House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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


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

J. Dennis Hastert, Speaker of the House of Representatives.

PRAYER

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

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

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

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

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

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

In Jesus’ name I pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. RILEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DR. ROGER D. WILLMORE

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

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

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

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

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

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

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

The Speaker pro tempore. Pursuant to House Resolution 107, the Chair announces the Speaker’s appointment of the following Members of the House to the Committee to attend the funeral of the late Norman Sisisky:

Mr. Wolf of Virginia; Mr. Gephardt of Missouri; Mr. Boucher of Virginia; Mr. Moran of Virginia; Mr. Goodlatte of Virginia; Mr. Scott of Virginia; Mr. Davis of Virginia; Mr. Goode of Virginia; Mrs. Cantor of Virginia; Mrs. Jo Ann Davis of Virginia; Mr. Schrock of Virginia; Mr. Skelton of Missouri.

SPECIAL ORDERS

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

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
STOP THE TIDE OF SUBSIDIZED CANADIAN LUMBER FROM FLOODING SOUTH

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

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

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

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

Mr. Speaker, in Canada the Crown owns 95 percent of the timber; and in Canada the Crown gives away that precious resource. They have a bizarre bidding process. Well, it is not a bidding process; they just contract with companies, no bidding process, and then say they will look at the logs on the first truck you bring out and we will grade them and set a price. So the companies go in and find the rattiest trees and bring out a truckload of rattty trees, and the government scalers look at them and say we are going to charge you $10 for that truckload. Then the lumbermen go back in and gather up precious old growth and other priceless timber, and they begin trucking it out. They create nothing for a resource. They observe no environmental constraints; there are no riparian protections. They are devastating their salmon and our salmon by these hardliners. They are devastating their communities and jobs if the administration does not act.

SPECIAL ORDERS GRANTED

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

Mr. DeFazio, for 5 minutes, today.

ADJOURNMENT

Mr. DeFazio. Mr. Speaker, I move the House do now adjourn.

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

EXECUTIVE COMMUNICATIONS, ETC.

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

1405. A letter from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department’s final rule—Onions Grown in South Texas; Decreased Assessment Rate [Docket No. 99-949-1 ]FIR] received March 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1406. A letter from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department’s final rule—Raisins Produced from Grapes Grown in California; Reduction in Production Cap for 2001 Diversion Program [Docket No. FV01-989-1 FIR] received March 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1407. A letter from the Acting Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Concholymia minitans Strain CON/M/91–98; Exemption from the Requirement of a Tolerance [OPP–901107; FRL–6772–1] (HIN 2970–AB78) received March 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1408. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Revisions to the California State Implementation Plan, Bay Area Air Quality Management District [CA 179–9275; FRL–6954–9] received March 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


1410. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Revisions to the California State Implementation Plan, Georgia; Increased Assessment Rate [Docket No. FV01–955–1] received March 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1411. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Revisions to the California State Implementation Plan, Texas; Decreased Assessment Rate [Docket No. FV01–955–1] received March 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1412. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Supplemental Delegation of Authority to the State of South Carolina [SC–A0866–1] received March 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1413. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Approval of Several NOx Emission Trading Orders as Single Source SIP Revisions [CT064–7222A; A–1–FRL–6942–6] received March 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.
1412. A letter from the Deputy Archivist, National Archives and Records Administration, transmitting the Administration’s final rule—NARA Freedom of Information Act Regulations (RIN: 3095-AA72) received March 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.


PUBLIC BILLS AND RESOLUTIONS

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

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

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

By Mr. SENSENBRENNER:

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

ADDITIONAL SPONSORS

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

H.R. 500: Mr. TOWNS.

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

H.R. 690: Ms. Slaughter, Mr. LaFALCE, and Mr. NEAL of Massachusetts.

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

H.R. 911: Mr. SAWYER.

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

H.R. 1184: Mrs. MEIK of Florida, Mr. Blumenauer, Mr. Boucher, and Mr. Deutsch.

H. Res. 86: Mr. HASTINGS of Florida, Mr. FILNER, Mr. EVANS, Mr. WYNN, Mr. WEXLER, Mr. GEORGE MILLER of California, Mr. Frost, Mr. HINCHIEY, Mr. Langevin, and Mr. LEVIN.
The Senate met at 9 a.m. and was called to order by the Honorable JUDD GREGG, a Senator from the State of New Hampshire.

**PRAYER**

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

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

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

We dedicate this day to You. Help us to realize that it is by Your permission that we breathe our next breath and by Your grace that we are privileged to use all the gifts of intellect and judgment You provide. Give the Senators and all of us who are privileged to work with them a perfect blend of humility and all of us who are privileged to work with them a perfect blend of humility and all of us who are privileged to work with them a perfect blend of humility and...
The legislative clerk proceeded to call the roll.

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

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

Without objection, the pending amendment will be set aside.

AMENDMENT NO. 165

Mr. MCCAIN. I send an amendment to the desk. The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment reads as follows:

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

SEC. 214. COORDINATION WITH CANDIDATES OR POLITICAL PARTIES.

(a) In general.-

(1) COORDINATED EXPENDITURE OR DISBURSEMENT TREATED AS CONTRIBUTION.—Section 301(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 315(b)) is amended—

(A) by striking “or” at the end of subparagraph (A)(i);

(B) by striking “purpose.” in subparagraph (A)(ii); and

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

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

(iv) any expenditure or other disbursement made in connection with a National committee, State committee, or other political committee by a political party or its agents, regardless of whether the expenditure or disbursement is for a communication that contains express advocacy.

(2) CONFORMING AMENDMENT.—Section 315(a) of the Federal Election Campaign Act of 1971 (U.S.C. 441a(a)(7)) is amended by inserting “purpose,” in subparagraph (A)(ii) and inserting “purpose;”.

(b) DEFINITION OF COORDINATION.—Section 301(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 315(b)), as amended by subsection (a), is amended by adding at the end the following:

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

(c) REGULATIONS BY THE FEDERAL ELECTION COMMISSION.—

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

(a) payments for the republication of campaign materials; (b) payments for the use of a common vendor; (c) payments for communications directed or made by persons who previously served as an employee of a candidate or a political party; (d) payments for Communications made by a person after substantial discussion about the communication with a candidate or a political party; (e) the impact of coordinating internal communications by any person to its restricted class has any subsequent “Federal Election Activity” as defined in Section 301 of the Federal Election Campaign Act of 1971.

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

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

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

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

Mr. President, the amendment states:

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

That is an important point in this amendment.

In addition to any subject determined by the Commission, the regulation shall address:

(a) payment for the republication of campaign materials; (b) payment for the use of a common vendor; (c) payments for communications directed or made by persons who previously served as an employee of a candidate or a political party; (d) payments for communications made by a person after substantial discussion about the communication with a candidate or a political party.

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

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

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

I yield the floor.

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

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

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

I committed to these groups and to my colleagues who expressed concern we would address the problems with 214, and we have with this amendment. But this amendment simply defines “coordination” in a general way, using language that is clear and, I hope, language from the Supreme Court opinion in the Colorado Republican case that came down in 1996.
Then the amendment instructs the FEC to do a new rulemaking, to interpret and enforce this new and admittedly general statutory provision. The amendment, therefore, gives some guidance to the FEC as to what issues it should address, without actually dictating the result.

I think this is a reasonable solution to a difficult problem. I thank all the Senators and staff who have been involved in working out this amendment. "Coordination Traps:" Under current law, "coordination" between a "candidate" and a group is established only when there is an actual prior communication about a specific expenditure for a specific project which results in the expenditure under the direction of, or in coordination with, the candidate. This result causes the expenditure to be made based upon information about the candidate's needs or plans provided by the candidate. But the FEC would redefine "coordination" in extremely expansive terms, to include (for example) mere discussion of elements of a candidate's "message" (whatever that is) at any time during a two-year period.

Thus, if early on Congress representatives of six groups met with Senator Doe to discuss what language they would use to sell an idea to his constituents, and Doe subsequently campaigns in favor of doing just that, the political speech involved in the discussion would also be banned if it merely mentioned the names of the sponsors of the bill, or "in favor of" the bill. The FEC would then require Doe to report the expenditure and any money raised or spent in connection with it to the FEC. Moreover, this provision would apply to a corporation if it were involved in working out this amendment, therefore, gives some guidance to the FEC as to what issues it should address, without actually dictating the result.

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

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

"Electioneering Communications": Section 201 applies additional restrictions to so-called "electioneering communications," defined to cover TV and radio communications that merely mention the name of a federal candidate, during "pre-election" periods that begin as early as February of each even-numbered year, as well as a 60-day period before a general election. For example, under section 201, a radio ad that aired after 60 days of a primary election, but only by setting up a "segregated fund," sort of a quasi-PAC, which could include no corporate or union contributions or business proceeds. The bills of over $1,000 to this quasi-PAC would be reported to the government and placed in the public domain.

Advance Notice Requirements: The "disclosure" provisions contained in section 202 and section 212 include requirements that "electioneering communications" and independently expenditures be reported as soon as any contract is signed for the communication—which would be, in many cases, weeks in advance of the actual broadcasting of an ad. Such an advance notice requirement would be a boon to some powerful officeholders—an incumbent governor seeking a Senate seat, for example—who could then bring pressure to bear on broadcasters to refuse to sell airtime for the ads, or to back out. But under the First Amendment, Congress lacks authority to demand that NRLC declare in advance when and where we intend to utter a politician's name to the public, just as it lacks authority to utter a political advice, or direct mail services (except communications to the public which mention the name of a candidate within 30 days of a primary or general election). This proposed restriction is blatantly unconstitutional. The Supreme Court has repeatedly protected the First Amendment right of like-minded citizens to educate the public on issues and where the officeholders and candidates stand on the issues. In Buckley v. Valeo (1976) and its progeny, the Supreme Court has made clear that issue advocacy discussion on an issue in the public realm without expressly advocating the election or defeat of a candidate) is protected under the First Amendment governing government regulation. Yet, under section 201 of the Shays-Meehan bill, an organization such as the Christian Coalition of America, would be prohibited from disseminating a broadcast communication regarding an upcoming congressional vote within 60 days of an election, if the communication merely advised constituents of the name of the candidate they should vote for. The communication would also be banned if it merely mentioned the name of the candidate, such as a reference to the "Shays-Meehan" bill.

But the Shays-Meehan bill goes even further by singling out issue advocacy by certain citizens organizations under federal government regulation. The United States Supreme
Court and numerous other federal courts, have repeatedly protected issue advocacy and voter education from government regulation unless it “expressly advocates” the election of a clearly-identified candidate (i.e., “vote for,” “defeat,” etc.). This clear test ensures that the speaker will know whether the speech is within the law. Thus, for example, in Buckley v. Valeo, the lack of such a clear distinction “offers no security for free discussion. In these cases it blankets with uncertainty whatever may be said. It compels the speaker to hedge and trim.” Yet the Shays-Meehan bill would do just that.

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

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

In light of the serious First Amendment ramifications that this bill would have on the week of the Christian Coalition of America, as well as on our nation’s ability to discuss and debate issues, we urge you to vote against S. 3186, the Shays-Meehan campaign finance bill.

Sincerely,

Susan T. Muskett, J.D.
Director, Legislative Affairs.

The ACTING PRESIDENT pro tempore
The Senator from Connecticut.

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

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

As we all recall, last Tuesday the Senate adopted amendment No. 115 offered by Senators DOMENICI, DEWINE, DURBIN, MCCONNELL, and others. I opposed the amendment because it did not add more money to the system and did so in a way to protect nonwealthy incumbents with substantial campaign treasuries. The amendment that may be offered later this morning would intend to close what I think is an unintended loophole in this language. The Domenici amendment addressed the situation of a wealthy candidate financing his or her own election with personal resources. It granted more generous contribution limits to nonwealthy candidates. It seems reasonable enough, but in the case of a nonwealthy incumbent, the amendment ignored the substantial resource that such an incumbent may have at his or her disposal in their campaign committees’ accounts or treasuries.

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

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

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

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

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

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

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

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

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

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

If that same incumbent has a war chest of $1 million, he actually has a cash balance of $900,000 more than the wealthy challenger.

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

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

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

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

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

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

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

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

The ACTING PRESIDENT pro tempore. That is correct.

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

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

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

The assistant legislative clerk read the following:

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

Mr. BOND. Mr. President, I ask unanimous consent that the order for the amendment be dispensed with.

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

AMENDMENT NO. 166

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

The ACTING PRESIDENT pro tempore. The amendment is as follows:

(Sec. 305. Increase in penalties imposed for violations of conduct contributions)

(a) Increase in civil money penalty for knowing and willful violations.

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

(1) in paragraph (5)(B), by inserting before the period at the end the following: “(or, in the case of a violation of section 320, which is not less than $10,000 or 500 percent of the amount involved in the violation).”;

(2) in paragraph (5)(C), by inserting before the period at the end the following: “(or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation).”;

(b) Increase in criminal penalty.

(1) IN GENERAL.—Section 309(d)(2) of such Act (2 U.S.C. 437g(d)(2)) is amended by adding after the following new subparagraph: “(5) Any person who knowingly and willfully commits an offense against section 320 involving an amount aggregating $10,000 or more during a calendar year shall be fined, or imprisoned for not more than 2 years, or both. The amount shall not be less than 300 percent of the amount involved in the violation and shall not be more than the greater of $50,000 or 1000 percent of the amount involved in the violation.”.

(2) Conforming amendment.

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

(c) MANDATORY REFERRAL TO ATTORNEY GENERAL.

Section 309(a)(5)(C) of such Act (2 U.S.C. 437g(a)(5)(C)) is amended by inserting “(or, in the case of a violation of section 320, shall refer such apparent violation to the Attorney General of the United States)” after “United States”.

(d) Effective date.

The amendments made by this section shall apply with respect to violations occurring on or after the date of enactment of this Act.

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

Under current campaign finance laws, there is no meaningful punishment of campaign violators. Over the last several years, we have had hearings, investigations and read about key figures in campaign finance only to learn later that they walk. It is small wonder that abuse occurs on the scale that we have recently witnessed. It is a misdemeanor offense to make a campaign contribution in the name of another person, knowingly permitting the name to be used for a contribution or knowingly accept a contribution made in the name of another, in other words make an illegal contribution through a conduit (2 U.S.C. 411f).

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

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

As the gross abuses of the 1996 presidential campaign came to light, we heard from the perpetrators of the
abuses themselves that what was needed was not enforcement of the law but new laws and reform of the campaign finance system. Despite their gross indifference to the law, it appears they got their wish. We are here debating two laws with no discussion about increasing fines and cracking down on law breakers. If we are truly serious about reforming the system, we must crack down on the lawbreakers. Abusers must be punished accordingly or no new law is going to make a difference in cleaning up the system.

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

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

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

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

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

This amendment goes after law-breaking contributors to any candidate of any party. Contributors to all parties or PACs in the 1992 cycle, a large percentage of the money was traced to Macau. For this, Mr. Trie was sentenced on November 1, 1999 to 3 years probation and 4 months home detention and fined $3,000—but he received no jail time.

Mr. Johnny Hsia who funneled over $100,000 through nuns and monks at a temple was tried and convicted of five counts. She was sentenced on February 6 of this year to a whopping 90 days—90 days—of home confinement—that is really tough: you have to stay home for 90 days in 500 hours of community service. 3 years of probation and she was fined a whopping $5,000. The "home confinement," of course, permits Ms. Hsia to work each day, care for her elderly parents and attend religious services—but not to vote. So you can't really say this is an onerous penalty.

Billionaire James Riady agreed on January 11 of this year to pay an $8.6 million fine and plead guilty to unlawfully reimbursing donors to the 1992 campaign of President Bill Clinton, but he will serve no jail time. But for a billionaire, $8 million is like me reaching in my wallet to buy lunch at the sandwich shop. Do you think that hurt him very much? I do not believe so. For $8.6 million, he has every incentive to come back and do his trick again. That is a small price to pay for being able to exercise inappropriate, unwarranted, and illegal influence over a campaign.

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

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields the time?

Mr. MCCAIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

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

There is a great deal of redundancy in his amendment. We already bar foreign contributions and increase penalties in some areas. But I think the Senator from Missouri wants to go after those who are willing to break the law.

Increasing penalties and cracking down on lawbreakers is not enough. Abusers must be punished accordingly. The House and Senate have seen in recent cycles for people to break the law apparently with impunity. We should be further concerned with the meaningless punishments handed down and the signal it sends that we will tolerate corruption.

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

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

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

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

Next, John Huang pleaded guilty on August 12, 1999, to arranging illegal political contributions from overseas. It was found that he arranged over $1 million in illegal contributions, primarily foreign contributions, and it already bars for- eign contributions and increases penalties on those contributions. He received no jail time.

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

I suggest the absence of a quorum.

Mr. President, 3,000 hours of community service—these individuals ought to be willing to do community service at the urging of the courts.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields the time?

Mr. MCCONNELL. Mr. President, I ask unanimous consent it be temporarily set aside.

The ACTING PRESIDENT pro tempore. The order for the question is carried to the next day.

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

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

Mr. MCCAIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

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

I would just like to process it if I could.

We have an amendment that is cleared.

The Senator from Missouri.

The Assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Would the Senator from Iowa withhold for just a moment?

The Senator from Missouri.

Mr. MCCONNELL. The pending amendment is the Bond amendment.

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, the pending amendment is the Bond amendment.

The ACTING PRESIDENT pro tempore. The Senator is correct.

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

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

Mr. MCCONNELL. Mr. President, there is an amendment by Senator...
HATCH with regard to expedited review that has been cleared on both sides. I send that amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The Assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McConnell], for Mr. Hatch, proposes an amendment numbered 167.

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

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

The amendment is as follows:

(Purpose: To provide expedited review)

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

SEC. 403. EXPEDITED REVIEW.

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

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

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

Mr. HATCH. Mr. President, I am offering an amendment that will provide for expedited judicial review of the provisions of the McCain-Feingold Bipartisan Campaign Finance Reform Act of 2001.

Without this amendment, American citizens and public interest groups, among others, will be subject to controversial, unworkable, and in my mind, likely unconstitutional provisions that infringe on free speech rights protected by the first amendment.

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

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

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

My amendment also provides for an expedited appeal of the district court’s ruling to the Supreme Court. The hearing of this appeal by the Supreme Court, however, is authorized by law or when the case is of such imperative public importance as to justify deviation from normal appellate practice. I think we can all agree that the issues presented by this legislation constitute just such a case.

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

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

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

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

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

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

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

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

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

But by saying that, however, I do not want to suggest that the Court should not take adequate time to review any such challenge. Furthermore, I am not suggesting that such an expedited review be conducted at the expense of allowing all interested parties to intervene in order to provide assistance to the Court in its decision. This may be the first major effort to reform this Nation’s campaign finance system.
laws in nearly 25 years that becomes law, and there is a wealth of expertise on this issue in both Congress and the private sector which can be of immense assistance to the Court in its review.

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

I urge the adoption of the amendment.

