funds. Page S3122

By 82 yeas to 17 nays (Vote No. 61), Specter Modified Amendment No. 140, to provide findings regarding the current state of campaign finance laws and to clarify the definition of electioneering communication. Pages S3070, S3118–23

Dodd (for Kerry) Amendment No. 160, to provide a study of the effects of State laws that provide public financing of elections. Pages S3123–24

Levin Amendment No. 161, to amend the definition of Federal election activity as it applies to State, district, or local committees of political parties. Pages S3124–26

Pages S3126–27

Dodd (for Thompson) Amendment No. 163, to amend the Federal Election Campaign Act of 1971 to enhance criminal penalties for election law violations. Pages S3127–28

Rejected:

By 28 yeas to 72 nays (Vote No. 57), DeWine Amendment No. 152, to strike certain provisions relating to non-candidate campaign expenditures, including rules relating to certain targeted electioneering communications. Pages S3070–76

By 32 yeas to 67 nays (Vote No. 58), Harkin/Wellstone Amendment No. 155, to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits with respect to Senate election campaigns. Pages S3077–86

Frist/Breaux Modified Amendment No. 156, to make certain provisions nonseverable, and to provide for expedited judicial review of any provision of, or amendment made by, this Act. (By 57 yeas to 43 nays (Vote No. 59), Senate tabled the amendment.) Pages S3087–S3105

Bingaman Amendment No. 158, to provide candidates for election to Federal office with the opportunity to respond to negative political advertisements sponsored by noncandidates. (By 72 yeas to 28 nays (Vote No. 60), Senate tabled the amendment.) Pages S3111–17

Pending:

Reed Amendment No. 164, to make amendments regarding the enforcement authority and procedures of the Federal Election Commission. Pages S3128–48

A unanimous-consent time agreement was reached providing for further consideration of the bill and certain amendments to be proposed thereto, on Friday, March 30, 2001, with votes on pending amendments to occur beginning at 11:00 a.m. Further,
Senate will resume consideration of the bill on Monday, April 2, 2001, with a vote on final passage to occur at 5:30 p.m.

Appointments:

*U.S. Merchant Marine Academy:* The Chair, on behalf of the Vice President, pursuant to Title 46, Section 1295(b), of the U.S. Code, as amended by Public Law 101–595, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, appointed the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: Senator McCain, ex officio, as Chairman of the Committee on Commerce, Science, and Transportation; and Senator Snowe, Committee on Commerce, Science, and Transportation.

*U.S. Coast Guard Academy:* The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194(a), as amended by Public Law 101–595, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, appointed the following Senators to the Board of Visitors of the U.S. Coast Guard Academy: Senator McCain, ex officio, as Chairman of the Committee on Commerce, Science and Transportation; and Senator Fitzgerald, Committee on Commerce, Science, and Transportation.

Nominations Received: Senate received the following nominations:

- Charles S. Abell, of Virginia, to be an Assistant Secretary of Defense.
- Grant D. Aldonas, of Virginia, to be Under Secretary of Commerce for International Trade.
- Brenda L. Becker, of Virginia, to be an Assistant Secretary of Commerce.
- 1 Navy nomination in the rank of admiral.

Executive Reports of Committees: Pages S3150–51

Messages From the House: Pages S3150

Statements on Introduced Bills: Pages S3154–74

Additional Cosponsors: Pages S3152–53

Amendments Submitted: Pages S3175–80

Additional Statements: Pages S3149–50

Authority for Committees: Page S3180

Privileges of the Floor: Page S3180

Record Votes: Five record votes were taken today. (Total—61) Pages S3076, S3086, S3105, S3117, S3122–23

Adjournment: Senate met at 9:30 a.m., and adjourned at 9:30 p.m., until 9 a.m., on Friday, March 30, 2001. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S3180.)

**Committee Meetings**

(Committees not listed did not meet)

**BIOMASS AND ENVIRONMENTAL TRADING**

*Committee on Agriculture, Nutrition, and Forestry:* Committee concluded hearings to examine issues related to progress and funding of research to promote the conversion of biomass into biobased, chemicals, fuels, and other industrial products, products which are derived from plant material, after receiving testimony from David Batchelor, Michigan Department of Environmental Quality, Lansing; Bruce E. Dale, Michigan State University Department of Chemical Engineering, East Lansing; Patrick R. Gruber, Cargill Dow, Minnetonka, Minnesota; Robert L. Judd, Jr., USA Biomass Power Producers Alliance, Sacramento, California; Edward L. Woolsey, Iowa-Sustainable Energy for Economic Development, Prole; Richard L. Sandor, Environmental Financial Products, Chicago, Illinois, on behalf of the United Nations Conference on Trade and Development; Bruce A. McCarl, Texas A&M University Department of Agricultural Economics, College Station; Gary Käster, American Electric Power Company, McConnellsville, Ohio; John Kadyszewski, Winrock International, Morrilton, Arkansas; Robert Bonnie, Environmental Defense, and Jeff Fiedler, Natural Resources Defense Council, both of Washington, D.C.; and Jim Kinsella, Lexington, Illinois

**NOMINATIONS**

*Committee on Armed Services:* Committee ordered favorably reported 3,920 military nominations in the Army, Navy, Marine Corps, and Air Force.