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

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

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

The amendment (No. 167) was agreed to.

Mr. DODD. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL. I yield the floor.

AMENDMENT NO. 168

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

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa (Mr. HARKIN) proposes an amendment numbered 168.

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

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

The amendment is as follows:

(Purpose: To add a nonseverability provision with respect to the ban on soft money and the increase in hard money limits) On page 37, insert lines 15 through 24 and insert the following:

TITLE IV—NONSEVERABILITY OF CERTAIN PROVISIONS; EFFECTIVE DATE

SEC. 401. NONSEVERABILITY OF CERTAIN PROVISIONS.

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

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

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

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

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

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

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

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

Mr. HARKIN. I am glad to yield.

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

Mr. HARKIN. That is correct.

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

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

The PRESIDING OFFICER. The Senator from Kentucky.

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

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

I yield the floor.

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

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

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HARKIN. Mr. President, it is my understanding that the pending amendment is one I had sent up earlier. To summarize the amendment, which is
now under consideration, it is simple and straightforward. It says if the courts strike down the ban on soft money, then the increases in the hard money limits we put in this bill would also go back to the levels we have right now, which would not be faced with a situation like Senator DODD points out that the court struck down the soft money ban, we get to raise soft money and also get the increases in the hard money limit.

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

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

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

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

The PRESIDING OFFICER. The question is on agreeing to the amendment. The amendment (No. 168) was rejected.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

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

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

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DUBIN. Mr. President, I understand Senator MCCONNELL’s position. It
Mr. DURBIN. I thank the Senator.

AMENDMENT NO. 169
Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill as ordered read as follows:

The Senator from Illinois (Mr. DURBIN) proposes an amendment numbered 169.

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

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

The amendment is as follows:

(Purpose: To limit the increase in contributions, which affects the same amendment, the Domenici-Durbin amendment. I am only addressing the cash on hand aspect. I hope my colleagues will agree with me that we want to get as close to possible to a level playing field but not create incumbent advantage. That is what this amendment seeks to do.

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 169, AS MODIFIED
Mr. DODD. Is it permissible to move to a second amendment? I want to send a modification on behalf of the Senator to the desk on the Reed amendment.

Mr. MCCONNELL. Reserving the right to object—I do not object. The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

The amendment will be so modified. The amendment, as modified, is as follows:

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

SEC. . AUTHORITY TO SEEK INJUNCTION.
Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—
(1) by adding at the end the following:
"(13) AUTHORITY TO SEEK INJUNCTION.——
(A) IN GENERAL.—If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—
(i) there is a substantial likelihood that a violation of this Act is occurring or is about to occur;
(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;
(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and
(iv) the public interest would be best served by the issuance of an injunction;
the Commission may initiate a civil action for a temporary restraining order or a preliminary injunction pending the outcome of the proceeding 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), (6), or (13)" and inserting "(5), (6), or (13)"; and
(3) in paragraph (11), by striking "(5)" and inserting "(6)" or "(13)".

SEC. . INCREASE IN PENALTY FOR KNOWING AND WILLFUL VIOLATIONS.
Section 309(a)(5)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(B)) is amended by striking "the greater of $10,000 or an amount equal to 200 percent" and inserting "the greater of $15,000 or an amount equal to 300 percent."
The motion to lay on the table was agreed to.

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

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

Mr. McCAIN addressed the Chair.

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

AMENDMENT NO. 165
Mr. McCAIN. Mr. President, I urge adoption of this amendment. It basically codifies regulation. It requires the Federal Election Commission to promulgate new regulations to enforce the statutory standards. It shall not require collaboration or agreement to establish coordination, in addition to any subject determined by the Commission. In other words, we are asking the FEC to crack down on the abuses of coordination. I think it is legitimate. It neither favors unions nor business and corporations.

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

I urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I urge that the amendment be opposed. I particularly want to get the attention of the Republican Senators. I have been predicting for 2 weeks that at the end there would be an effort to water down offending language that big labor did not like that was inadvertently included, or maybe on purpose included, in the original McCain-Feingold. This is that effort. What it does is let big labor continue to crack down on the abuses of coordination. I think it is legitimate. It neither favors unions nor business and corporations.

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

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

The PRESIDING OFFICER. The Senator from Nevada (Mr. ENNSIGN), the No. 165. The yeas and nays have been ordered. I urge opposition of the amendment.

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

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

The legislative clerk called the roll.

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

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

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

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

[ Rolcall Vote No. 63 Leg. ]

YEAS—57

Akaka
Baucus
Bayh
Biden
Boozerman
Byrd
Cantwell
Carnahan
Carper
Chafee
Collins
Clinton
Cooper
Collins
Conrad
Corzine
Daschle
Dodd
Dorgan
Durbin
Bingaman
Ensign
Miller
Markowski
Thomas
Lang
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reid
Rockefeller
Schumer
Specter
Stabenow
Wyden

NOT VOTING—9

Breaux
Dayton
Helm
Helsman
Grassley
Gregg
Grassley
Hatch
Hatchinson
Inhofe
Kyl
Levitt
McConnell

YEAS—34

Allard
Allen
Bennett
Bond
Brownback
Burns
Campbell
Craig
Crago
DeWine
Domenici

Nevada
Indiana
Indiana
Indiana
Wyoming
Indiana
Indiana
West Virginia
New York
Montana
Kentucky
Iowa
Missouri
New Jersey
South Dakota
North Dakota
North Carolina
Delaware
Florida
Mississippi
Montana
Nevada

NOT VOTING—9

Bingaman
Ensign
Miller
Markowski
Thomas

March 30, 2001

Let me review for my colleagues what happened last Tuesday and which provisions of the Domenici amendment are most objectionable to this Senator. Last Tuesday the Senate adopted amendment number 115 offered by Senators DOMENICI, LEVIN, DURBIN, MCCONNELL and others regarding wealthy candidates. The proponents of this amendment claimed that it addressed an unintended effect of the Buckley decision—namely, that wealthy candidates have a constitu-tional right to use their own resources to finance a campaign. My colleagues argued at the time that the Buckley decision created a substantial disadvantage for opposing candidates who must raise campaign funds under the current fund-raising limitations.

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

The contention of my colleagues, who supported the Domenici amendment last week, is that the current limits are simply too low for incumbents to overcome the challenges who have independent wealth. Consequently, their amendment establishes threshold amounts, based on the voting population of the state, which if exceeded by contributions of personal wealth by a candidate, would trigger outlandish benefits to an incumbent. Benefits of 4 to 6 times the contribution limits of current law. I opposed that amendment because it clearly created yet another advantage of incumbency—that of ignoring the significant wealth that incumbents also have in the form of campaign treasuries.

Moreover, the benefits afforded to an incumbent with a war chest were way out of line with the threshold limits that triggered these benefits. For example, in my State of Connecticut, the voting age population is roughly 2.5 million. Under the Domenici amendment, a wealthy candidate would only have to spend $250,000 of his or her own resources to trigger benefits to an incumbent. And what are those benefits? Well, it depends upon how much the wealthy candidate spends.

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

But what if that moderately wealthy challenger spends twice that amount...
in personal resources, or $1 million? In that case, the so-called disadvantaged incumbent can raise contributions from individuals at 6 times the current rate. In that instance, the incumbent could legally solicit funds from an individual in the amount of $12,000 per election cycle, $36,000 per 2-year cycle, or $48,000 per couple.

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

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

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

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

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

In the period of a short week, we potentially gave an incumbent facing a wealthy challenger an additional $17,500, plus an additional $4,000 per couple per election. To address these increased limits would require additional reform which Senator DURBIN's amendment does not address—that is, whether the benefits of this provision providing for a triple or 6 times current rate limit for future inflation, so we are now up to $2,000 per year, or $4,000 per election, $8,000 per couple. That amendment also doubled the amount that a Senate campaign can give such a candidate to $35,000 and indexed it for inflation also.

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“reform” aimed at purging the influence of private money and promoting true political equality, Associate Professor Richard L. Hasen of Loyola University Law School (Los Angeles) wrote in the June issue of the Texas Law Review: “If we are truly committed to equalizing the influence of money on elections, how do we translate the principles of true political equality into law? The simple answer is that political equality would mean that a Bill Gates should not be permitted to spend unlimited sums in support of a candidate. But different rules may apply to Rupert Murdoch just because he has channeled his money through media outlets that he owns. . . . The principle of political equality means that the press should be regulated just as it editorializes for or against candidates.”

Par-fetched? Politically impossible? Blatantly misleading?

Perhaps. But I’m not the only one worried about the lack of a stopping point on the slippery slope that runs from such seemingly modest proposals as the McCain-Feingold bill to the notion of censoring New York Times editorials. Listen to former acting Solicitor General and former Deputy White House Counsel Walter Dellinger, the most widely respected constitutional expert to come out of the Clinton Administration: “I’ve been struck by how shallow the thought process has been in thinking whether McCain-Feingold is a good idea. There’s a credible argument that political parties may be the least bad place for monies to be funneled, and yet that’s where money would be limited.”

“And it’s odd to see the press clamoring for restricting independent spending on campaign ads where it is already regulated. . . . Even assuming that it would be desirable to say to one individual or group that you may not spend more than X dollars for campaign ads—either Independent or PAC—buy a television network and spend as much as he wishes promoting a candidate or a party—it may be impossible under the First Amendment to restrict the ‘media,’ and it may be technically impossible in the age of the Internet to draw lines between the ‘media’ and everyone else.”

Part of Dellinger’s point is what more-conservative critics of campaign finance restrictions stress: that each incremental step advances the cause of the stop-corporations, unions, and wealthy individuals from giving political parties the huge gifts that emit such a strong stench of corruption, or at least the appearance of it. . . .

But unless accompanied by a major increase in the caps on individual contributions of “hard money”—which most campaign finance reformers vehemently oppose—a soft-money ban could muff the voices of the parties and their candidates while magnifying the influence of the independent groups (“special interests”) that have already come to dominate some election campaigns. These include ideologically neutral guardians of democracy? Hardly. The public is already properly skeptical of the accuracy and fairness of the big media corporations, many of which are already owned by commercial conglomerates, such as General Electric (which owns NBC and half of MSNBC), Disney (which owns ABC), and Rupert Murdoch’s empire (which owns the Fox network, The New York Post, The Weekly Standard, and more). Many are even big soft-money donors.

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

Could the media count on the Supreme Court to strike down any congressional restrictions on political speech? As the National Right to Life Committee on the right to the Sierra Club on the left. Would it make sense to shift power from the already influential independent groups to ideologically neutral groups? . . . Dellinger believes so. I’m a bit less confident. For if we ever reach that point, Buckley v. Valeo will already be dead, the First Amendment will be unrecognizable, and political speech will no longer be deemed a fundamental freedom, but rather a privilege to be rationed.

In such a “post-Buckley era,” Hasen enthuses, “op-ed pieces or commentaries expressly advocating the election or defeat of a candidate will no longer be directly paid for by the media corporation’s funds. Instead, they would have to be paid for either by an individual (such as the media corporation CEO of the media corporation) or by a PAC set up by the media corporation for this purpose. The media corporation should be required to charge the CEO or the PAC the rate it would charge for an advertisement by a customer paying for space on the op-ed page.”

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

Money Talks, As It Should

(By Michael Barone)

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

But is it true? Careful readers of the Times’s “cash talks” story can find plenty of support for another conclusion: “Strong arguments talk.” For 25 years, asbestos lawsuits have transferred dollars from companies that once manufactured asbestos (it was banned in the 1970s) to workers exposed to asbestos and their lawyers. Asbestos sickness in the workplace means all workers many years after exposure. But most claimants who have recovered money are not sick and may never be, while those who are sick must worry that their claims for compensation will benefit them. The biggest winners in the current system are a handful of trial lawyers who take contingent fees of up to 40 percent and have made literally billions of dollars.

Heyman’s proposal, altered somewhat by a proposed House compromise, would stop non-sick asbestos plaintiffs from getting any money, while setting up an administrative system to determine which plaintiffs are sick and to offer them quick settlements based on previous recoveries. The statute of limitations would be tolled, which means that nonsick plaintiffs could recover whenever signs of sickness appear. Sick plaintiffs would get their money more quickly. Asbestos companies would be less likely to go bankrupt; 15 asbestos firms are bankrupt now, and the largest pays only 10 cents on the dollar on asbestos claims. According to Christopher Edley, a former Clinton White House aide and Harvard Law professor who
has worked on the legislation, would be nonsensical if a number of (usually small) settlements under the current system and the trial lawyers who have been taking home contingent fees.

These are strong arguments, strong enough to win bipartisan support for the bill, from Democrats like Schum and Robert Torricelli as well as House Judiciary Chairman Henry Hyde and Senate Majority Leader Trent Lott. You would expect Hyde and Lott to support a law, but for the peculiarities caused by long before Heyman’s bill was proposed. When McCain charged that the current campaign finance system was corrupt, Republican Mitch McConnell challenged him to name one senator who had voted corruptly. Certain no one who the issues and the senators involved would be out of this case.

Air pollution? Not just this case. When a government affects the economy, when it sets rules for products that some people in the market economy are going to try to affect government. They will offer to candidates and exercise their First Amendment rights to petition the government for a redress of grievances; i.e., lobby. Both things will continue to be true even if one of McCain’s various campaign finance bills is passed. There is no prospect for full public financing of campaigns (Gore says he’s for it, but he has never really pushed for it); one reason is that it leaves no way to prevent candidates from using money, public or private, to purchase media time and try to suppress issue ads. In the case of candidates competing for the Reform Party’s Million pot of federal money), Reformers speak of campaign ads as if no one but a candidate (or newspaper editorialist) had a First Amendment right to ‘petition the government’ or a page in a newspaper; or bypass the media and directly support a political candidate—candidate, leader, party—whose views reflect yours. 

Mr. MCDONNELL. Mr. President, it was ordered to be printed in the RECORD. There being no objection, the column was ordered to be printed in the RECORD as follows:

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

Who, then, do you think has just issued a report showing that changes in law and regulation have effectively doubled the drug companies’ patent protection time? Some pharmaceutical companies, perhaps. Some other representative of the little guy? No. A nonprofit institute founded and largely funded by the insurance companies, to act on his convictions.” Money talks, as it has. Heyman with, as Edley puts it, “the moxie asbestos regulation, there will be a Samuel seamed, as it has for trial lawyers on the issues and the senators involved would be out of this case.

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Air pollution? Not just this case. When a government affects the economy, when it sets rules for products that some people in the market economy are going to try to affect government. They will offer to candidates and exercise their First Amendment rights to petition the government for a redress of grievances; i.e., lobby. Both things will continue to be true even if one of McCain’s various campaign finance bills is passed. There is no prospect for full public financing of campaigns (Gore says he’s for it, but he has never really pushed for it); one reason is that it leaves no way to prevent candidates from using money, public or private, to purchase media time and try to suppress issue ads. In the case of candidates competing for the Reform Party’s Million pot of federal money), Reformers speak of campaign ads as if no one but a candidate (or newspaper editorialist) had a First Amendment right to ‘petition the government’ or a page in a newspaper; or bypass the media and directly support a political candidate—candidate, leader, party—whose views reflect yours. 

Mr. MCDONNELL. Mr. President, it was ordered to be printed in the RECORD. There being no objection, the column was ordered to be printed in the RECORD as follows:

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

Similarly, I’ve been denouncing the substitute latently put forward by Sen. Chuck Hagel. While my colleagues may know about these things say it is a sham—even a step backward. I don’t like shams.

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

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

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

If not—and it certainly has been speaking loudly of late—how reasonable is it to put arbitrary limits on the amount of permissible speech? Is that any different from the 1801 law that made only X number of speeches or stage only Y number of rallies for my favorite politician or cause?

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

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

McCaín-Feingold would put limits on hard money contributions and, as I read it, pretty much ban soft money contributions to political parties. Hagel would be happy with no limits on contributions to parties but has said he might, in the interest of expediency, accept much lower limits. For $50,000 per contributor, I don’t know what is.

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

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

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

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

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each. The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from New Hampshire, Mr. TORGICELLI. Mr. President, are we now in morning business?

The PRESIDING OFFICER. The Senator is correct.

SENATE’S FINEST HOUR

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

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

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

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

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

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

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE BUDGET RESOLUTION

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

I stand to speak for a moment because of the way that the Senate will debate will set the Nation on a course that will change, that will affect, and that will impact upon people’s lives for a generation or more.

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

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

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

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

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

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

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

This is a critical debate. I have been through it. This is as critical a debate as you will ever participate in or witness or hear or see in your lifetime, this debate that is coming up on the resolution, and yet as you approach this critical debate, we are being asked to do so without a detailed President's budget, without a markup in the Senate Budget Committee, and based on highly, highly questionable 10-year surplus projections. The reason we don't have a measure that has been reported out of the Budget Committee, called a markup, is that Robert Byrd somehow prevented it.

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

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

I respect this President. I have an admiration for this President. I like what he said in his inaugural speech. I like the fact that he referred to the Scripture, to the Good Samaritan. I like the fact that when I sat down with him at dinner in the White House last week, at his invitation—he was kind enough to...
invite me, my colleague Ted, the chairman and ranking member of the Appropriations Committee, and my wife to dinner at the White House. I like the fact that he said grace. He asked God’s blessing upon the food. In many circles in this town and across this land, the word “God,” except in a profane use, is taboo. Don’t mention God. On TV, I noticed the other day a Member of the other body swore in a witness and said, “Do you solemnly swear that the testimony you are about to give is the truth? The whole truth, and nothing but the truth.” I said to my wife, “Why did that Member not also say ‘so help you God’?”

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

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

I say to Senators, as they said in the days of the revolution, “Keep your powder dry. Don’t fire until you see the whites of their eyes.” I think we ought to wait to see what is in this budget before we buy into it. Let’s wait and see before we have this concurrent resolution on the budget before this Senate. We have a direction from the people on what they think of this budget plan because they don’t know what is in it. All they know is what they heard in a campaign that maybe started up in the snows of winter in New Hampshire. Maybe that is where this idea came from. $1.6 trillion, or whatever it is. Maybe it is where some of the other things came from. But we have no clear direction from the people today on what they think of this budget plan because they have not seen it, and neither have any of our colleagues on the right or on the left, on the Republican side, on the Democratic side. We are all like the blind leading the blind, in which case we all fall into the ditch.

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

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

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

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

There are reconciliation instructions in that measure. If there were reconciliation instructions in the Senate measure that had come out of the Budget Committee, I would like, under the circumstances, to move to strike the Senate’s instructions. It still has to go to conference. And there Senate conferees will be faced with the reconciliation instructions of the House. They will be in conference.

I know my colleague from Florida wants to speak or wants me to yield. Let me say before I yield, Senators simply do not know. It is a stacked deck. We do not know what the cards are in that deck. We do not know on the mountains, on the Plains, on the Republican side, on the Democratic side. We are all like the blind leading the blind, in which case we all fall into the ditch. How do we want to get on board something bifurcated—bifurcated? So I say wait and see, wait and see. We should have the budget before us. We have the people’s elected representatives. We have no king in this country. People decided that over 200 years ago. The people’s representatives—you, the Presiding Officer, you, the Senator, my friends on the Republican side—they are as entitled to know what is in this budget as we, the Democrats, are. Their duties are as deep, their responsibilities as demanding as are ours.

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

Even if I had to wait on the documents themselves, I shouldn’t be administering at this point in time be willing, and why should not Members on both sides feel the need for, the desire for,
the necessity for the details that are in that budget? They are available somewhere. Surely they are not going to fall from the skies on the first day after recess. They are around. Why can’t we have them before we vote?

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

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

The Senator from Florida.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Enough said, in response to the question.

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

Mr. BYRD. Yes, I yield.

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

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

The Senator from Florida.

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

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

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

The PRESIDING OFFICER. The distinguished Senator from West Virginia.

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

Let me answer the Senator like this. One of the reasons the Senate’s being is for the protection of the minority. The minority can be right. With respect to the upcoming Budget
Resolution, the minority is being gagged by the events that are bringing us up to the point of action on the concurrent resolution on the budget. And a part of that gagging, if I may use the word this way—a part of that gagging is that this resolution is being drafted as if it were the President’s budget without seeing the President’s budget. That is a kind of gagging, as I see it. Senators are not going to be able to speak on what is truly in the President’s budget.

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

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

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

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

But how can you do what you want to do if you have this resolution crammed down your gullet because of a time constriction here that is going to be enforced and because you don’t know what is in that budget? Believe me, if you did know what is in that budget, it might change your mind on many things in that budget, one of which is the $300 billion tax cut. That is one bill that we won’t have to be as fiscally disciplined and fiscally restrained as the American people need to be.

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

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

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

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

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

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

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

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

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

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

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

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

A prescription drug benefit that will modernize Medicare;

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

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

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

They sent me up here to exercise judgment about how to pay down the national debt, and to make reasoned judgments, with fiscal restraint by the Congress, the administration, and the American people, that whenever a piece of legislation comes before this body, it should be as fiscally disciplined and fiscally restrained as the American people need to be.

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

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

Thus, it is our responsibility in the government of the United States to wisely spend the surplus. And I can tell you, this one Member of the Senate wants to be able to exercise his judgment and the people who sent me here to be as fiscally disciplined and fiscally restrained as I can—so we don’t go back into that economic ditch.
I am grateful, beyond measure, to the Senator from West Virginia for the history lessons he has provided for us, for the perspective he has provided for us, for the knowledge he has provided about what can happen to the economy of this Nation. It is my intention, with every ounce of energy I have, to continue to speak out on the issue of fiscal discipline.

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

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

Thank you, Madam President. I yield the floor.

Mrs. CLINTON addressed the Chair. The PRESIDING OFFICER. The Senator from New York.

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

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

Mr. BYRD. Will the Senator yield to me?

Mrs. CLINTON. Yes.

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

Mrs. CLINTON. Thank you.

The PRESIDING OFFICER. Is there objection?

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New York.

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

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

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

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

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

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

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

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

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

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

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

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

I am privileged to serve on the Budget Committee under the extraordinary leadership of the Senator from North Dakota and my colleagues, the Senators from West Virginia and Florida. We sat through fascinating hearings. We listened as our defense priorities were discussed, as our education priorities were discussed, as our health care priorities were discussed. We listened to experts from all across the spectrum of economic opinion and analysis. I found it an extraordinarily enlightening experience. But, I confess, I was hoping to get a chance to debate with our colleagues what it is we as a committee should be deciding to recommend to this body with respect to the budget we will be debating. So we are flying blind. We are looking through a glass darkly. We are in the dark.

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

We also are being told that we are going to be asked in this budget to cut training programs for the pediatricians and others who take care of our children in our children’s hospitals. These are very difficult issues in any circumstance, but not to have the chance to be able to analyze what is
being proposed is troubling to me. Will this budget ensure our children will grow up in a safe environment with clean water and clean air, with access to quality, affordable health care? Will it adequately protect our food supply? Every day we got a new article in the paper about what is happening to our food supply in Europe, in the United States, around the world. Will we be able to protect ourselves so we have the kind of reliable food supply that Americans deserve?

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

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

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

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

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

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

The kinds of priorities I speak of today, for which I have fought for so long, the Democratic Party has long been there to help when we tried to bring fiscal responsibility to our budget, when we tried to lower the crime rate, when we tried to improve health care and education and protect the environment, are bipartisan. I believe this is a uniquely American priority. Child care, child abuse prevention, police on our streets, we don’t stop and ask: Are you for it or against that based on party? We say: Isn’t this something we should do together in America?

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

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

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

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

That means we cannot turn our backs on the demands of Social Security and Medicare.

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

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

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

I believe those won’t be a more important test that I will face. I want to make my decisions in a deliberative, thoughtful manner. I want to look for ways I can work with my friends across
the aisle, as well as my colleagues on this side, because I want to be sure that at the end of the day we have done the right thing for the children of America. If we are not going to leave any child behind, then let’s make sure we know what we are voting on that will affect every child.

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

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

So I will be guided by three principles:

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

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

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

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

I yield back the remainder of my time.

Mr. KYL. Madam President, would the distinguished Senator from West Virginia be available for a couple of minutes?

Mr. KYL. Certain.

Mr. KYL. Well, the time being charged to the Senator from Arizona.

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

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

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

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

I yield the floor.

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

THE BUDGET

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

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

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

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

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

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

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

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

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

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

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

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

The second point is that there are questionable forecasts. I have heard
the phrase twice used here, “looking through a glass darkly.” My goodness, we have to make decisions every day based upon what we think is going to happen. We cannot know for certain. As the fine Senator from West Virginia pointed out, we can hardly forecast the weather and that is true. We would be frozen into inaction. We would never be able to do anything. We do the best we can.

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

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

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

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

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

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

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

Finally, the fourth point that has been raised by our friends on the other side is when we are trying to do that. The truth is, we would be frozen into inaction. We would never be able to do anything. We do the best we can.

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

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

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

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

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

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

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

And finally, in that instance, not a single Republican in the Senate, not a single Republican in the House of Representatives, voted for the budget. So, if my friends on the Republican side are going to hold this document up and say, look what we did back then, the Senate had a markup. It sent to the House a document, a resolution, that came out of that committee and was the result of that committee’s deliberations, both Democrats and Republicans. And further in that instance CBO had enough information to provide an analysis of Clinton’s 1993 budget.

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

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

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

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

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

Mr. KYL. Will the Senator yield?

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

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

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

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

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

Mr. NICKLES. Regular order, Madam President.

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

Mr. KYL. The Senator from Arizona has the floor.

Mr. BYRD. Madam President, I would like to yield to the Senator for a question if he would care to answer it.

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

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

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

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

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

Cicero said:

Let us not go over the old ground. Let us, rather, prepare for what is to come.
The Senator wants me to ask him a question? I will ask that question.
Mr. KYL. No, I want the Senator to answer the question.
Mr. BYRD. I answered the question, didn’t I?
Mr. KYL. Was the answer yes?
Mr. BYRD. Yes, Yes, I voted for that budget.
Mr. KYL. Thank you.
Mr. BYRD. I was one of—I don’t remember the precise number, but I was one Senator who voted for that budget in 1993, and not a single Republican voted for it in the Senate or in the House. Yet, it was that budget that put this country on the course of having surplusess rather than deficits.
Now, did the Senator want me to ask a question or answer a question?
Mr. KYL. No, I think the Senator answered the question. The Senator was willing to vote for a budget resolution prior to the submission of the complete budget by the President in 1993, but he criticizes Republicans for doing precisely the same thing in the year 2001.
Mr. CONRAD. Will the Senator from Arizona just yield for a question?
Mr. KYL. If I might, since the Senator from Arizona was here earlier and had sought recognition, I would like to yield to him first.
Mr. NICKLES. The Senator has an hour under his control. I wish to make a speech on campaign finance.
Mr. KYL. Then, Madam President, perhaps what I would do is ask how much time we have remaining so I can give the remarks I was originally prepared to give and then yield to those others.
The PRESIDING OFFICER. The Senator has 30 and one-half minutes remaining.
Mr. KYL. I think that will be sufficient to give the other remarks I have, unless the Senator from North Dakota wishes to engage me in a lengthy colloquy, which case I would want to ask for a little bit more time.
Mr. CONRAD. No, I will be very brief. Was the Senator aware that in 1993, there was sufficient detail from the President to have the Joint Tax Committee and the Congressional Budget Office estimate the cost of the President’s tax proposals? That is totally different from this year. In this year, we have insufficient detail from the President to have the Joint Tax Committee and the Congressional Budget Office to give us an independent estimate of the cost of the President’s proposals.
Mr. KYL. That is a question. Let me answer by saying apparently the Joint Tax Committee believes it has enough information, because it has given us an estimate of the cost, both to the House and the Senate. In fact, it gave a very uncomplimentary estimate of the part of the tax relief which I am putting forward. I might argue with what they have put forward, but apparently they believed they had enough information to do it.
We do have an estimate this year, whether it is right or wrong. We had an estimate back in 1993. We have an estimate this year. We are going to have to live with it one way or the other. But I don’t think that should be a basis for suggesting it is improper at this point to take up the budget resolution. I think that we have established is that just as with the change of President in 1993, when you have a President in the year 2001, it is unrealistic to expect there would be the same degree of detail in the budget they send up in their very first year as there is for the remainder of their term.
But the fact has not stopped Congress from acting on a budget resolution at the time of year when it should do so, that we will be doing that, and that hopefully we will have an entire week next week for a continuation of this debate for proposals of amendments. I suspect we will be going very late at night next week as we consider all the different ideas different Senators have before we finally act on the budget.
I hope to conclude the remarks here, this could be done in a bipartisan fashion and it will not be a purely partisan vote. One would hope that. We will see how it develops.
Mr. CONRAD. Will the Senator further yield just for a question?
Mr. KYL. I would like to get on with what I started a half hour ago, if I may. Mr. CONRAD. May I be permitted a brief question?
Mr. KYL. I think, as the Senator from West Virginia has said, I have been more than liberal in yielding to my colleagues. I really would like to get on to what I came here to talk about.
Mr. CONRAD. Madam President, we have not seen an estimate from the Congressional Budget Office nor the Joint Tax Committee of the cost of the President’s plan, except for pieces of it, the estate tax provision of the Senator from Arizona, and two pieces of it from the House. But we don’t have an estimate of the President’s full plan.
Mr. KYL. What we have, of course, is the estimate of those portions of the President’s tax plan that have been put forward by Members of the House and Senate, and that is ordinarily what is reviewed and what we get estimates of. That is plenty enough for us to move forward on it at this point.
I know the Senator from North Dakota appreciates that we in the Senate operate on that basis as a routine matter.
I appreciate the opportunity to have this exchange. I think it may illustrate some of the tough sledding that we have to do as we move forward with the consideration of the President’s budget, with the Senate budget resolution, with our tax relief legislation, and the other business that we have.

CHINA’S MILITARY POLICY

Mr. KYL. Madam President, I rise today to express concern about the direction of Chinese military policy vis-a-vis the United States.

America’s relationship with China is one of the key foreign policy challenges facing our nation in the 21st Century. It is hard to underestimate the importance of our relationship with China. It is the world’s most populous nation, has the world’s largest armed forces, and is a permanent member of the U.N. Security Council. Its economic and military strength has grown a great deal in recent years, and is projected to continue to grow significantly in the coming decades. And there is no better indicator of China’s potential to gain control over Taiwan, even by military force if necessary.

For some time now, I have been concerned that, out of a desire to avoid short-term controversies in our relationship with China that could prove disruptive to trade, we have overlooked serious potential national security problems.

As Bill Gertz noted in his book, The China Threat, the former administration believed that China could be "wooed" solely by using America’s influence in the West. Unfortunately, this theory hasn’t proven out—the embrace of western capitalism has not been accompanied by respect for human rights, the rule of law, the embrace of democracy, or a less confrontational attitude toward its neighbors. Indeed, serious problems with China have grown worse. And continuing to gloss over these problems for fear of disrupting the fragile U.S.-China relationship, primarily for trade reasons, only exacerbates the problems.

We must be more realistic in our dealings with China and more cognizant of potential threats. As Secretary of State Colin Powell said in his confirmation hearing:

A strategic partner China is not, but neither is it our inevitable and irreplaceable foe. China is a competitor, a potential rival, but also a trading partner willing to cooperate in areas where our strategic interests overlap . . . . Our challenge with China is to do what we can do that is constructive, that is helpful, and that is in our interest.

I believe it is in our best interest to seriously evaluate China’s military strategy, plans for modernization of its People’s Liberation Army, including the expansion of its ICBM capability, and buildup of forces opposite Taiwan. Let us not risk underestimating either China’s intentions or capabilities, possibly finding ourselves in the midst of a conflict we could have prevented.

I would like to begin by answering a seemingly obvious question: Why isn’t China a strategic partner? Among other things, China is being led by a communist regime with a deplorable human rights record and a history of irresponsible technology sales to rogue states. Furthermore, Beijing’s threatening rhetoric aimed at the United States and Taiwan, as well as its military modernization and buildup of forces opposite Taiwan, should lead us to the conclusion that China potentially poses a growing threat to our national security. While it is true that...
China is one of the United States’ largest trading partners, we must not let this blind us to strategic concerns. Strategically, we must consider China a competitor—not an enemy, but certainly a cause for concern that should prompt us to take appropriate steps to safeguard our security.

Chinese government officials and state-run media have repeatedly threatened to use force against Taiwan to reunite it with the mainland, and further warn the United States against involvement in a conflict in the Taiwan Strait. For example, in February 2000, the People’s Liberation Army Daily, a state-owned newspaper, carried an article which stated, “On the Taiwan issue, it is very likely that the United States will walk to the point where it injures others while running itself.” The article went on to issue a veiled threat to attack the U.S. with long-range missiles, stating, “China is neither Iraq or Yugoslavia... it is a country that has certain abilities of launching a strategic counterattack and the capacity of launching a long-distance strike. Probably it is not a wise move to be at war with a country such as China, a point which U.S. policymakers know fairly well also.”

This treat, and countless others like it, have been backed by China’s rapid movement to modernize its army. The immediate target of the modernization is to build a military force capable of subduing Taiwan, and capable of defeating it swiftly enough to prevent American intervention. According to the Department of Defense’s Annual Report on the Military Power of the People’s Republic of China, released in June, “a cross-strait conflict between China and Taiwan involving the United States has emerged as the dominant scenario guiding [the Chinese Army’s] force planning, military training and equipment procurement.”

We should also be concerned with China’s desire to project power in other parts of the Far East. According to a recent Washington Post article, China announced that it will increase its defense spending this year by 17.7 percent. The United States Transit to defense and combat given the military situation around the world and meet the drastic changes in the military power across the Taiwan Strait could significantly impact the region and its security. China's desire to project power in other parts of the Far East, including Taiwan, South Korea, and Japan, is also troubling.

China is expected to average between $44 and $70 billion dollars in defense spending this year, according to the Department of Defense’s Annual Report on the Military Power of the People’s Republic of China. That figure doubled by 1997. In 1999 the two governments increased the military assistance package for the second time. There is now a five-year program (until 2004) planning $20 billion worth of technological assistance and materials, as well as an anti-radar missile. Delivery has not yet occurred, but is expected within the next three years.

China’s Air Force is continuing its acquisition of Russian fighters and fighter bombers. For example, China now has at least 50 Russian Su-27 fighters, and has started co-producing up to 200 more. Furthermore, according to a 1999 article in the Russian publication Air Fleet (Moscow), these aircraft will be equipped with precision-guided bombs and missiles, as well as an anti-radar missile. Delivery has not yet occurred, but is expected within the next three years.

China continues developing its ICBM force, which directly threatens U.S. cities, is also troubling. The Defense Department’s report, Proliferation: Threat and Response, states: “China currently has about 20 CSS–4 ICBMs with a range of over 13,000 kilometers, which cannot be stopped by Taiwan’s Patriot missile defense batteries.”

China’s continued development of its ICBM force, which directly threatens U.S. cities, is also troubling. The Defense Department’s report, Proliferation: Threat and Response, states: “China currently has about 20 CSS–4 ICBMs with a range of over 13,000 kilometers, which cannot be stopped by Taiwan’s Patriot missile defense batteries.”

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Additionally, the report estimates that, by 2005, China will have developed the capability for aerial refueling and airborne early warning. Also, the development of a new Chinese active imaging airborne early warning aircraft is likely to be complete.

In an effort to increase its capability to project power across the Taiwan Strait, China is expected to average between $44 and $70 billion dollars in defense spending this year. The United States’ Air Force, in the process of acquiring new submarines, anti-ship missiles, and mines. According to the Defense Department’s June 2000 report,
China’s submarine fleet could constitute a substantial force capable of controlling sea lanes and mining approaches around Taiwan, as well as a growing threat to submarines in the East and South China Seas.” Furthermore, a January 2001 report by the Government Accountability Office notes that the core of China’s future naval plans calls for the acquisition of an aircraft carrier capability and the incorporation of nuclear-powered attack submarines into its fleet. According to this article, the Chinese Navy has indicated interest in Russian Sovremenny-class destroyers armed with Sunburn anti-ship missiles that were developed by Russia to attack U.S. carrier battle groups. It is also continuing to buy Kilo-class submarines from Russia, and has discussed purchasing an aircraft carrier from Russia.

Faced with China’s moves to increase its ability to blockade Taiwan or to disrupt sea lanes near the island, its steps to increase its ability to challenge air superiority over the Taiwan Strait, and its moves to increase its missile force facing the United States and Taiwan, we must contend with the question of how to deter an attack on Taiwan, and how to defend our forces which would be deployed in the area.

The obvious answer is to supply Taiwan with the defensive weaponry it has sought to buy from the United States and to be able to defend the United States and Taiwan while attack threats by China. Taiwan has submitted its official defense request list to the United States, and next month, the Administration will make its final decision as to which items will be sold.

According to the Washington Times, Taiwan has requested approximately 30 different weapons systems from the United States this year. Though the official list is classified, a recently released Senate Foreign Relations Committee staff report discussed Taiwan’s current defense needs, mentioning some of the items that it is interested in acquiring. I would like to highlight just a few of these items.

According to this Senate report, Taiwan has, once again, expressed its need for four Aegis destroyers—a request that was repeatedly denied by the Clinton Administration. These destroyers would, according to the Foreign Relations Committee report, provide Taiwan with an integrated air-defense and C4I system to deal with rapidly developing [Chinese] air and naval threats.” Because final delivery will take 8 to 10 years, however, Taiwan will need an interim solution to deal with these threats. Thus, it may be necessary to buy Taiwan four 131 Kidd-class destroyers, which do not have a radar system as capable as Aegis, but are more advanced than what Taiwan currently possesses.