**PUBLIC UTILITY HOLDING COMPANY ACT**

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on Securities and Investment concluded hearings on S. 206, to repeal the Public Utility Holding Company Act of 1935, and to enact the Public Utility Holding Company Act of 2001, after receiving testimony from Isaac C. Hunt, Jr., Commissioner, U.S. Securities and Exchange Commission; Cynthia A. Marlette, Deputy General Counsel, Federal Energy Regulatory Commission, Department of Energy; David M. Sparby, Xcel Energy Inc., Minneapolis, Minnesota; David L. Sokol, MidAmerican Energy Holdings Company, Des Moines, Iowa; and Charles A. Acquard, National Association of State Utility Consumer Advocates, Silver Spring, Maryland.
AVIATION DELAY PREVENTION ACT

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation concluded hearings on S. 633, to provide for the review and management of airport congestion, after receiving testimony from Susan McDermott, Deputy Assistant Secretary of Transportation for Aviation and International Affairs; Edward A. Merlis, Air Transport Association of America, Deborah C. McElroy, Regional Airline Association, and Ronald Swanda, General Aviation Manufacturers Association, all of Washington, D.C.; Jeffrey P. Fegan, Dallas/Fort Worth International Airport, Dallas, Texas; and Charles Barclay, Alexandria, Virginia, on behalf of the American Association of Airport Executives and the Airports Council International—North America.

NATIONAL PARKS OMNIBUS MANAGEMENT ACT

Committee on Energy and Natural Resources: Subcommittee on National Parks, Historic Preservation, and Recreation concluded oversight hearings to review the National Park Service’s implementation of management policies and procedures to comply with the provisions of Titles I, II, III, V, VI, VII, and VIII of the National Parks Omnibus Management Act of 1998, after receiving testimony from Denis P. Galvin, Acting Director, National Park Service, Department of the Interior; Peter J. Ward, Washington, D.C., and Greg Jackson, Santa Monica, California, both on behalf of the Fraternal Order of Police; Scot McElveen, Santa Monica, California, on behalf of the Association of National Park Rangers; and Jay Vestal, National Park Foundation, Washington, D.C.

NATIONAL FIRE PLAN

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management concluded oversight hearings on the implementation of the Administration’s National Fire Plan, after receiving testimony from Lyle Laverty, Associate Deputy Chief and National Fire Plan Coordinator, Forest Service, Department of Agriculture; Tim Hartzell, Director, Office of Wildland Fire Coordination, Department of the Interior; James E. Hubbard, Colorado State Forester, Fort Collins, on behalf of the National Association of State Foresters; Betty Vega, Cooperative Ownership Development Corporation, Silver City, New Mexico; Nils D. Christoffersen, Wallowa Resources, Enterprise, Oregon; Nancy Farr, Forest Stewardship Project, Twisp, Washington; Celia Headley, Eugene, Oregon, on behalf of the Alliance of Forest Workers and Harvesters; Lynn Jungwirth, Watershed Center, Hayfork, California; G. Thomas Bancroft, Wilderness Society, Steve Holmer, American Lands Alliance, both of Washington, D.C.; Tom Nelson, Sierra Pacific Industries, Redding, California, on behalf of the American Forest and Paper Association; and David W. Smith, Virginia Polytechnic Institute, Blacksburg, on behalf of the Society of American Foresters.

FEDERAL DEBT REDUCTION

Committee on Finance: Committee concluded hearings to examine issues related to Federal debt reduction as part of prioritizing the projected budget surpluses among competing priorities, such as tax cuts, Social Security and Medicare, after receiving testimony from Gary Gensler, Bethesda, Maryland, former Under Secretary of Treasury for Domestic Finance; and James C. Miller III, Citizens for a Sound Economy, Washington, D.C., former Director, Office of Management and Budget.