Additionally, the report indicates that Taiwan has stated its need for submarines. It currently has only four, while China has sixty-five. They could prove particularly important should Taiwan need to defend itself against a Chinese blockade of the island.

Taiwan also needs our help to deal with the growing imbalance of air power across the Taiwan Strait. According to the report, Taiwan’s Air Force needs to be able to counter China’s long-range surface-to-air missiles, and to counterattack its aircraft and naval vessels from long distances. In order to counter China’s surface-to-air missile sites that can threaten air travel over the Taiwan Strait, Taiwan has expressed interest in obtaining High-Speed Anti-Radiation Missiles (HARM). Taiwan reportedly would also like to purchase Joint Direct Attack Munitions (JDAM), and longer-range, infra-red guided missiles capable of attacking land targets.

The United States should approve all of Taiwan’s requests, provided they are necessary for Taiwan to defend itself, and provided they do not violate technology transfer restrictions. Section 3(b) of the Taiwan Relations Act states, “The President and Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan…” (Emphasis added.) Given the need to upgrade its capabilities in several key areas and should act to address these shortfalls.

We must also deal with a broader question. Since the approach adopted by Taiwan clearly did not move China in the right direction, how can we positively influence China to act responsibly and eschew military action against Taiwan?

One way is to be unambiguous in our dealings with China. During the cold war, Ronald Reagan and Margaret Thatcher took a principled stand against the Soviet Union, which contributed to one of the greatest accomplishments in history: the West’s victory over the Soviet empire. The time has come for the United States to take a similarly principled, firm approach to our dealings with China. We should hold China to the same standards of proper behavior we have defined for other nations, and we should work for political change in Beijing, unapologetically standing up for freedom and democracy.

We should begin by assuring that the United States is not susceptible to blackmail. The United States must be able to integrally integrate and operate these systems effectively.

President Bush recently stated that China, our “strategic competitor” needs to be “faced without ill will and without illusions.” Our long-term goal is to live in peace and prosperity with the Chinese people, as well as to promote democratic transition in that country. China’s far-reaching ambitions in Asia, coupled with efforts to modernize and strengthen its military force, however, require the United States to exercise leadership. There is no doubt that China will and should play a larger role on the world stage in the coming years. The challenge before us is to deal with this emerging power in a way that enhances our security by dealing candidly and strongly with some of the troubling facts and trends. It is time to take a more clear-eyed approach to dealing with China.
EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. KYL. Madam President, on behalf of the leader, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations: Nos. 24 through 32, 32 through 35, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motion to confirm be laid upon the table, and any statements relating to the nominations be printed in the Record, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

AIR FORCE

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general
Brig. Gen. James D. Bankers, 0000
Brig. Gen. Marvin J. Barry, 0000
Brig. Gen. John D. Dorris, 0000
Brig. Gen. Patrick J. Gallagher, 0000
Brig. Gen. Ronald M. Sega, 0000

To be brigadier general
Col. Thomas A. Dyches, 0000
Col. John H. Gruesser, 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 the grade indicated under title 10, U.S.C., section 12203:

To be major general
Brig. Gen. Robert M. Diamond, 0000
Brig. Gen. Eugene P. Klynoot, 0000

To be brigadier general
Col. Paul C. Duttge, 0000
Col. Jeffery L. Arnold, 0000
Col. Robert G.F. Lee, 0000

IN THE NAVY

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. Dennis A. Higdon, 0000
Brig. Gen. John A. Love, 0000
Brig. Gen. Clark W. Martin, 0000
Brig. Gen. Michael H. Tice, 0000

To be brigadier general
Col. Bobby L. Brittain, 0000
Col. Charles E. Chinnock, Jr., 0000
Col. John W. Clark, 0000
Col. Roger E. Combs, 0000
Col. John R. Croft, 0000
Col. John D. Dornan, 0000
Col. Howard M. Ewell, 0000
Col. Mary A. Epps, 0000
Col. Harry W. Feucht, Jr, 0000
Col. Wayne A. Green, 0000
Col. Gerald H. Harmon, 0000
Col. Clarence J. Hindman, 0000
Col. Herbert H. Hurst, Jr, 0000
Col. Jeffery P. Lyon, 0000
Col. John J. McDavis, 0000
Col. Edward A. McIlhenny, 0000
Col. Edith P. Mitchell, 0000

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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
Col. Robert M. Carrothers, 0000

To be brigadier general
Col. Robert C. Allen, 0000
Col. Paul C. Duttge, III, 0000

IN THE ARMY

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 major general
Brig. Gen. Eugene P. Klynoot, 0000

To be brigadier general
Col. Paul C. Duttge, 0000
Col. Jeffery L. Arnold, 0000
Col. Robert G.F. Lee, 0000

NOMINATIONS PLACED ON THE SECRETARY'S DESK

AIR FORCE

Air Force nominations (5) beginning LAUREN N. JOHNSON-NAUMANN, and ending ERVIN LOCKLEAF, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Air Force nominations (2) beginning EDWARD J. FALÈSKE, and ending TYRONE R. STEPHENS, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Air Force nominations (1) beginning WILLIAM D. CARPENTER, which nomination was received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Air Force nominations (82) beginning PHILIP M. ABSHERE, and ending ROBERT P. WRIGHT, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Air Force nominations (59) beginning ROBERT C. ALLEN, and ending RYAN J. ZUCKER, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Air Force nominations (1511) beginning FREDERICK H. AHBOITZ, and ending MI-CHAIL F. ZUPAN, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Army nominations (550) beginning KENT W. ABERNATHY, and ending ROBERT E. YOUNG, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Army nomination of BRIAN J.* STERNER, which nomination was received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Army nominations (3) beginning WILLIAM N.C. CULBRETH, and ending ROBERT S. MORTENSON, JR., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Army nominations (2) beginning MARK DICKENS, and ending EDWARD TIMMONS, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Army nominations (4) beginning JOSEPH N.* DANIEL, and ending PHILLIP HOLMES, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Army nominations (7) beginning JOE R. BEHUNIN, and ending RANDALL E. SMITH, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Army nominations (66) beginning JEFFREY A.* ARNOLD, and ending CHARLES L. YOUNG, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Army nominations (309) beginning CARA M.* ALEXANDER, and ending KRISTIN K.*
WOOLLEY, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001. Army nominations (12) beginning HANSON B. BONEY, and ending WILLIAM D. WILLETT, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001. Army nomination of Joel L. Price, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of March 6, 2001. Army nominations (3) beginning JAY M. WEBB, and ending SIMUEL L. JAMISON, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 8, 2001.

IN THE MARINE CORPS

Marine Corps nominations (2) beginning JOSEPH D. APODACA, and ending CHARLES A. JOHNSON, JR., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001. Marine Corps nominations (293) beginning JOHN A. AHO, and ending JEFFREY R. ZELLER, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001. Marine Corps nominations (117) beginning WILLIAM A. ATKEN, and ending DOUGLAS P. YUROVICH, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

IN THE NAVY

Navy nominations of Edward Schaefer, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001. Navy nominations (12) beginning ANTHONY C. CHREGO, and ending TERRY W. BENNETT, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001. Navy nominations of James G. Libby, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of March 8, 2001. Navy nomination of Anthony W. Maybrier, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of March 8, 2001.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

PEACE TALKS ON NAGORNO KARABAGH

Mr. JOHNSON. Mr. President, I want to offer my hope for the continued success of the Nagorno Karabagh negotiations. On April 3, the presidents of Azerbaijan and Armenia will meet in Key West, FL, to continue their dialogue on the Nagorno Karabagh region, an area that is essential for the continued stability of the Caucasus.

President Heidar Aliyev of Azerbaijan and President Robert Kocharyan of Armenia started a direct dialogue in 1999 and have met over a dozen times in an attempt to bring peace and stability to the South Caucasus. Their upcoming talks in Key West are a continuation of the most recent set of meetings that included French President Jacques Chirac. My hope is that the United States, France, and Russia—working directly with the two presidents—can increase the potential for resolving the conflict over Nagorno Karabagh.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, March 29, 2001, the Federal debt stood at $5,770,774,922,962.15. Five trillion, seven hundred seventy billion, seven hundred seventy-four million, seven hundred twenty-two thousand, nine hundred sixty-two dollars and fifteen cents.

One year ago, March 29, 2000, the Federal debt stood at $5,733,453,000,000. Five trillion, seven hundred thirty-three billion, four hundred fifty-three million, one hundred eighty-nine thousand.

Five years ago, March 29, 1996, the Federal debt stood at $3,465,189,000,000. Three trillion four hundred sixty-five billion, one hundred eighty-nine million, nine hundred thousand.

Ten years ago, March 29, 1991, the Federal debt stood at $3,465,189,000,000. Three trillion four hundred sixty-five billion, one hundred eighty-nine million.

Twenty-five years ago, March 29, 1976, the Federal debt stood at $500,000,000,000. Five hundred billion dollars.

Four hundred sixteen years ago, March 29, 1662, the Federal debt stood at $166,200,000. One hundred sixteen million, two hundred thousand dollars.

THE UNIVERSITY OF MINNESOTA WRESTLING TEAM'S NATIONAL CHAMPIONSHIP

Mr. WELLSTONE. Mr. President, I rise today in celebration of a wonderful victory by the 2001 NCAA Wrestling Champions, The University of Minnesota. Because this is the Golden Gophers' first national championship in wrestling, this team victory is worthy of special note.

As colleagues may know, I follow college wrestling closely. Having seen a good deal of wrestling in my life, I can say that the performance by this year's Golden Gopher team was nothing short of spectacular. Throughout this season, members of the team showed a level of determination and skill that became the pride of the people of my state and captured the respect of college wrestling fans across the country. In gaining the national championship on March 19, the team scored 138.5 points and earned an NCAA-record 10 All-Americans.

College wrestling is a consummate American sport. It centers around matches in which individuals face off and are recognized for their strength, speed, and strategy. It also celebrates individual achievement in other aspects of American life. However, wrestling championships are not won by individuals; they are won by teams. Just as this country thrives based on the contributions of all its citizens, college wrestling teams rely upon teammates of all weights for points if they are to gain a championship.

I do want to take this opportunity to make the point to my colleagues that we should be concerned about recent problems of amateur wrestling in the United States. According to a recent report from the Government Accounting Office, 40 percent of the nation's college wrestling coaches disappeared in the past two decades. As someone who was given the opportunity to develop personally through the challenge of wrestling and as a former student-athlete who gained access to a first-rate education thanks to a wrestling scholarship, I am concerned about those who, increasingly, are not able to pursue wrestling during their college years. It is important to many Americans that the United States be competitive in all Olympic sports, such as wrestling. Furthermore, amateur athletics has provided a way up and a way out for many young Americans. We have a responsibility to do what we can to revitalize a wonderful sport at the college level.

That can be a discussion for a later day, Mr. President. Today is a day to celebrate the accomplishment of a superb team, The University of Minnesota Golden Gopher wrestlers.

ADDITIONAL STATEMENTS

Mr. THOMPSON. Mr. President, last month marked the 80th birthday of Harold Burson, the founding chairman of one of the world's leading public relations firms, Burson-Marsteller. This milestone, celebrated with good health and good humor by Mr. Burson along with his family and many friends, is especially noteworthy to the people of Tennessee because he is one of our most distinguished native sons. Harold Burson was born in Memphis on February 15, 1921. Despite a lifetime of accomplishment and honors on a global scale, he has never forgotten his Tennessee roots. Likewise, Mr. Burson's lifetime of professional achievement has earned him the deep respect of his fellow Tennesseans.

I ask that a series of letters written in tribute to Mr. Burson on the occasion of his 80th birthday be printed in the RECORD. These letters from President Bush and others demonstrate that Harold Burson's contributions have meaning not just to folks in Tennessee, but to all Americans.

Thanks to the legacy of Harold Burson, public relations is a more respected and honored profession. Those of us who have the privilege of holding public office know that public opinion is at the heart of our democratic process. Harold Burson has helped create a profession that has brought credibility
HONORING GLENN E. SLUCTER AND THE 551ST PARACHUTE INFANTRY BATTALION

Ms. STABENOW. Mr. President, I rise today to recognize the heroic efforts of Mr. Glenn Slucter, a Michigan veteran of the 551st Parachute Infantry Battalion. He and approximately 50 other veterans who served with him received a Presidential Unit Citation on February 23, 2001, at the Pentagon for their heroism during World War II.

It is certainly fitting that Mr. Slucter and his fellow veterans are now being recognized for their bravery and exemplary service. It has been more than fifty years since the war ended, it is important that their heroic role in the invasion of Southern France and the Battle of the Bulge is finally being acknowledged and honored. This ceremony was a wonderful reminder of the critical part our veterans have played in protecting and preserving our life of freedom.

Mr. Slucter and four of his children traveled to Washington, DC to attend the ceremony. Due to his age, it must have been for him and the other members of his unit to renew old friendships and receive the recognition in front of their families and friends that they so richly deserve. I am sure this was an opportunity to reminisce as well as express sorrow for the many members of their battalion who did not make it home.

It is my privilege to join the United States Army in paying tribute to a man who has given so much to his country. I applaud Glenn Slucter for his bravery and his selfless acts during World War II. We should all be proud and grateful for the efforts of Glenn Slucter and the members of the 551st Parachute Infantry Battalion.

WE THE PEOPLE

Mr. CRAPO. Mr. President, I rise today to commend fifteen students from Orofino High School in Orofino, ID: Zach Annen, Hannah Brandt, Joshua Corry, Diana Dansman, Nathan Dobyns, Emily Hall, Harmony Haveman, Jessica Hill, Piper Hope, Stacy Ray, Sarah Spaulding, Heather Veeder, Jessica Weeks, Brian Wilks; and Sam Young.

These students will be in Washington, DC, April 21-23, 2001 to compete in the national finals of the “We the People . . . The Citizen and the Constitution” program. These young scholars have worked diligently to reach the national finals and through their experiences, Mr. Slucter’s knowledge and understanding of the fundamental principles and values of our constitutional democracy.

I also like to recognize their teacher, Cindy Wilson, for helping prepare these young lawyers.

“We the People . . . The Citizen and the Constitution” is one of the most extensive educational programs in the country. It has been developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress and consist of oral presentations by high school students before a panel of adult judges. The students are given a forty-five minute period of questioning by the simulated congressional committee. The judges evaluate students on their depth of understanding and ability to apply their constitutional knowledge.

The 250th anniversary of James Madison’s birth in 1751 offers an appropriate opportunity to examine his contributions to American constitutionalism and politics. To this end, the Center for Civic Education has collaborated with James Madison’s home, Montpelier, to produce a supplement to “We the People . . . The Citizen and the Constitution.” The national finals will include questions on Madison and his legacy.

Administered by the Center for Civic Education, the “We the People . . .” program has provided curricula materials at upper elementary, middle, and high school levels for more than twenty-six and a half million students nationwide. The program provides students with a working knowledge of our Constitution, Bill of Rights, and the principles of democratic government. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers and by participating in other educational activities.

The class from Orofino High School is currently conducting research and preparing for the upcoming national competition in Washington, DC. I wish these young “constitutional experts” the best of luck at the “We the People” national finals.

UNIVERSITY OF NEW MEXICO LADY LOBOS BASKETBALL TEAM

Mr. DOMENICI. Mr. President, I rise today to salute a team of special women who are champions in the eyes of the residents of my home State of New Mexico. I am paying tribute to the University of New Mexico’s Lobo Women’s Basketball team, which came up one point short of winning the Women’s National Invitation Tournament last night.

The Ohio State Buckeyes women’s team battled the Lady Lobos on their home court, at “the Pit” in Albuquerque, one of the most phenomenal basketball sites in the country. There, the Lady Lobos and the Buckeyes wowed the fans with an exciting 62-61 game. Despite the heartbreaking end, the Lobo women had a fantastic year worthy of any trophy and our admiration.

Young student-athletes have helped to move women in this sport forward by leaps and bounds, providing an outstanding example of dedication, talent and hard work for young girls in my State.
Their hard work in the NIR tournament builds on a distinguished history of collegiate women’s basketball. Back in 1972 President Richard Nixon signed into law title IX, which stated that no person in the United States shall, on the basis of sex, be excluded from participation in any educational program or activity that receives federal assistance. That same year, the Association for Intercollegiate Athletics for Women held its first women’s collegiate basketball championship.

Fast forward to 2000, where today unprecedented numbers of young girls and women are playing basketball as part of their overall education. I believe it is outstanding that the UNM Lady Lobos are able to repeatedly play before a sold out audience of more than 18,000 screaming fans.

Wednesday night’s title game should not be viewed as a disappointment, because I believe the excitement the Lady Lobos generated across New Mexico can only serve as motivation for next year. The UNM women, who finished the season 22-13, are also an inspiration for the elementary, middle and high school girls who watched their successful season. They can believe, like the UNM Ladies basketball team’s future, that the sky is the limit.

I believe the Lady Lobos have embarked on a tradition of greatness, which is no small feat considering their newness on the scene. Despite the discontinuation of the program from 1987 to 1991, the players have since shown us their determination and delivered games of pure excitement. In the last four years, the average game attendance for the UNM women has skyrocketed and kept pace with the best teams across the nation. This is testimony to the interest that this women’s team has brought to the game.

On behalf of thousands of admiring fans, I extend my congratulations and thanks to the University of New Mexico Lady Lobos Women’s Basketball team and its accomplishments.

The following communications were laid before the Senate, together with any educational program or activity that receives federal assistance. Pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; State of Missouri” (FRL6961–9) received on March 28, 2001; to the Committee on Environment and Public Works.

A communication from the Acting Assistant Secretary for the Environment and Public Works.

A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “ Approval and Promulgation of Implementing Plans; State of Maine” (RIN061–9) received on March 29, 2001; to the Committee on Environment and Public Works.

A communication from the Deputy Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “ Approval and Promulgation of Implementing Plans; State of Pennsylvania” (RIN061–9) received on March 29, 2001; to the Committee on Environment and Public Works.

A communication from the Deputy Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementing Plans; State of North Carolina” (RIN061–9) received on March 29, 2001; to the Committee on Environment and Public Works.

A communication from the Deputy Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementing Plans; State of Ohio” (RIN061–9) received on March 29, 2001; to the Committee on Environment and Public Works.

A communication from the Deputy Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementing Plans; State of Oregon” (RIN061–9) received on March 29, 2001; to the Committee on Environment and Public Works.

A communication from the Deputy Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementing Plans; State of Texas” (RIN061–9) received on March 29, 2001; to the Committee on Environment and Public Works.

A communication from the Deputy Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementing Plans; State of Virginia” (RIN061–9) received on March 29, 2001; to the Committee on Environment and Public Works.
Regulations” (RIN3006-AAT2) received on March 26, 2001; to the Committee on Governmental Affairs.

EC–1278. A communication from the President of the Export-Import Bank of the United States, transmitting, pursuant to law, the report of the annual performance plan for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1279. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the report of the Annual Performance Plan for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1280. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Annual Program Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1281. A communication from the Director, and the Inspector General of the National Science Foundation, transmitting jointly, the National Science Foundation’s Accountability Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1282. A communication from the Chairman of the Federal Prison Industries, Inc., Department of Justice, transmitting, pursuant to law, a report entitled “UNICOR: Of Service to Others” for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1283. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report of the Annual Performance Plan for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1284. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; to the Committee on Commerce, Science, and Transportation.

EC–1285. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Pacific Islands in the Western Pacific; Hawaii-based Pelagic Longline Area Closure; Emergency Interim Rule” (RIN0648-AO66) received on March 27, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1286. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Aleutian Islands; Summer Flathead Sole/“Other Flatfish” Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands” received on March 27, 2001; to the Committee on Commerce, Science, and Transportation.


EC–1288. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations (Reno, NV)” (Doc. No. 00–234, RM–9999) received on March 28, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1289. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Key West, FL)” (Doc. No. 00–70, RM–9845) received on March 28, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1290. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Lowry City, Missouri)” (Doc. No. 00–145, RM–9845) received on March 28, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1291. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wayne, FL)” (Doc. No. 99–326) received on March 28, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1292. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled “Regulation E: Electronic Delivery of Federally Mandated Disclosures” (R–1042) received on March 29, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1293. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled “Regulation Z: Electronic Delivery of Federally Mandated Disclosures” (R–1043) received on March 29, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1294. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled “Regulation B: Electronic Delivery of Federally Mandated Disclosures” (R–1040) received on March 29, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1295. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled “Regulation M: Electronic Delivery of Federally Mandated Disclosures” (R–1041) received on March 29, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1296. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled “Regulation DD: Electronic Delivery of Federally Mandated Disclosures” (R–1044) received on March 29, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1297. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations” received on March 26, 2001; to the Committee on Governmental Affairs.

EC–1298. A communication from the President of the Export-Import Bank of the United States, transmitting, pursuant to law, the Annual Program Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1299. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the Annual Performance Plan for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1300. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to law, the report of the Annual Program Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

JOINT RESOLUTIONS

S. 664. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on Judiciary.

By Mr. SNOWE (for herself, Mr. LOTT, Mr. WARNER, Ms. COLLINS, Mr. COCHRAN, Ms. LANDRIEU, Mr. BREAUX, and Mr. TORRICELLI):

S. 665. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on Judiciary.

By Ms. SNOWE (for herself, Mr. LOTT, Mr. WARNER, Ms. COLLINS, Mr. COCHRAN, Ms. LANDRIEU, Mr. BREAUX, and Mr. TORRICELLI):

S. 666. A bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts; to the Committee on Finance.

By Mr. INHOFE:

S. 667. A bill to impose a condition for the conveyance, previously required, of certain real property of the United States on the Island of Vieques to Puerto Rico; to the Committee on Armed Services.

By Mr. AKAKA (for himself and Mr. SMITH of New Hampshire):

S. 668. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. SNOWE (for himself, Mr. GREGG, Mr. FRIST, Mr. LIBERMAN, Mr. BAYH, Mr. BREAUX, Mr. BINGMAN, Mr. SANTORUM, Mr. BIDEN, Ms. LANDRUM HIGG, Mr. ENSONG, Mr. DEWINE, Mr. KERRY, and Mr. SPECTER):

S. 669. A bill to amend the Elementary and Secondary Education Act of 1965 to promote parental involvement and parental empowerment in public education through greater competition and choice, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself and Mr. LIEBERMAN):

S. 670. A bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply and to increase production and use of ethanol, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. AKAKA (for himself, Mr. KERRY, and Mr. WELLSTONE):

S. Con. Res. 30. A concurrent resolution condemning the destruction of pre-Islamic statues in Afghanistan by the Taliban regime; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

s. 27

At the request of Mr. DODD, his name was added as a cosponsor of S. 27, a bill to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

s. 38

At the request of Mr. INOUYE, the name of the Senator from Connecticut (Mr. LIBERMAN) was added as a cosponsor of S. 38, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and
to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 104

At the request of Ms. Snowe, the name of the Senator from Washington (Mrs. Cantwell) was added as a cosponsor of S. 104, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 170

At the request of Mr. Reid, the name of the Senator from Vermont (Mr. Jeffords) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 255

At the request of Ms. Snowe, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of S. 255, a bill to require that health plans plan language for a mandatory hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 256

At the request of Ms. Snowe, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of S. 256, a bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers.

S. 258

At the request of Ms. Snowe, the name of the Senator from New Jersey (Mrs.  Clinto) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

S. 288

At the request of Mr. Wyden, the name of the Senator from Montana (Mr. Burns) was added as a cosponsor of S. 288, a bill to extend the moratorium enacted by the Internet Tax Freedom Act through 2006, and encourage States to simplify their sales and use taxes.

S. 345

At the request of Mr. Allard, the name of the Senator from Washington (Ms. Cantwell) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 466

At the request of Mr. Hagel, the name of the Senator from Alaska (Mr. Stevens), the name of the Senator from Rhode Island (Mr. Chafee), and the Senator from New York (Mr. Schumer) were added as cosponsors of S. 466, a bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act.

S. 570

At the request of Mr. Biden, the names of the Senator from South Dakota (Mr. Johnson) and the Senator from New York (Ms. Landrieu) were added as cosponsors of S. 570, a bill to establish a permanent Violence Against Women Office at the Department of Justice.

S. 635

At the request of Mr. Dodd, the name of the Senator from South Dakota (Mrs. Landrieu) was added as a cosponsor of S. 635, a bill to reinstate a standard for arsenic in drinking water.

S. 638

At the request of Mr. Schumer, the name of the Senator from New York (Mrs. Clinton) was added as a cosponsor of S. 638, a bill to provide signing and mastery bonuses and mentoring programs for math and science teachers.

S. Res. 41

At the request of Mr. Shelby, the name of the Senator from New Hampshire (Mss. Murray and Landrieu) was added as a cosponsor of S. Res. 41, a resolution designating April 4, 2001, as "National Murder Awareness Day".

S. Res. 55

At the request of Mr. Wellstone, the names of the Senator from Washington (Mrs. Murray) and the Senator from Vermont (Mr. Jeffords) were added as cosponsors of S. Res. 55, a resolution designating the third week of April as "National Shaken Baby Syndrome Awareness Week" for the year 2001 and all future years.

AMENDMENT NO. 161

At the request of Mr. Levin, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of amendment No. 161 proposed to S. 27, a bill to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign resources.

At the request of Mr. Dodd, his name was added as a cosponsor of amendment No. 161 proposed to S. 27, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Kohl (for himself, Mr. DeWine, Mr. Leahy, Mr. Thurmond, Mr. Feingold, Mr. Grassley, Mr. Schumer, and Mr. Specter):

S. 665. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

Mr. Kohl. Mr. President, in the last years, consumers all across the nation have watched gas prices rise, seemingly without any end in sight. And, if consumers weren't punished enough already, just a few days ago the OPEC nations agreed to cut production by a million barrels a day, an action sure to drive up prices even higher. Such blatantly anti-competitive action by the oil cartel violates the most basic principles of fair competition and free markets and should not be tolerated. It is for this reason that I rise today, with my colleagues, Senators DeWine, Leahy, Feingold, Thurmond, and Grassley, to reintroduce the "No Oil Producing and Exporting Cartels Act", "NOPEC". This legislation is identical to our NOPEC bill introduced last year, which passed the Judiciary Committee unanimously.

Real people suffer real consequences every day in our nation because of OPEC's actions. Rising gas prices—prices that averaged above $2 per gallon in many places last summer—are a silent tax that takes hard-earned money away from Americans every time they visit the gas pump. Higher oil prices drive up the cost of transportation, harming thousands of companies throughout the economy from trucking to aviation. And those costs are passed on to consumers in the form of higher prices for manufactured goods. Higher oil prices mean higher heating oil and electricity costs. Any- one who has gone through a Midwest winter or a deep South summer can tell you about the tremendous personal costs associated with higher home heating or cooling bills.

We have all heard many explanations offered for rising energy prices. Some say that the oil companies are gouging consumers. Some blame disruptions in supply. Others point to EPA requirements, mandating use of a new and more expensive type of "reformulated" gas in the Midwest. After last spring's gas price spike, which drove prices above $2 per gallon for a time in the Midwest, some even claimed that refiners and distributors were illegally fixing prices. At the request of the Wisconsin delegation and Senator DeWine, the Federal Trade Commission conducted an investigation last year to figure out if those allegations were true. After an exhaustive, nearly year-long investigation, they found no evidence of illegal price fixing as a cause of higher gas prices.

But one cause of these escalating prices is indisputable: the price fixing conspiracy of the OPEC nations. For years, this conspiracy has unfairly driven up the cost of imported crude oil to satisfy the greed of the oil exporters. We have long decried OPEC, but, sadly, until now no one has tried to take any action. NOPEC will, for the first time, establish clearly and plainly that when a group of competing oil producers like the OPEC nations act together to restrict supply or set prices, they are violating U.S. law. It will authorize the Attorney General or FTC to file suit under the antitrust laws for redress. Our bill will also make plain that the nations of OPEC will not enjoy the already presumed "Sovereign Immunity" or "Act of State" to escape the reach of American justice.
In recent years a consensus has developed in international law that certain basic standards are universal, and that the international community can, and should, take action when a nation violates these fundamental standards. The response of the international community, to date, has been to declare the former Yugoslavia and action by the courts of Britain to hold General Augusto Pinochet accountable for human rights abuses and torture that occurred in Chile. President of Chile are two prominent examples. The rogue actions of the international oil cartel should be treated no differently.

The most fundamental principle of a free market is that competitors cannot be permitted to conspire to limit supply or fix price. There can be no free market without this foundation. In this era of globalization, we truly need to open international markets to ensure the prosperity of all. And we should not permit any nation to flout this fundamental principle.

Some critics of this legislation have argued that suing OPEC will not work or that threatening suit will hurt more than help. I disagree. Our NOPEC legislation will, for the first time, enable our agents to take legal action to combat the illegitimate price-fixing conspiracy of the oil cartel. It will, at a minimum, have a real deterrent effect on nations that seek to join forces to fix oil prices to the detriment of consumers. The solution will not be a first real weapon the U.S. government has ever had to deter OPEC from its seemingly endless cycle of price increases.

There is nothing remarkable about applying U.S. antitrust law overseas. Our government has not hesitated to do so when faced with clear evidence of anti-competitive conduct that harms American consumers. Just last year, in fact, the Justice Department secured a record $500 million dollar criminal fine against German and Swiss companies engaged in a price fixing conspiracy to raise and fix the price of vitamins sold in the United States and elsewhere. The mere fact that the conspirators are foreign nations is no basis to shield them from violating these most basic standards of fair economic behavior.

There is also nothing remarkable about suing a foreign government about its commercial activity. There are many examples in which U.S. governments have been held answerable for their commercial activities in U.S. courts, including a case against Iran for failure to pay for aircraft parts, a case against Argentina for breach of its obligations arising out of issuance of bonds, and a case against Costa Rica for violating the terms of a lease. Our NOPEC legislation falls squarely within this tradition.

Even under current law, there is no doubt that the actions of the international oil cartel would be in gross violation of antitrust law if enacted by private companies. If OPEC were a group of international private companies, their actions would be nothing more than an illegal price fixing scheme. But OPEC members have used the shield of "sovereign immunity" to escape accountability for their price-fixing. The Federal Sovereign Immunities Act, however, has recognized that the "commercial" activity of nations is not protected by sovereign immunity. And it is hard to imagine an activity that is more obviously commercial than selling oil for profit, as the OPEC nations do. Correct one erroneous twenty-year-old lower federal court decision and establish that sovereign immunity doctrine will not divert a U.S. court from jurisdiction to hear a lawsuit alleging that members of the oil cartel are violating antitrust law.

In the last few weeks, I have grown more certain than ever that this legislation is necessary. Between OPEC's decision last week to cut oil production and the FTC's conclusion in the case of certain Mexican and African companies do not bear primary responsibility for last summer's gas price spike, I am convinced that we need to take action, and take action now, before the damage spreads too far.

For these reasons, I urge that my colleagues support this bill so that our nation will finally have an effective means to combat this selfish conspiracy of oil-rich nations. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

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S. 665
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. SHORT TITLE. This Act may be cited as the "No Oil Producing and Exporting Cartels Act of 2001" or "NOPEC Act." SEC. 2. SHERMAN ACT. The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following: "SEC. 7A. OIL PRODUCING CARTELS. "(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—
(1) to limit the production or distribution of oil, natural gas, or any other petroleum product; (2) to set or maintain the price of oil, natural gas, or any petroleum product; or (3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product; when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or any other petroleum product in the United States.
(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.
(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section."
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By Ms. SNOWE (for herself, Mr. LOTT, Mr. WARNER, Ms. COLINS, Mr. COCHRAN, Ms. LANDRIEU, Mr. BREAUX, and Mr. TORRICE): S. 666. A bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting under which the shipbuilding contracts are accounted for in the case of certain long-term naval vessel construction contracts; to the Committee on Finance.

Quite simply, this legislation would permit naval shipyards to use a method of accounting under which shipbuilders would pay income taxes upon delivery of a ship rather than during construction. Under current law, profits must be estimated during the construction phases of the shipbuilding process and taxes must be paid on those estimated profits. The legislation being proposed would simply allow naval shipbuilders to use a method of accounting, under which the shipbuilder would pay taxes when the ship is actually delivered to the Navy.

Prior to 1982, federal law permitted shipbuilders to use this method, but the law was changed due to abuses by federal contractors in another sector, having absolutely nothing to do with shipbuilding. Moreover, government shipbuilding contracts are already allowed to use this method of accounting, and this legislation contains provisions designed to prevent the types of abuses witnessed in the past. Specifically, the bill would restrict shipyards from deferring tax payments for a period beyond the time it takes to build a single ship.

This bill would not reduce the amount of taxes ultimately paid by the shipbuilder. It simply would defer payment of the portion of the payment due upon delivery of the ship. I believe that this is the most fair and most sensible accounting method. It is the method
that naval shipbuilders used to employ. It is the method which commercial builders are permitted to use to this day. This legislation has the strong support of the major shipyards that build for the Navy. As such, I strongly urge my colleagues to join me in a strong show of support for this effort.

By Mr. AKAKA (for himself and Mr. SMITH of New Hampshire):
S. 668. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. AKAKA. Mr. President, I rise today to introduce the Pet Safety and Protection Act of 2001. Senator BOB Dole, the Agriculture, Nutrition, and Forestry. I urge my colleagues to join me in sponsoring this bill that will close a serious loophole in the Animal Welfare Act.

Over 30 years ago, Congress passed the Animal Welfare Act to stop the mistreatment of animals and to prevent the unintentional sale of family pets for laboratory experiments. Despite the well-meaning intentions of the Animal Welfare Act and the enforcement efforts of the Department of Agriculture, the Act routinely fails to provide pets and pet owners with reliable protection against the actions of some unethical dealers.

Medical research is an invaluable weapon in the battle against disease. New drugs and surgical techniques offer promise in the fight against AIDS, cancer, and a host of life-threatening diseases. I am not here to argue whether animals should or should not be used in research. Animal research has been, and continues to be, fundamental to advancements in medicine. However, I am concerned with the sale of stolen pets and stray animals to research facilities.

There are less than 40 "random source" animal dealers operating throughout the country who acquire tens of thousands of dogs and cats.

"Random source" dealers are USDA licensed Class B dealers that provide animals for research. Many of these animals are family pets, acquired by so-called "bunchers" who sometimes resort to theft and deception as they collect animals to sell them to Class B dealers. "Bunchers," posing as someone interested in adopting a dog or cat, usually respond to advertisements such as "found home," trick animal owners into giving them their pets. Some random source dealers are known to keep hundreds of animals at a time in squash conditions, providing them with little food or water. The mistreated animals often pass through the hands of 

"SEC. 7. SOURCES OF DOGS AND CATS FOR RESEARCH FACILITIES.—(a) In general.—No person, other than a person described in subsection (d), may sell, donate, or offer a dog or cat to any research facility or Federal research facility under subsection (c), shall be—

(1) a person licensed under section 3 that has bred and raised the dog or cat; or
(2) a publicly owned and operated pound or shelter that—

(A) is registered with the Department of Agriculture; or
(B) is in compliance with section 28(a)(1) and with the requirements for dealers in subsections (b) and (c) of section 28; and
(C) obtained the dog or cat from its legal owner, other than a pound or shelter;

(3) a person that is donating the dog or cat and that—

(A) bred and raised the dog or cat; or
(B) owned the dog or cat for not less than 1 year immediately preceding the donation;

(4) a research facility licensed by the Department of Agriculture; and
(5) a Federal research facility licensed by the Department of Agriculture.

(2) ADDITIONAL PENALTY.—A penalty under this subsection shall be in addition to any other applicable penalty and shall be imposed whether or not the Secretary imposes any other penalty.

(1) NO REQUIRED SALE OR DONATION.—Nothing in this section requires a pound or shelter to sell, donate, or offer a dog or cat to a research facility or Federal research facility.

(b) FEDERAL RESEARCH FACILITIES.—Sec. 8 of the Animal Welfare Act (7 U.S.C. 2138) is amended—

(1) by striking "No department," and inserting "Except as provided in section 7, no department";
(2) by striking "research or experimentation or"; and
(3) by striking "such purposes" and inserting "that purpose";

certification.—Sec. 2(b)(1) of the Animal Welfare Act (7 U.S.C. 2136(b)(1)) is amended by striking "individual or entity" and inserting "research facility or Federal research facility."

3. EFFECTIVE DATE. The amendments made by section 2 take effect 90 days after the date of enactment of this Act.
to promote parental involvement and parental empowerment in public education through greater competition and choice, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. President, I am very pleased to join today with my distinguished colleague from New Hampshire and a broad, bipartisan group of cosponsors to introduce the Empowering Parents Act of 2001. Senator Judd Gregg has been a consistent champion of charter schools and a passionate advocate of competition and choice in public education. I cannot imagine a better colleague to partner with on my first legislative initiative in the U.S. Senate.

Like the Senator from New Hampshire, I come from a small State. Also like my friend from New Hampshire, I was once the governor of my small State. I think it is appropriate, that Senator GREGG and I have seen fit to team up on this, to help carry on my tenure here in the Senate. During the fall campaign, I was fond of saying that we need more people in Washington who think and act like Governors. My years in the National Governors Association taught me that people who tend to be results-oriented and tend to have a healthy impatience for partisan bickering.

In this Chamber we always have our disagreements. Next week, for example, we are scheduled to begin debate on the budget and every expectation is that it will be a very partisan debate. That makes it all the more important, that we push forward in those areas where we’re able to reach bipartisan agreement. The issue of vouchers is one on which we are unlikely to come to a consensus. Expanding the number of charter schools and broadening public school choice, however, is something that we can agree on, and we should.