NOMINATIONS

Committee on Finance: Committee held hearings on the nominations of Kenneth W. Dam, of Illinois, to be Deputy Secretary, David Aufhauser, of the District of Columbia, to be General Counsel, and Michele A. Davis, of Virginia, to be Assistant Secretary for Public Affairs, all of the Department of the Treasury, and Faryar Shirzad, of Virginia, to be Assistant Secretary of Commerce for Import Administration, where the nominees testified and answered questions in their own behalf.

Hearings recessed subject to call.

NOMINATION

Committee on Foreign Relations: Committee concluded hearings on the nomination of John Robert Bolton, of Maryland, to be Under Secretary of State for Arms Control and International Security, after the nominee, who was introduced by Senator Warner, testified and answered questions in his own behalf.

HEALTHY AGING IN RURAL AMERICA

Special Committee on Aging: Committee concluded hearings to examine certain initiatives that promote and support healthy aging in rural America, focusing on certain areas that impact the lives of older Americans, including transportation, housing, access to high-quality health care, diet and nutrition, and employment, after receiving testimony from Jon E. Burkhardt, WESTAT, Rockville, Maryland; Hilda Heady, West Virginia Rural Health Education Partnerships, Morgantown, on behalf of the National Rural Health Association; James Sykes, University of Wisconsin Medical Center Department of Preventive Medicine, Madison, on behalf of the National Council on the Aging; Melinda M. Adams, Boise, Idaho, on behalf of the Idaho Commission on Aging and
the National Association of Older Worker Employment Services; and Jane V. White, Knoxville, Ten-
nessee, on behalf of the American Dietetic Association.

House of Representatives

Chamber Action


Reports Filed: No Reports were filed today.

Guest Chaplain: The prayer was offered by the guest Chaplain, the Rev. Willie T. Lockett, St. Martha Missionary Baptist Church, of Oak Hill, Florida. Page H1297

Journal: The House agreed to the Speaker’s approval of the Journal of Wednesday, March 29 by a recorded vote of 354 ayes to 62 noes, Roll No. 72. Pages H1297, H1302

Marriage Penalty and Family Tax Relief: The House passed H.R. 6, to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned income credit and to allow the nonrefundable personal credits against regular and minimum tax liability by a yea and nay vote of 282 yeas to 144 nays, Roll No. 75.

Rejected the Rangel motion to recommit the bill to the Committee on Ways and Means with instructions to report it back with an amendment in the nature of a substitute that sought to provide a year 2000 tax refund of $300 for individuals or $600 for married couples filing a joint return by a recorded vote of 184 ayes to 240 noes, Roll No. 74.

Agreed to the Committee on Ways and Means amendment in the nature of a substitute, as modified, made in order by the rule. Page H1303

Earlier, the House agreed to the Pryce unanimous consent request to modify the Committee on Ways and Means amendment now printed in the bill (H. Rept. 107–29). The modification dealt with the limitation of the credit allowed against the alternative minimum tax. Page H1303

Rejected the Rangel amendment in the nature of a substitute that sought to create a new 12 percent tax rate, increase the earned income tax credit, create a standard deduction for married couples equal to twice the standard available to single individuals, and provide marriage penalty relief in the earned income credit and rate reductions (rejected by a yea and nay vote of 196 yeas to 231 nays, Roll No. 73. Pages H1326–28

Earlier, agreed to H. Res. 104, the rule that provided for consideration of the bill by a yea and nay vote of 249 yeas to 171 nays, Roll No. 71. Pages H1297–H1302

Meeting Hour—Tuesday, April 3: Agreed that when the House adjourns on Friday, March 30, it adjourn to meet at 12:30 p.m. on Tuesday, April 3, for morning hour debate. Page H1330

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, April 4. Page H1330

Profound Sorrow on the Death of the Honorable Norman Sisisky, a Representative from the Commonwealth of Virginia: The House agreed to H. Res. 107, expressing the condolences of the House of Representatives on the death of the Honorable Norman Sisisky, a Representative from the Commonwealth of Virginia. Pages H1130–38

National Commission to Ensure Consumer Information and choice in the Airline Industry: Read a letter from the Minority Leader wherein he announced his appointment of Mr. Thomas P. Dunne, Sr. of Maryland Heights, Missouri to the National Commission to Ensure Consumer Information and choice in the Airline Industry. Page H1338

Quorum Calls—Votes: Three yea and nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H1301–02, H1302, H1325–26, H1328, H1329. There were no quorum calls.

Adjournment: The House met at 10 a.m. and pursuant to the provisions of H. Res. 107, adjourned at 4:28 p.m. as a further mark of respect to the memory of the late Honorable Norman Sisisky, a Representative from the Commonwealth of Virginia.

Committee Meetings

FEDERAL FARM COMMODITY PROGRAMS

Committee on Agriculture: Continued hearings on Federal Farm Commodity Programs, with the soybean
industry. Testimony was heard from Bart Ruth, Vice President, American Soybean Association.