Charter schools and public school choice inject market forces into our schools. They empower parents to make choices to send their children to a variety of different schools. That means that schools which offer what students and parents want, be it foreign languages, more math and science, higher test scores, better discipline, those schools will be full. Schools which fail to listen to their customers, to parents and students, may see their student populations diminish until those schools change. At the same time, charter schools are public schools, held to high standards of public accountability. And unlike vouchers, public school choice preserves in-deed, it helps to fulfill the promise of equal access upon which widespread expectation and the common school tradition have always been premised.

In my State, we’ve enthusiastically embraced both the charter movement and public school choice. We introduced charter schools and statewide public school choice almost 5 years ago. A greater percentage of families exercise public school choice in Delaware today than in any other State in the Nation, and in the last year alone the number of Delaware students in charter schools has more than doubled. The evidence is that these reforms, together with high standards and broad accountability, are working to raise student achievement and to narrow the achievement gap between students of different racial and ethnic backgrounds. Students tested last spring, at every grade level tested and in each of our counties, made significant progress when measured against their peers throughout the country, as well as against Delaware’s own academic standards.

Let me tell you briefly, about one of the schools in my State that is helping to accomplish both of these goals, raising student achievement and closing the achievement gap. In Delaware, we have close to 200 public schools. Students in all of these schools take Delaware’s State tests measuring what students know and can do in reading, writing, and math. We also measure our schools by the incidence of poverty, from highest to lowest. The school with the highest incidence of poverty in my State is the East Side Charter School in Wilmington, DE. The incidence of poverty there is over 80 percent. Its students are almost all minority. It is right in the center of the projects in Wilmington. In the first year after East Side Charter School opened, only one of its students met our State standards in math. Last spring, there was only one school in our State where every third grader who took our math test met or exceeded our standards. That school was the East Side Charter School.

It’s a remarkable story, and it has been possible because the East Side Charter School is a remarkable school. Kids can come early and stay late. They have a longer school year. They have a after-school program. Students have had to sign something akin to a contract of mutual responsibility. Educators are given greater authority to innovate and initiate. With highly qualified and highly motivated teachers and with strong leadership from active citizens who want to make a positive difference for their community, the East Side Charter School has become a beacon of what can be accomplished. It encourages States and local districts with low-performing schools to expand public school choice. It also eliminates many of the artificial barriers to charter school financing that have prevented the supply of new charter schools from keeping pace with the growing demand among parents and students.

Language was inserted in the FY 2001 Labor-HHS appropriations bill giving $200 million in competitive grants to States and local districts to start new charter schools for the purpose of expanding public school choice. This will help to make the right to public school choice that we intend to make part of title I a meaningful right for parents with children trapped in failing schools.

Second, the Empowering Parents Act expands the credit enhancement demonstration for charter schools that passed last year and also exempts all demonstration for charter school loans from federal taxes. This will leverage private financing to help charter schools finance start-up costs, as well as the costs associated with the acquisition and renovation of facilities, the most commonly cited constraint to establishment of new charter schools.

Third and finally, the Empowering Parents Act creates incentives for States to provide pre-pupil facilities funding programs for charter schools.

According to a recent GAO report, “Charter Schools; Limited Access to Facility Financing,” the per pupil allocations that charter schools receive as
education. It would send a clear message from coast to coast that we will no longer settle in America for a public education system that traps students in schools that fail to meet high standards. That’s not a Democrat message. That’s not a Republican message. That’s the message of hope and opportunity, a message I believe Republicans and Democrats can embrace together.

When Lynne Cheney visited Delaware in the heat of last fall’s Presidential campaign to shine a national spotlight on a good school, the parents of one of the increasing number of charter students paid me a great tribute to the tremendous accomplishments of the parents, teachers, and administrators who have poured their energy and creativity into that remarkable school. It was also a tribute, I believe, to our bipartisan spirit of cooperation in Delaware and to the progress that we can achieve when we work together—Republicans and Democrats, legislators and business leaders, parents and teachers. Our charter school and choice legislation passed on consecutive days back in 1995. One bill was sponsored by a Republican, one by a Democrat. It was truly a bipartisan effort.

That’s the way we do things in Delaware. We work together. We worship together. It is this uncommon tradition of putting aside partisan differences and doing what is right for Delaware that has enabled our State to shine. And it is this same spirit of common-sense bipartisanship that is needed in Washington. We work together. We get things done. It is this uncommon tradition of bipartisanship that is needed in Washington. We work together. We get things done.

By Mr. DASCHLE (for himself and Mr. LUGAR):

S. 670. A bill to amend the Clean Air Act to eliminate methanol and other ethers from the United States fuel supply and to increase production and use of ethanol, and for other purposes; to the Committee on Environment and Public Works.

Mr. DASCHLE. Mr. President, today I am joined by my good friend, the distinguished chairman of the Senate Agriculture, Nutrition, and Forestry Committee, Senator Richard Lugar, to introduce the ‘‘Renewable Fuels Act of 2001.’’ Over the years, Senator Lugar has been one of the nation’s leading champions of American agriculture and energy independence, and I am pleased to work with him on this effort to encourage the use of ethanol in our nation’s fuel supply. Ethanol improves air quality and strengthens the nation’s energy security.

The bill Senator Lugar and I are introducing today is a refinement of a proposal we introduced in the last Congress. Many of the provisions of that bill were included in legislation reported by the Senate Environment and Public Works Committee in September 2000. Unfortunately, time ran out on the 106th Congress before final action could be taken on that committee bill.

The Renewable Fuels Act of 2001 allows states to address a serious groundwater contamination problem by phasing out MTBE and establishes a nationwide renewable fuels standard that encourages the expanded use of ethanol. The effect of this measure will be to get MTBE out of groundwater, reduce emissions of greenhouse gases, diversify our domestic liquid fuels production base, and promote innovation and growth in rural communities. The bill will also result in substantial reductions in taxpayer outlays by enabling farmers to value-add their products into renewable liquid fuels and reduce oil imports that are exacerbating our trade deficit.

The genesis of this legislation is found in the compelling need to resolve the problem of MTBE contamination of groundwater in states such as California. As we discovered in the 106th Congress, the solution to this problem, whose roots go back over a decade to the congressional debate on the merits of RFG with oxygenates, is extremely complex.

A review of the Congressional Record debate shows that the Congress had several major objectives in enacting the RFG with oxygenates program, including: to improve the environment by reducing mobile source vehicle emissions (VOC ozone precursors; toxics; NOx; and CO2); to improve energy security by reducing oil imports; to stimulate the economy, especially in rural areas; and to provide regulatory relief to the automobile industry, small businesses/statutory sources, and state and local authorities.

While the detection of MTBE in drinking water supplies in some areas of the country has encouraged criticism of the RFG program, the record shows that most of the Congress’ original goals for the RFG program have been met and, in many cases, even surpassed. The RFG program has, in fact, provided refiners with environmentally clean, high performance additives that have substantially extended gasoline supply. Due to the demand for oxygenated fuels like ethanol, capital has been invested in farmer-owned cooperative ethanol plants throughout
the Midwest, and rural communities have benefited from quality jobs and expanded tax bases. Harmful emissions in our major cities, from California to the Northeast, have fallen dramatically. Our trade deficit has been substantially reduced, and taxpayers have saved hundreds of billions of dollars in farm program costs.

In short, the RFG program has been one of the most successful private/public sector programs in recent memory. Some of my colleagues from areas that have experienced MTBE water contamination problems believe the entire RFG program should be dismantled. They argue that the RFG program has run its course and that states should be allowed to waive its oxygenate requirement.

I do not accept this argument and will strongly resist any effort to grant state petitions to opt out of the 1999 RFG minimum oxygen standard requirement. That position is not supported by the science and would simply encourage multinational oil companies to import more crude oil and to use energy-intensive methods to refine it into toxic aromatics that combusted into highly carcinogenic benzene.

I applaud the President’s vision for ethanol. Now is the time to make ethanol an integral part of this country’s fuel mix, in a manner that is predictable, sustainable, cost effective, and environmentally responsible. The “Renewable Fuels Act of 2001” meets all of these criteria.

What Senator LUGAR and I are suggesting is a truly national program that addresses geographically diverse needs in a synergetic manner. This comprehensive approach has encountered skepticism from well meaning interests that are, understandably, focused on their own priorities: state officials who are intent on cleaning up their groundwater; elected officials who are philosophically troubled by the price of gasoline; and farm groups whose fear of the vagaries of the legislative process make them reluctant to lock arms with traditional foes.

Senator LUGAR and I present the Renewable Fuels Act of 2001 as a new paradigm for reconciling historically competitive interests in a manner that will promote a broad range of national benefits. It is my hope that our colleagues on both sides of the aisle, as well as representatives of state and local government, the environmental community, the oil industry, and farm groups, will take an open minded look at this approach.

Mr. LUGAR. Mr. President, I am pleased to join Senator DASCHLE in introducing the Renewable Fuels Act of 2001. This bill is intended to form the basis for a solution to the MTBE problem that will be acceptable to all regions of the nation.

Bill R 9/1998, the Independent Blue Ribbon Panel on Oxygenates in Gasoline called for major reductions in the use of MTBE as an additive in gasoline. They did so because of growing evidence and public concerns regarding pollution of drinking water supplies by MTBE. These trends are particularly acute in areas of the country using Reformulated Gasoline.

Because of concerns regarding water pollution, it is clear that the existing situation regarding MTBE is not tenable. MTBE is on its way out. The question is what kind of legislation is needed to facilitate its departure and whether that legislation will be based on consideration of all of the environmental and energy security issues involved.

The Renewable Fuels Act of 2001 will be good for our economy and our environment. Most importantly, it will facilitate the development of renewable fuels, a development critical to ensuring U.S. national and economic security and stabilizing gas prices.

The security of our whole economy revolved around our over-dependence on energy sources from the unstable nations of the Middle East. We must be able to address this challenge. Finding an environmentally sensitive way to promote the use of renewable fuels is an important part of this challenge. That is what I believe our bill will accomplish.

The Renewable Fuels Act of 2001 will lead to at least four billion seven hundred thirteen million gallons of ethanol being produced in 2011 compared to one billion, six hundred million gallons today. Under the Act, one gallon of cellulosic ethanol will count for one and one-half gallons of regular ethanol in determining whether a refiner is in compliance with the Renewable Fuels Standard in a particular year. This will greatly accelerate the development of renewable fuels made from cellulosic biomass. These fuels produce no net greenhouse gas emissions.

The Renewable Fuels Act of 2001 will establish a nationwide Renewable Fuels Standard, RFS, that would increase the current use of renewable fuels from 0.6 percent of all motor fuel sold in the United States to 1.5 percent by 2011. Refiners who produced renewable fuels beyond the standard could sell credits to other refiners who chose to under comply with the RFS.

This bill would require the EPA Administrator to end the use of MTBE within four years in order to protect the public health and the environment. And it would establish strict “anti-backsliding provisions” to capture all off-line quality benefits of MTBE and ethanol as MTBE is phased down and then phased out.

Unlike last year’s bill, this bill retains the Minimum Oxygen Standard in the Clean Air Act Amendments. This is intended to ensure that, after MTBE is removed from gasoline, there will be no backsliding in clean air provisions related to ground level ozone and toxic air pollution and also that there will be strict limitations on the aromatic content of reformulated gasoline and of all gasoline in order to further safeguard clean air.
I hope that my colleagues will examine this bill as well as other legislative approaches that would spur the development of renewable fuels such as ethanol, whether derived from corn or other agricultural or plant materials, while maintaining strict clean air requirements.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 30—CONDEMNING THE DESTRUCTION OF PRE-ISLAMIC STATUES IN AFGHANISTAN BY THE TALIBAN REGIME

Mr. AKAKA (for himself, Mr. KERRY, and Mr. WELLSTONE) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 30

Whereas many of the oldest and most significant Buddhist statues in the world have been located in Afghanistan, which, at the time that many of the statues were carved, was one of the most cosmopolitan regions in the world and a center for merchants, travelers, and artists from China, India, Central Asia, and the Roman Empire;

Whereas such statues have been part of the common heritage of mankind, and such cultural treasures must be preserved for future generations;

Whereas on February 26, 2001, the leader of the Taliban regime, Mullah Mohammad Omar, reversed his regime’s previous policy and ordered the destruction of all pre-Islamic statues in Afghanistan, among them a pair of 1,600-year-old 175-foot-tall and 120-foot-tall statues carved out of a mountainside at Bamiyan, one of which is believed to have been the world’s largest statue of a standing Buddha;

Whereas the religion of Islam and Buddhist statues have co-existed in Afghanistan as part of the unique historical and cultural heritage of that nation for more than 1,100 years;

Whereas the destruction of the pre-Islamic statues contradicts the basic tenet of the Islamic religion which should be treated with respect, a tenet encapsulated in the Qur’anic verses, “There is no compulsion in religion” and “Unto you your religion, and unto me my religion”;

Whereas people of many faiths and nationalities have condemned the destruction of the statues in Afghanistan, including many Muslim theologians, communities, and governments around the world;

Whereas the Taliban regime has previously demonstrated its lack of respect for international law, human rights, its hindrance of humanitarian relief efforts, and its support for terrorist groups throughout the world;

Whereas the destruction of the statues violates the United Nations Convention Concerning the Protection of the World Cultural and Natural Heritage, which was ratified by Afghanistan on March 20, 1979; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress:

(1) joins with people and governments around the world in condemning the destruction of pre-Islamic statues in Afghanistan by the Taliban;

(2) urges the Taliban regime to stop destroying such statues; and

(3) calls upon the Taliban regime to grant the United Nations Educational, Scientific and Cultural Organization and other international organizations immediate access to Afghanistan to promote the protection of pre-Islamic statues in Afghanistan by the Taliban regime. A similar resolution has been introduced in the House of Representatives. This resolution expresses the grave concern of the Congress over the destruction of religious treasures in Afghanistan by the Taliban and over the treatment of the Afghani people by their Taliban rulers. Afghanistan is home to a rich cultural heritage, steeped in Buddhist history and ancient artifacts. More than 1,500 years ago, a pair of Buddha statues, each standing over 100 feet tall, was carved out of a mountainside in Bamiyan. Since their creation, these statues have been visited by many people. They were both religious and cultural treasures—they become one of the most important models for the depiction elsewhere of Buddha. Significant relics such as these should have been preserved for the edification and enhancement of future generations.

Whereas Islam and Buddhism have peacefully coexisted in Afghanistan for more than 1,000 years. Two years ago, Mullah Mohammad Omar, the leader of the Taliban regime, ordered the destruction of these religious treasures in Afghanistan. The Islamic faith supports religious tolerance and coexistence, evidenced in the Qur’anic verse “Unto you your religion, and unto me my religion.”

In spite of this edict, several times within the last year the leaders of the Taliban regime have ordered the military to disfigure these and other Buddhist statues. On February 26, 2001, Taliban leader Mullah Mohammed Omar ordered the utter destruction of these irreplaceable cultural treasures, along with all other pre-Islamic statues in the nation, calling them “shrines of infidels.” Mohammed Omar claimed that statues of the human form are in contradiction with Shari’ah and the tenets of Islam; Shari’ah refers to the laws and way of life prescribed by Allah in the Qur’an, and dictates ideology of faith, behavior, manners, and daily life. Destruction of the statues clearly contradicts a basic tenet of the Islamic faith which is tolerance.

The recent destruction of Buddhist statues is the latest action by the Taliban. In Bamiyan, a city in which the Buddha statues were located, the Taliban are known to have slaughtered hundreds of Afghans, including women and children. The Taliban have systematically tried to prevent agriculture by cutting off basic food sources and destroying crops. They have tried to dictate Afghanistan’s culture by controlling the production and sale of opium, whether derived from corn or other agricultural or plant materials, while maintaining strict clean air requirements. The Taliban have also tried to control Afghanistan’s economy by excluding foreign charities until that right was revoked last summer. This further restriction of women under the Taliban is exacerbated by the increasing occurrence of the rape and abduction of Afghan women. The State Department recently reported that the Taliban sold women from the Sar-e Pol plains areas to Pakistan and the Arab Gulf states. The State Department in its human rights reports also describes the risk of rape and abduction and tells of young women forced to marry local commanders who kidnap them. This is a sad situation with no apparent end. Afghanistan appears to be a bottomless pit of human misery, a misery afflicted by the few on the many.

Afghanistan has suffered its share of human and natural disasters. While internal civil war continues to wreak havoc among the population, agricultural productivity has been reduced by the worst drought in 30 years. This setback reduced crop yields by 50 percent and resulted in a 80 percent loss of livestock, affecting half the population. But the Taliban government has demonstrated greater interest in opium production than in growing food for their starving people. They seem to want history to remember them as the destroyers of both Afghan and her people and Afghanistan’s heritage.

I urge my colleagues’ support for this resolution, denouncing the actions of the Taliban regime in destroying a vital part of the history of humankind and of their treatment of the Afghani people.

AMENDMENTS SUBMITTED AND PROPOSED

SA 165. Mr. MCCAIN proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

SA 166. Mr. BOND proposed an amendment to the bill S. 27, supra.

SA 167. Mr. MCCONNELL (for Mr. HATCH) proposed an amendment to the bill S. 27, supra.

SA 168. Mr. HARKIN proposed an amendment to the bill S. 27, supra.

SA 169. Mr. DOMENICI, Mr. DWINE, and Mr. LEVIN proposed an amendment to the bill S. 27, supra.
SA 165. Mr. McCaIN proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

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

SEC. 314. COORDINATION WITH CANDIDATES OR POLITICAL PARTIES. (a) In General.—(1) COORDINATED EXPENDITURE OR DISBURSEMENT TREATED AS CONTRIBUTION.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(A) by striking “or” at the end of subparagraph (A)(i) and inserting “or”;

(B) by striking “purpose.” in subparagraph (A)(ii) and inserting “purpose’’;

(C) by adding at the end of subparagraph (A) the following: “(iii) any coordinated expenditure or other disbursement made by any person in connection with a candidate’s election, regardless of whether the expenditure or disbursement is for a communication that contains express advocacy;”.

(2) CONFORMING AMENDMENT.—Section 315(a)(7) of the Federal Election Campaign Act of 1971 (U.S.C. 431(a)(7)) is amended by striking subparagraph (B) and inserting the following:

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

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

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

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

“(iii) any coordinated expenditure or other disbursement made in coordination with a National committee, State committee, or other political committee of a political party by a person (candidate or a candidate’s authorized committee) in connection with a Federal election, regardless of whether the expenditure or disbursement is for a communication that contains express advocacy.”. (d) payments for communications made by a person after substantial discussion about the communication with a candidate or a political party;

(e) the impact of coordinating internal communications by any person to its restricted class or sub-class, if any, subsequent “Federal Election Activity” as defined in Section 301 of the Federal Election Campaign Act of 1971;

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

SA 166. Mr. Bond proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

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

SEC. 305. INCREASE IN PENALTIES IMPOSED FOR VIOLATIONS OF CONTRIBUTION BAN. (a) INCREASE IN CIVIL MONEY PENALTY FOR KNOWING AND WILLFUL VIOLATIONS.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) in paragraph (1), by inserting at the end the following:

“(other than section 320)” after “this Act.”;

(2) in paragraph (2), by inserting “in the violation and shall not be more than the greater of $50,000 or 1000 percent of the amount involved in the violation.” after “involves the greater of $50,000 or 1000 percent of the amount involved in the violation”;

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

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

(c) REGULATIONS BY THE FEDERAL ELECTION COMMISSION.—(1) Within 90 days of the effective date of this Act, the Federal Election Commission shall promulgate new regulations to enforce the statutory standards set by this Act. The regulation shall not require collaboration or agreement to establish coordination. In addition to any subject determined by the Commission, the regulations shall include:

(a) payments for the republication of campaign materials;

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

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

(d) payments for communications made by a person after substantial discussion about any particular understanding with, such can-

or suggestion of, or pursuant to any general or particular understanding with, such candidate, the candidate’s authorized political committee, or the agent’s, or a political party committee or its agents.”.

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

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

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

SA 167. Mr. McCONNell (for Mr. Hatch) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 38, between lines 14 and 15, insert the following:

SEC. 403. EXPEDITED REVIEW. (a) EXPEDITED REVIEW.—Any individual or organization that would otherwise have standing to challenge a provision of, or an amendment made by, this Act, or the application of the provisions and amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

(b) NONSEVERABILITY OF PROHIBITION ON SOFT MONEY OF POLITICAL PARTIES AND INCREASED CONTRIBUTION LIMITS.—If any amendment made by this Act, or the application of the amendment to any person or circumstance, is held to be unconstitutional, each amendment made by sections 101 or 306 shall be severable from the unconstitutional provisions and the application of each such amendment to any person or circumstance, shall be invalid.

SA 168. Mr. Durbin (for himself, Mr. Domenici, Mr. Dewine, and Mr. Levin) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971; to provide bipartisan campaign reform; as follows:

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

TITLE IV—NONSEVERABILITY OF CERTAIN PROVISIONS; EFFECTIVE DATE

SEC. 401. NONSEVERABILITY OF CERTAIN PROVISIONS. (a) In General.—Except as provided in subsection (b), if any provision of this Act or the amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

(b) NONSEVERABILITY OF PROHIBITION ON SOFT MONEY OF POLITICAL PARTIES AND INCREASED CONTRIBUTION LIMITS.—If any amendment made by this Act, or the application of the amendment to any person or circumstance, is held to be unconstitutional, each amendment made by sections 101 or 306 shall be severable from the unconstitutional provisions and the application of each such amendment to any person or circumstance, shall be invalid.

SA 169. Mr. Durbin (for himself, Mr. Domenici, Mr. DeWine, and Mr. Levin) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971; to provide bipartisan campaign reform; as follows:

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

SEC. 4. RESTRICTION ON INCREASED CONTRIBUTION LIMITS TO ACCOUNT CANDIDATES AVAILABLE FUNDS.

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

(2) SPECIAL RULE FOR CANDIDATE’S CAMPAIGN FUNDS.—(I) In General.—For purposes of determining the aggregate amount of expenditures from personal funds under subparagraph (D)(ii), such amount shall include the net cash-on-hand advantage of the candidate.

(j) EXPANDING ON-HAND ADVANTAGE.—For purposes of clause (i), the term “net cash-on-hand advantage” means the excess, if any, of
ORDERS FOR MONDAY, APRIL 2, 2001

Mr. KYL. Madam President, again, on behalf of the leader, I ask unanimous consent that Stephen Bell of Senator DOMENICI’s staff be accorded the privilege of the floor.

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

CONSIDERATION OF THE BUDGET RESOLUTION

Mr. CONRAD. I thank the Chair and the Senator from Oklahoma.

Mr. President, I wanted to further engage the Senator from Arizona because the Senator from Arizona asserted that we have received the estimates of the cost of the President’s tax package, and that is simply not the case. It is not true. If he has received it, I would like him to give me a copy because we haven’t received it.

We haven’t received it because the Joint Tax Committee has said they don’t have sufficient detail about the President’s package to do such a reestimate, and so we are being asked to go to a budget resolution without having the President’s budget, without having the estimates from an independent source of the cost of the President’s budget proposal, and with no markup in the Senate Budget Committee, which is unprecedented, not even an attempt to mark up in the Senate Budget Committee, and all under a reconciliation which denies Senators their fundamental rights to engage in extended debate and amendment.

There were remarks made on the floor that are just not true. It is one thing to have a disagreement, and we can disagree. We can even disagree on the facts. The facts are clear and direct. The differences between the present and 1993 are sharp. In 1993, we did not have the full President’s budget. We did have sufficient detail for an independent, objective review of the cost of the President’s budget proposals. We do not have that now. We do not have the reestimate. We do not have an objective independent review of the cost of this President’s tax plan.

What has been reestimated is part of the plan. And what has been reestimated is the President’s estate tax plan, because the Joint Tax Committee has made clear they don’t have sufficient detail to make such a reestimate. This body is being asked to write a budget resolution without the President’s budget, without sufficient detail from this President to have an objective, independent analytic review of the cost of his proposal, without markup in the committee.

That is a difference. In 1993, we had a full and complete markup in the Budget Committee. This time there is none. It has never happened before. Some on their side, in 1993, we went to the floor with a budget resolution without having completed a markup in the committee. That is true. But at least we tried to mark up in the Budget Committee every year. Virtually every year we have succeeded, except this year. There wasn’t even an attempt to mark up the budget resolution in the committee.

As I say, we are now being asked to go to a budget resolution with no budget from the President, without even sufficient detail to have an independent analysis of the cost of his proposal, which is a massive $1.6 trillion tax cut that threatens to put us back into deficit, that threatens to raid the trust funds of Medicare and Social Security, and we have had no markup in the committee.

The majority is proposing to use reconciliation, which was designed for deficit reduction, for a tax cut. That is an abuse of reconciliation. It would be an abuse if it was for spending; it is an abuse if it is for a tax cut. That was not the purpose of special procedures in which Senators give up their rights, their right to debate and amend legislation. That is wrong. That turns this body into the House of Representatives.

I say to my colleagues on the other side, in 1993, when our leadership came to some of us and asked us to use reconciliation for a spending program, we said no. This Senator said no. That is an abuse of reconciliation because reconciliation is for deficit reduction, not for funding increases, not tax cuts. We are not to short-circuit the process of the Senate—extended debate, the right to amend—because those are the fundamental rights of every Senator. That is the basis of the House of Representatives was to act in a way that responded to the instant demands of the moment. The Senate was to be the cooling saucer where extended debate and discussion could occur, where Senators could offer amendments so that mistakes could be avoided.

All of that is being short-circuited. All of that is being thrown aside. All of that is being put in a position in which the fundamental structure of this body is being altered.

Because the Senator from Oklahoma was so gracious, I am going to stop for the moment so he can make his remarks. Then I will resume at a later point. In time, I wanted to do this as a thank-you to the Senator from Oklahoma for his good manners and graciousness. I appreciate it.
The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

CAMPAIGN FINANCE REFORM

Mr. NICKLES. Mr. President, I thank my friend and colleague from North Dakota. Sometimes when we are here, we get a little impatient since we all have places we want to go. I appreciate his comments, and I very much look forward to the budget and tax bills on the floor of the Senate next week and, frankly, over the next couple of months, as we do our appropriations bills.

I enjoy those issues, and I would have preferred doing those instead of campaign finance for the last 2 weeks. I would have preferred doing the education bill. I, for one, was urging our caucus, and Senator MCCAIN and others, to defer on campaign finance so we could do the Senate. I hoped we could make some improvements which, in my opinion, are education, tax reduction, and the budget. I didn't win that debate.

We have been on the campaign finance bill for the last couple weeks because of the tenacity, persistence, and stubbornness of our good friends, the Senator from Arizona, Mr. MCCAIN, and the Senator from Wisconsin, Mr. FEINGOLD. I compliment them. They have been very tenacious in pushing this bill. I also compliment them for their efforts in working with many of us who tried to make the bill better. We had some successes and we had some failures. In some ways this bill is a lot better than it was when it was introduced and in some areas it got a lot worse. I will touch on a few of those.

I had hoped we would be able to improve the bill. I could not support the bill when it was originally introduced before the Senate. I hoped we could make some improvements so that this Senator could support final passage. I was committed to try to do that. We had some success in a couple of areas, but we had some important failures as well.

I also compliment others who worked hard on this bill including Senator THOMPSON and Senator HAGEL. Senator HAGEL came up with a good substitute. Senator THOMPSON had a good amendment dealing with hard money. I worked with him on that amendment.

I also compliment Senator MCCONNELL and Senator GRAMM, who were fierce, articulate opponents and spoke very well. Senator GRAMM's speech last night was one of the best speeches I have heard in my entire Senate career. He spoke very forcefully about freedom of speech and the fact that even though the editorial boards and public opinion polls, or at least 9 of 10 of them, said this, that we should abide by the Constitution.

The Presiding Officer, Senator BYRD, reads the Constitution as frequently, maybe more frequently than anybody in this body. When we are sworn into office, we put up our hand, and we swear to abide by the Constitution.

The first amendment to the Constitution, one of the most respected and important provisions in the Constitution, states very clearly that “Congress shall make no law... abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the Government for redress of grievances.”

“Congress shall make no law...”

Mr. President, that includes the McCain-Feingold bill. In my opinion, this bill restricts our freedom of speech, not only in the original version, but especially in the version that we have now.

Some of the different sections of this bill go by different names based on their sponsors. I have great respect for my colleagues, and I know Senators SNOWE and JEFFORDS worked on a section restricting speech before elections by unions, corporations, and by other interest groups. This bill restricts their ability to speak, to run ads. This bill prohibits them, in many cases, from being able to run ads less than 60 days prior to an election, or mention a candidate’s name. There are a lot of groups, some on the left, such as the Sierra Club, and some on the right, such as National Right To Life, for example, that may want to run ads about a bill being vetoed. They may be debating partial birth abortion or ANWR, and we might be having this debate in September on an appropriations bill, less than 60 days before the election. This bill will say they cannot run an ad and say “I vote for or I vote against this way or that way, or don’t support this person, because he is wrong on ANWR, or he is correct on the right to life issue. Their free speech would be prohibited. I find that to be unconstitutional.

I have heard a lot of debate on the floor saying they did not think that Snowe-Jeffords is unconstitutional, and other people saying that it was. Then Senator WELLSTONE came up with an amendment that said that all interest groups—the same restrictions we had on unions and businesses on running ads within 60 days. Let's make that apply to them as well. Senators MCCAIN and FEINGOLD said the Wellstone amendment was unconstitutional. If that was unconstitutional, then the underlying bill was unconstitutional because, basically, Senator WELLSTONE copied it.

Why would we pass a bill we know is going to be declared unconstitutional? One of the sponsors of this amendment has never heard about that Denise Rich contribution. She contributed over $100,000 to one candidate, and I thought the law was only $1,000 for a primary and $1,000 for a general election. But Denise Rich contributed over $300,000 through the use of a joint committee. That was an abuse. It needed to be stopped.

Now, let me turn to the issue of coordination. I mentioned this last night on the floor. The coordination section in the underlying McCain-Feingold bill was grossly inadequate in its respect for free speech. The sponsors of the bill, Senators MCCAIN and FEINGOLD,
admitted as much and said we needed to fix it. The bill had a several-page definition of coordination, saying if a union or interest group coordinated with a campaign, they would have to report everything they did and consider it as a contribution. And if we didn’t do so, there could be fines and penalties against that organization and against the candidate. You could make them criminal violations because they would be violating the law. We didn’t want to make people criminals and put them in jail because, basically, they were exercising their constitutional rights.

Senators McCain and Feingold said they would fix that. I looked at the fix, and they fixed it for the unions, but not for everybody else. For the unions, they excluded the in-kind contributions. Unions don’t have to report those, disclose them, and they are not considered coordination. That affects a lot of money, maybe to the tune of in excess of $500 million, or $300 million. That in-kind contribution is excluded from the coordination fix we just adopted earlier today. But we didn’t fix the expenditures side of that.

So if you have other groups, such as National Right To Life or the Sierra Club, and so on, that make expenditures and are working on campaigns and handing out leaflets and so on, that may well be considered a coordinated activity that has to be reported and that is why they are risking telling people who are exercising their constitutional rights even--exercising their constitutional rights by telling people who are exercising their constitutional rights.

By the organization. Right now, they don’t have to do that. We are going to say that could be illegal activity. What I am saying is that they took care of the unions, but not of these groups.

I don’t like this coordinated section because I think it goes way too far. We are risking telling people who are exercising their constitutional rights engaging in campaigns, they better not do that or the heavy hand of the Federal Government might come in and say they violated the law. The people accused will say, what law? These are people that might be trying to convince people not to drill in ANWR, or maybe that we should. Maybe we want to change the mining laws, or maybe we should not change the mining laws. They should have a right to petition Congress. That is what the First Amendment says. We should not abridge the right of the People to petition the Government for a redress of grievances. But we do under this bill if it is during a campaign or within 60 days of an election. You are certainly going to be handicapping their ability to redress a grievance to the Government—their right to petition the Government.

Again, we have the Constitution, and we have this bill. I find this bill to be in violation of the Constitution. Under my reading of the Constitution—and I am not a constitutional scholar—I believe we all have the right to petition the Government, and an individual’s ability to be able to petition the Government, and an individual’s ability to have freedom of speech to say, “I agree with them.” or “I disagree with them.” or “I disagree with Senator so-and-so;” or “I agree with Senator so-and-so;” right before the election. This bill says, no, you can’t do it. If you do it, you might well be in trouble.

But, oh, we have a little fix for the unions. We will just run it through on the last amendment of the day, which is what happened.

Do you know what else concerning the unions is missing in this bill? You would think in the year 2001 we would say that all campaigns contributions would be voluntary. Guess what? They are not in America today. There are millions of Americans who are compelled to contribute to campaigns they don’t support. They would rather not. Some people say these people don’t have to contribute because they don’t have to join the union. In some States, they have to join, or if they don’t, they have to join under an agency fee arrangement. Certain people may not pay dues. They may not want to, but they have to. They have to pay the dues or the agency fee. A lot of that money—maybe in excess of $10, or $15, or $20 a month—is used for political activity. That individual may not want it to be used for that.

He might disagree with the leadership of the union that money is going to candidates to whom he or she is totally opposed. We wanted to have a provision that says no one should be compelled to contribute to a campaign; they would have to give their permission before money can be taken out of their paycheck every month.

Oh, no, that amendment could not be accepted. To be fair, the amendment that was offered was not a good amendment, in my opinion, because it also included shareholders, and there is no way in the world you can include a shareholders provision, in my opinion. But not even worse: You are not going to win on that Paycheck Protection amendment.

Senator Hatch offered another amendment that said at least let’s have disclosure on businesses and unions on how much money they are putting into campaigns. I thought surely that amendment was going to be adopted. That amendment was not adopted.

I will say right now that I believe organized labor put hundreds of millions of dollars into the campaigns last cycle, and we do not know and we will not know because this bill does not require that they tell us. Everybody else has to disclose contributions; organized labor does not. They do not have to disclose their independent activities. They do not have to disclose their indirect, in-kind contributions to campaigns. They have thousands of people making phone calls day after day that are paid full salaries, benefits, at a statutory rate of pay, and we don’t know and most of that is not disclosed. We do not know and this bill does not help us to know. Is this a balanced package? It looks to me more and more and more that it is not.

Originally, this bill had language supposedly to codify Beck, Beck being a decision that if a union person did not want their money used for political purposes, they could get a refund. I never thought that case was satisfactory because their money would be used in ways with which they still would not agree, but it was better than nothing. They could get a refund. But we do not fix that. It’s a little bit bad, too. If you have money used for political purposes, they should say no and not have to contribute.

The underlying bill purported to codify Beck, but it did not do that. I raised that issue with Senator McCain and Senator Feingold, and they concurred with me. We struck the language that weakened Beck, in my opinion, significantly. That made the bill a little better.

I want to give credit where credit is deserved. Certainly, this bill improved by the hard money increase. I think it was improved by striking the language, what I would call the false Beck. That language was taken out of the bill. That made it a little bit better.

Then there was another provision this Senator fought very strongly against, but only at the last minute because I just found out about it at the last minute, and that was the amendment by our friend and colleague from New Jersey, Senator Torricelli, that dealt with lower advertising rates for politicians.

I fought it, but we only had 30 votes against it. Under that amendment, broadcasters have to offer the lowest unit rate to candidates for each type of time over a 365-day period. That is an outlandish, enormously expensive subsidy for politicians. And while people say, this is great, we are limiting money in politics, and so on, what we have done is given politicians an enormous multimillion-dollar gift through this amendment, a multimillion-dollar gift. We defeated a couple amendments that dealt with public financing of campaigns, but this amendment is indirect public financing of campaigns because it is going to allow politicians to get the rates cheaper than anybody else in America. It also has a little provision that says the politicians’s ads cannot be preempted.

To give an example, prior to the election in October, it gets expensive because a lot of people are trying to buy time. There is a lot of competition. A lot people watch “Monday Night Football.” I like to watch it. I am sure commercial ads get expensive on Monday night or any night of high visibility.

We said: Politician, you get the cheapest rate of the year, and you can use that time on Monday night, you can use it on any great night. You get to have the cheapest time of the year. You have an enormous gift, and it is one-tenth as expensive as normal rates for “Monday Night Football” or some other program. You get the lowest rate
Mr. KENNEDY. I thank the Chair.

The legislative clerk proceeded to call the roll.

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

The PRESIDENT. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. I thank the Chair.

THE BUDGET

Mr. KENNEDY. Mr. President, it is midday through Friday afternoon. We know most Americans are heading home from a busy day working and providing for their families. They may be looking forward over the weekend to some of the basketball championships that are going to be played on Saturday and again on Monday evening. They are looking forward to attending services or other activities and spending some time with their families.

Then perhaps on Monday, when they go to work, they may hear on the radio or on television that the Senate is involved in what we call a very long term "a resolution on the budget." By and large, many are going to wonder exactly what that means and what is its relationship to their lives. They are going to wonder, what is it going to mean to my children's education, what is it going to mean to my parents' prescription drugs, what is it going to mean as far as investing in housing or in law enforcement, or any of the areas of national priority, or what is it going to mean in terms of the security of America? We are asking for a solution. They are looking to wonder about this.

I heard over the last several months the President of the United States talk about the fact that he is going to urge the Congress to pass a very sizable tax cut. The President has been on tax cuts. We know the real figures are far in excess of that because they do not include other factors, as others have pointed out in earlier debates. Senator CONRAD has done such a wonderful job not only in educating the Members of the Senate but also in helping the American people understand what is at stake with the President's tax reductions and the real economic impact it will have on the economic stability of our Nation.

People are hearing our President say we can have a very sizable tax cut, and even with that tax cut, still be able to preserve Social Security and Medicare and fulfill the kinds of commitments that we have made to the American people. They are wondering about this.