Hearings continue April 4.

COMMERCIAL, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State and Judiciary held a hearing on the Supreme Court. Testimony was heard from following Justices of the Supreme Court: Anthony M. Kennedy; and Clarence Thomas.

DISTRICT OF COLUMBIA APPROPRIATIONS

Committee on Appropriations: Subcommittee on the District of Columbia held a hearing on Public Schools and Public Charter Schools. Testimony was heard from Col. Charles J. Fiala, Jr., USA, Commander and District Engineer, Baltimore District, U.S. Army Corps of Engineers, Department of Defense; the following officials of the District of Columbia: Peggy Cooper Cafritz, President, Board of Education; Paul Vance, Superintendent, Public Schools; Josephine Baker, Chair, Public Charter School Board; George Brown, Chairman, Credit Enhancement Committee for Public Charter Schools; and Lauren Ross, Director, Tuition Assistance Program.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior and Related Agencies held a hearing on Energy (National Energy Strategy). Testimony was heard from Mary J. Hutzler, Director, Office of Integrated Analysis and Forecasting, Energy Information Administration, Department of Energy; and public witnesses.

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction held a hearing on Quality of Life. Testimony was heard from public witnesses.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation held a hearing on Federal Transit Administration, and on Federal Transit Capital Projects. Testimony was heard from Hiram Walker, Acting Deputy Administrator, Federal Transit Administration, Department of Transportation; Jose F. Lluch, Executive Director, Highway and Transportation Authority, Puerto Rico; and public witnesses.

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury, Postal Service, and General Government held a hearing on Custom Service Counter drug-oversight. Testimony was heard from Charles Windwood, Acting Commissioner, U.S. Customs Service, Department of the Treasury.

MILITARY FORCES POSTURE


Hearings continue April 4.

COMMISSARIES AND EXCHANGE PROGRAMS

Committee on Armed Services: Special Oversight Panel on Morale, Welfare and Recreation held a hearing on commissaries and exchange programs. Testimony was heard from the following officials of the Department of Defense: Gail H. McGinn, Acting Assistant Secretary (Force Management Policy); Lt. Gen. Charles S. Mahan, Jr., USA, Deputy Chief of Staff (Logistics); Vice Adm. James G. Amerault, USN, Deputy Chief of Naval Operations (Logistics); Lt. Gen. Michael E. Zettler, USAF, Deputy Chief of Staff (Installations and Logistics); Lt. Gen. Jack W. Klimp, USMC, Deputy Chief of Staff (Manpower and Reserve Affairs); Maj. Gen. Robert J. Courter, USAF, Defense Commissary Agency; Rear Adm. Steven W. Maas, USAF, Commander, Army and Air Force Exchange Service; Maj. Gen. Charles J. Wax, USAF, Commander, Army and Air Force Exchange Service; and Brig. Gen. Michael Downs, USMC (Ret.), Director, Personnel and Family Readiness Division.

TRANSFORMING FEDERAL ROLE IN EDUCATION


FCC—AGENDA AND PLANS

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing on "FCC Chairman Michael K. Powell: Agenda and Plans for Reform." Testimony was heard from Michael K. Powell, Chairman, FCC.

BEYOND THE TAX CUT; UNLEASHING OF THE ECONOMY

Committee on Financial Services: Subcommittee on Domestic Monetary Policy, Technology and Economic Growth held a hearing on Beyond the Tax Cut:
Unleashing the Economy. Testimony was heard from Representative Armey; E. Floyd Kvamme, Co-Chairman, President’s Committee of Advisors on Science and Technology, Office of Science and Technology Policy; and public witnesses.

MIDDLE EAST DEVELOPMENTS
Committee on International Relations: Subcommittee on the Middle East and South Asia held a hearing on Developments in the Middle East. Testimony was heard from Edward Walker, Assistant Secretary, Bureau of Near Eastern Affairs, Department of State.

OVERSIGHT—SOUTH WEST BORDER DRUG TRAFFICKING
Committee on the Judiciary: Subcommittee on Crime held an oversight hearing on Drug Trafficking on the Southwest Border. Testimony was heard from W. Royal Furgeson, Jr., Judge, U.S. District Court, Western District of Texas; Donnie R. Marshall, Administrator, DEA, Department of Justice; John Varrone, Assistant Commissioner, Office of Investigations, U.S. Customs Service, Department of the Treasury; and Mike Scott, Chief, Criminal Law Enforcement, Department of Public Safety, State of Texas.

OVERSIGHT
Committee on Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing on the Effect of Mining Claim Fees on Domestic Exploration: Are They Worth It? Testimony was heard from Linda Calbom, Director, Financial Management and Assurance, GAO; Robert Anderson, Deputy Assistant Director, Minerals, Realty and Resource Protection, Bureau of Land Management, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES; OVERSIGHT

The Subcommittee also held an oversight hearing on Comprehensive Conservation Planning and the Operation and Maintenance Backlog in the National Wildlife Refuge System. Testimony was heard from Dan Ashe, Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, Department of the Interior; and public witnesses.

NATIONAL FOREST RESTORATION—EFFECTIVE COMMUNITY INVOLVEMENT
Committee on Resources: Subcommittee on Forests and Forest Health held a hearing on the Effective Community Involvement in National Forest Restoration and Recreation Efforts: Obstacles and Solutions. Testimony was heard from the following officials of the Forest Service, USDA: Randy Phillips, Deputy Chief, Programs and Legislation; and Sally Collins, Associate Deputy Chief; and public witnesses.

EPA—STRENGTHEN SCIENCE
Committee on Science: Subcommittee on Environment, Technology, and Standards held a hearing on H.R. 64, to provide for the establishment of the position of Deputy Administrator for Science and Technology of the Environmental Protection Agency. Testimony was heard from Bill Glaze, Chairman, Science Advisory Board, EPA; and public witnesses.

RAILROAD TRACK SAFETY ISSUES
Committee on Transportation and Infrastructure: Subcommittee on Railroads held a hearing on Railroad Track Safety Issues. Testimony was heard from Mark Lindsey, Chief Counsel and Acting Administrator, Federal Railroad Administration, Department of Transportation; Robert Chipkevich, Director, Railroad, Pipeline and Hazardous Materials Study, National Transportation Safety Board; and public witnesses.

DEATH TAX ELIMINATION ACT

FREE TRADE DEALS
Committee on Ways and Means: Subcommittee on Trade held a hearing on Free Trade Deals: Is the United States Losing Ground As Its Trading Partners Move Ahead? Testimony was heard from public witnesses.

BRIEFING—COVERT ACTION CASE STUDY
Permanent Select Committee on Intelligence: Subcommittee on International Policy and National Security met in executive session to receive a briefing on Covert Action Case Study. The Subcommittee was briefed by departmental witnesses.

NRO ISSUES
Permanent Select Committee on Intelligence: Subcommittee on Technical and Tactical Intelligence met in executive session to hold a hearing on NRO Issues. Testimony was heard from departmental witnesses.
Joint Meetings

HUMAN CAPITAL CHALLENGES

Joint Hearing: Senate Committee on Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia held joint hearings with the House Committee on Government Reform’s Subcommittee on Civil Service and Agency Organization to examine the final report of the U.S. Commission on National Security in the 21st Century, focusing on national security implications of the human capital crisis, receiving testimony from Henry L. Hinton, Jr., Managing Director, Defense Capabilities and Management, General Accounting Office; Robert J. Lieberman, Deputy Inspector General, Department of Defense; and James R. Schlesinger, former Secretary of Defense and former Secretary of Energy, and Adm. Harry D. Train, USN (Ret.), former Supreme Allied Commander—Atlantic, Commander of the Sixth Fleet and former Director of the Joint Staff, both on behalf of the U.S. Commission on National Security/21st Century.

Hearings recessed subject to call.

KOSOVO

Commission on Security and Cooperation in Europe (Helsinki Commission): Commission concluded hearings to examine recent developments in and around Kosovo, including human rights, minority rights, local elections, development of a local police force, and security and civil order, as well as recent escalations of violence in neighboring regions of southern Serbia and Macedonia, and the international response to this violence, after receiving testimony from Gen. Joseph W. Ralston, USAF, Supreme Allied Commander Europe (NATO), and Commander-in-Chief, United States European Command; James W. Pardew, Jr., Deputy Special Advisor for Kosovo and Dayton Implementation, Department of State; and Daan W. Everts, Organization for Security and Cooperation in Europe Mission in Kosovo, Pristina.

COMMITTEE MEETINGS FOR FRIDAY, MARCH 30, 2001

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, oversight hearing on National Energy Policy: Crude Oil and Refined Petroleum Products, 10 a.m., 2123 Rayburn.

Next Meeting of the SENATE
9 a.m., Friday, March 30

Senate Chamber

Program for Friday: Senate will continue consideration of S. 27, Campaign Finance Reform, with votes on certain pending amendments to occur beginning at 11 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Friday, March 30

House Chamber

Program for Friday: Pro forma session.

Extensions of Remarks, as inserted in this issue

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