I remember being here in 1981. I was one of 11 who voted against the Reagan tax cut. The President of the United States talked about the future of our nation. He talked about the future of our economy. He talked about the future of all families. He talked about the future of our country. The American people were warned it was voodoo economics. The American people were warned it was voodoo economics. The American people were warned it was voodoo economics.

We shouldn't lose track of the fact that the proposal of 1981 was characterized by our current President's father as being voodoo economics. The American people were warned it was voodoo economics. Those are not my words, they were the characterization of President Bush, father of our current President.

Now we have a very similar program. The American people are torn, with all these surprises they keep reading and hearing about, 80 percent of which are estimated to be coming 3½ to 4 years from now. What family would be betting their own kind of future on what may happen 3½ years from now in terms of their income? But here we are talking about the future of our nation with all of its implications in terms of the economic policy, with what that means, whether you have jobs, can you afford a home, or student loans. That is what we talk about in terms of economic policy.
We have to ask, as any family would, what does this really mean? We have on the one hand a President who says we can have all of that tax cut and everything is going to be fine. We will be able to invest in education, we can give you that prescription drug program. Don’t we still have to ask our national security even though it is a changing time in national security. We will be able to meet the other kinds of requirements for our country. We can do all of this and preserve Social Security as well.

Take a deep breath. Mr. Citizen. I think most Americans will say: Yes, let’s take a deep breath.

What does all that have to do with where we are today? This proposal now that is being advanced by the same party, and in many ways, the same leadership—not the President but in the Republican leadership that we will have this next week—is supposedly the blueprint that gives the assurance to the American people that we are going to be able to afford the tax cut and also that they are going to have sufficient resources to do what this President and what the Republican Party have stated is their commitment to do. I agree with you that we are going to look at a education, providing a prescription drug program, and saving Social Security and Medicare. That blueprint is in what we call the budget. That makes sense. People ought to be able to understand that. If we are going to have those very large surpluses and do everything else, we can draw one conclusion; if we are not, we ought to be somewhat more cautious about where we are going in terms of the sizable tax reduction. I am for a tax reduction, one that is affordable and fair. But that isn’t what we are talking about now. We are talking about an excessive one that is unfair. Nonetheless, we are talking about a major tax reduction.

So it is fair for the American people to ask their representatives, as has been asked by a number of our colleagues today, and particularly effectively by my very good friend, the Senator from West Virginia and by the Senator from Florida, why is this happening? Well, it is supposed to help us. It is supposed to help us with Social Security and Medicare. That is supposed to be our best effort to try to provide services to those who are going to be the beneficiaries of this tax cut. But where do we find the money for Social Security and Medicare?

There is not a family who would follow these kind of procedures. I mean if we were looking at an American family and a family would say any family would say that all we care about is the cost of a new car. We only have to care about that. We have sufficient money to buy a new car. We do not know how we will provide for the additions for the education of our children, for our kids, payments on the house, food on the table. But what we are going to do is, since we know we have the money here to buy the car, that is what we are going to do.

That is what, effectively, is being done with this phony debate on the tax cut. You are saying you have the downpayment on the tax cut. But you are not saying what you are not going to do about your children’s education. You are not saying what you are going to do about your children’s health. You are not saying what you are going to do about food. Those are the other elements. They do not exist. What family would do that?

If there is not an American family who would do it, why should we? Why should we? Why should we, as representatives of the American family, do it with the national budget? That is what we are asking.

Is there an American business that would say: We have the money to buy the furniture. We have it right in our cash account. Let’s go out and buy the furniture, even though we are going to have to do something in terms of new machinery, even though we are going to have to do something in terms of research in the future. We don’t know what that is, but let’s go ahead and spend the money anyways. We don’t know, we can’t tell you how much of that is going to be for research. We can’t even tell you what the rent is going to be for our business. We can’t even tell you what advertising is going to be. But we have that money for the furniture. Is there an American business that would do that? No. There is not an American business that would do it. That is what we are being asked to do with this budget. That is why this whole process is so badly flawed.

Members who are interested in preparing amendments are having difficulty drafting the amendments because we don’t know how they fit. This is the core issue. The principal responsibilities that we have on budgetary matters reflect the national priorities for this country. That is what Members on both sides of this Chamber are all about. When it comes to budgetary matters: allocating resources on national priorities, that is what it is all about.

We have other responsibilities, as we have said. It is time to try and provide resources to help the proliferation of money in campaign financing, or we have other functions in terms of educating our constituents. We have other important responsibilities with regard to the judiciary. Yes. But when we are talking about the finances, we are talking about the nation’s priorities, and we are talking about allocating resources to reflect the nation’s priorities.

The fact is not that money in and of itself is going to solve our problems. We know when the numbers are too high. But it is a reflection of what our national priorities are. Do we allocate resources. If we, for example, fully fund the IDEA, the program to help local communities educate disabled children, it is going to be a huge number of dollars for per cent—many of us believe that ought to be up to the 40 percent which we represented. We didn’t guarantee it to the States, but we represented was going to be our best effort to try to provide these resources to those who have really made a commitment to the States—more important, to the families—that we were going to do that. And we have left them short.

Is there anyone here this afternoon, anyone left of our Republican colleagues, who will be able to tell us what is going to be in that budget for the IDEA over the next 5 years? How about over the length of this tax cut? That would be pretty interesting, wouldn’t it? So why don’t we: Do we really want to have that much of a tax break, or should we save some of those resources to help the States, to help to provide help and assistance to local communities, to local school districts, to provide some relief when they have a particular need with a child who has developmental disabilities, through no fault of their own, and because of those needs and a community’s attempt to provide for and mainstream their children?

Mr. President, 15 years ago, over 4.5 million of them were tucked away in closets. Now they are out in the schools. We are trying to meet those needs. We don’t know what all those needs are going to be. We cannot say. In some areas, they may have very severe kinds of challenges and have scarce resources, and in other communities they may have fewer challenges and lots of resources. We are trying to see if we cannot provide some minimum level of help. Isn’t that more important than the tax cut?

Where in the document is it, how much we are going to expend to help
and assist those parents? Where is it? Someone show us, someone show not just Members of the Senate but someone explain it to the people of Massachussetts who think they have a Senator who ought to know that, just like every other State expects their Senator to know that.

But, no, no, we are not going to do that. No, we are not going to do that. One, we either do not have it, or if we have it, we are not going to give it to you—no.

What was the request that was made? What was the request that was made on our side of the aisle by those who are part of the Budget Committee and our Democratic leadership and our representatives on Appropriations, the committees that are going to have important responsibilities on this? Why don’t we just wait, wait for just another 2 weeks or another 3 weeks until we get that budget so the American people will have a full view of what is going out and what we are going to commit ourselves to and what is going to be left there for tax relief, tax reduction.

What is the answer to that? What is the reason, the excuse to do so?

None of us want to be making judgments in terms of motivations. But it seems to me, if I was on the other side and believed deeply that this tax reduction of a monumental and growing size—not just as stated by the Senator from Massachusetts, but every publication says it who has been over there, watching the Ways and Means Committee. If they believed in it, they ought to be able to justify it and come out on the floor of the Senate and justify why they believe that is a fair program, and why providing X amount of money is sufficient for the IDEA. They ought to be able to come out here. We ought to be able to debate it.

Will it take place? No. No. Why not? If they believed in the program as much as they indicated in their speeches, you would think they would relish that opportunity. Let’s educate the American people. Let’s take it to the American people and convince them we have the right on our side.

But, no, they are not willing to do that. They are not willing to do it. Instead, we are left completely in the dark, which is not just a disservice to any member of the Senate, but is just an absolutely contemptible attitude to the people we represent, a contemptible, arrogant attitude—contemptible, arrogant attitude to the people we represent.

Fairness is a necessity. We are supposed to have a new mood in Washington. We are going to change the rhetoric in Washington. We are going to change the whole parameters of debate and discussion in Washington. It is going to be a new time.

This is the worst of the old times. As a member of the Senate, I cannot think back to a time that there has been a conscious attempt to keep the Members of this body in the dark on a major kind of policy issue that affects the nation’s future in such a basic and tangible way, not a single incident. Maybe it comes to others, maybe it will come to others, but it certainly did not come to me.

This is something. I can see people saying: Why are people getting all worked up about this on Friday afternoon?

Why didn’t we know this earlier? We didn’t know this earlier because we didn’t know that was going to be the posture and the position of the Republican leadership earlier. We at least thought we might have the opportunity for just a few days to go through and examine it. But no. We are denied that. That has only become more certain and definite in the most recent hours.

The American people ought to be very wary of what will be happening in the next 3 weeks, because we are basically falling to meet our responsibilities to them in an extraordinary and important way. Let me give you a very brief concrete example of what I am talking about.

As we have been bits and pieces of the budget which have been put out. The President has indicated that his budget for prescription drugs will be $153 billion. We have that figure. If the Congressional Budget Office, joint task, and OMB had taken what the President guaranteed in the Presidential campaign, that would be $220 billion. This is $153 billion. With the $220 billion, they were only going to get to less than a third of all the seniors. What are we going to expect with this lesser figure?

Let me go on to give some concrete examples with the limited information that we have.

The Congressional Budget Office reports that to maintain current Government services—that is effectively to maintain those services that are in effect today—for discretionary spending primarily in education, NIH—it doesn’t include Social Security or Medicare—but let’s take basic education programs; there would be the prescription drug program—it reports that to maintain those Government services, in the year 2002 it would cost $665 billion. But the administration proposes only $660.7 billion, which falls short $4.3 billion of the CBO figure.

In addition, the administration’s discretionary budget includes $5.6 billion in emergency reserve and $12 billion in new defense spending. As a result, under the Bush budget, spending on all the non-defense discretionary programs would actually decrease by an average of 4 percent next year, or $13 billion.

Cuts to individual programs will substantially exceed the 34 percent next year because President Bush finds the following: 350,000 fewer babies receiving nutritional supplements; $300,000 fewer families assisted with heating costs under LIHEAP, with all of the problems we have had not only in the Northeast, Midwest, and the South as well; 300,000 fewer families will be assisted under LIHEAP; 45,000 fewer job opportunities for youth at a time when we need greater skills for young people in order to be a part of the job market.

When I entered the Senate, you worked down at the Quincy Shipyard. Your father and grandfather worked there. You had a high school diploma, a small house, and 3 or 4 weeks off in the summertime. You had a pretty good life at that time, everyone who enters the job market has eight jobs. And young people have to have continuing training and education to make sure they have the skills in order to be able to compete. And with close to 400,000 of them dropping out of high school every year, we are cutting back on training and job opportunities for youth; 45,000 fewer people treated for mental illness and substance abuse at a time when we are facing, for example, the kinds of challenges we have seen in our high schools in recent times.

Sure, it is a complex problem and a complex issue. But all you have to do is read that most recent report put out by the Mental Health Institute, and look at the number of troubled young girls in their teens and the challenges they are facing with the drug that is taking place with their needs; the increasing numbers of suicides by teenagers in our society; the challenges of mental health.

In my own city of Boston, a third of the children who go to school every day come home where there is physical and substance abuse or violence in terms of guns. And they are dropped in the schools. We are trying to provide some help and assistance to them. We don’t do a very good job. We have eight behavioral professionals in our Boston school system. They are new and are very good, but eight is not enough. And they are dropped in the school system. They are new and are very good, but eight is not enough. Talk to our superintendent who is making a real difference trying to reach out to these children who are facing some extraordinary pressures.

Just in this current proposal that we know about, there will be 45,000 fewer people receiving help for mental illness; 30,000 fewer homes prepared for low-income families.

Tell that to most of the urban areas. We see in my part of the country the need for help to ill and elderly; 250,000 fewer children immunized; 10,000 fewer National Science Foundation researchers, educators, and
students; 3,000 fewer Federal law enforcement officials; 1,500 fewer air traffic controllers; 30 fewer toxic waste sites cleaned.

That is just a brief snapshot of a number of programs that are targeted to young or at-risk children, or in terms of some of the services that people are expecting that could be reduced or cut under that budget proposal. That is one of the figures that we have.

Because President Bush’s budget fails to spell out exactly what it would cut, it is impossible to determine which programs would be cut less deeply and which would be cut more severely than this. For each program held harmless, the cuts in remaining programs will exceed 7 percent by that much more.

Are we entitled to know the whole range? Isn’t it only responsible, though, that we are able to say, well, we are willing to accept that, or how many hundreds of billions of dollars in terms of tax? Shouldn’t that be the nature of the debate? Why do we have to scrounge around and try to get these kinds of figures that are being kept away from us? They are not in any document here. These are the extrapolations based on the Congressional Budget Office programs in our particular committee jurisdiction, for the most part. And we see what the impact would be. Should or shouldn’t we have that debate, whether it is in these areas here or the whole range of different areas of need we have seen in recent times in the areas of education?

I will just take a few more minutes, Mr. President, to look again at the Federal share of education funding. Referring to this chart, funding for early and secondary education has declined since 1980 from 11.9 percent to 8.3 percent in the year 2000. Higher education has seen these reductions. We are going down in terms of the participation. Again, it isn’t just money solving all the problems, there are other areas that need to be part of a national commitment, that we were going to try to provide some help and assistance. And we have seen that go down.

Yet what is happening on the other side of this? We see that in the year 2000 we had 53 million children going to school, and the total number of children going to school is going to effectively double in future years. The number of children who are going to school will double. Are we going to have this kind of a debate on the budget in relation to that?

This chart shows the flow lines, with the growth to 94 million children going to school as compared to the 53 million children going to school in 2000. Shouldn’t we, if we are going to at least begin to recognize that there is this partnership, say that in those outyears perhaps we ought to—if we are going to have those surpluses and certainly no one can guarantee it—look at not just what the needs are today, but we ought to be looking down the road in terms of what we are going to do in terms of a national priority?

The chart I was just showing was in relation to elementary and secondary education. What we see with this chart is the corresponding escalation in terms of the total number of children who are going to higher education. That is enormously important in terms of acquiring different kinds of skills so that they are going to be able to be important players in a modern economy. Everyone has understood that for the lowest level professions.

We ought to have that debate—whether this budget that we should have next week is going to take into consideration the long-range interests, not just the short-term fact that we have $130 billion of funds currently in terms of bringing our elementary and secondary schools up to par, in terms of safety and security, and in terms of their ventilation and electronics so that they will be able to have the modern computers. That is $130 billion and is not even talking about current needs but about future needs.

Shouldn’t we have that out here alongside of what is going to be allotted and expanded in terms of this tax cut? But, oh, no, we can’t have that. We can’t have that. We can’t wait 2 weeks. We can’t wait 2 weeks, 3 weeks, 4 weeks, to be able to get that information out so we can have that informed debate. No, we are not going to do that.

So I join those who have expressed their concern about this process. I had a good opportunity of listening, with great interest, to my friend and colleague from West Virginia this afternoon back in my office. I hope other Members listened to his excellent presentation in outlining the challenges of this moment because he brings to this debate and discussion not only the sweep of history with his own extraordinary career in public service, but he brings to it, in addition, the most exhaustible understanding and awareness in the history of this institution and its development, and even more than that, he is on top of that, his own experience and his understanding of the history—is his love of the institution and his deep commitment to it.

So, Mr. President, when he warns about the real implications for this institution as a servant of the people, it needs to be a warning that is well heeded. And it is not being well heeded. If we are to move ahead the way it has been outlined that we will by the majority leader and the Republican leadership, at the end of next week this will be a lesser institution in terms of representing the people of this country, and that I hope to be able to avoid.
CONGRESSIONAL RECORD — SENATE

S3231

March 30, 2001

THE FOLLOWING NOMINEE FOR OFFICER 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. RICHARD E. HUFFY, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

_To be brigadier general_

COL. J. PAUL C. DUTTGE III, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

_To be major general_

BRIG. GEN. PERRY V. DABEL, 0000

BRIG. GEN. CARLOS D. PAIS, 0000

COL. JEFFREY L. ARNOLD, 0000

COL. STEVEN P. HEDST. 0000

COL. HARVEY J. PHILLIPS JR., 0000

COL. CORAL W. PIETSCHE, 0000

COL. LEWIS B. ROACHE, 0000

COL. ROBERT J. WILLIAMSON, 0000

COL. DAVID T. ZABECKI, 0000

IN THE ARMY


THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

_To be brigadier general_

COL. ROBERT G. F. LEE, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

_To be rear admiral_

REAR ADM. (J.R.) KENNETH C. BELISLE, 0000

REAR ADM. (J.R.) MARK R. FRIEDFINGER, 0000

REAR ADM. (J.R.) JOHN A. JACKSON, 0000

REAR ADM. (J.R.) JOHN P. MCLAUGHLIN, 0000

REAR ADM. (J.R.) JAMES B. PLESSHAL, 0000

REAR ADM. (J.R.) JOSE S. THOMPSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 801:

_To be vice admiral_

REAR ADM. JAMES C. DAWSON JR., 0000

IN THE AIR FORCE


_The following named officer for appointment as director of admissions, United States Air Force Academy, under title 10, U.S.C., section 531(c):_

WILLIAM D. CARPENTER, 0000


IN THE MARINE CORPS


IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 1230:

_To be colonel_

JOE L. FORD, 0000


IN THE MARINE CORPS


Mr. LANGEVIN. Mr. Speaker, I rise in support of H.R. 6, the Marriage Penalty and Family Tax Relief Act, because I firmly believe that Congress should provide meaningful relief from the tax burden on Rhode Island’s married couples.

However, we can and should improve upon this measure as it makes its way through the legislative process. In particular, the benefits of the bill must be targeted more directly to lower- and middle-income families who are currently penalized for being married. Further, the underlying bill does little to adequately adjust the Alternative Minimum Tax (AMT), which increasingly affects the middle class. As a result, too many middle-income families remain unprotected from having most of the promised benefits of the bill taken away.

I have additional concerns that this Congress has yet to finalize its work on a budget framework this year. We also have little perspective on how this legislation will fit into our other collective commitments to extend the solvency of Social Security and Medicare and reduce our national debt. Congress needs to enact a budget that honors our commitments and our continued need to invest in education, law enforcement, the environment, health care and national defense, before enacting a large tax cut.

For these reasons, I will support both the Democratic alternative and the motion to recommit the substitute not only takes a large step toward eliminating the marriage penalty, but also would provide substantial tax cuts to all working families in a responsible budget framework. Specifically, this measure would create a new bracket for married couples, increase the standard deduction for married couples and adjust the AMT. Finally, the motion to recommit seeks to provide an immediate tax cut to boost our economy and help those families who need assistance now.

Again, while I support final passage of this legislation because I believe hardworking Americans deserve some relief from the marriage penalty, I hope that this flawed bill will be improved in the Senate to ensure lower- and middle-income couples benefit as well. And more than anything, I urge my colleagues to focus on crafting a budget and tax cut framework that rewards hard-working taxpayers, while ensuring that our debt is paid down, Social Security and Medicare remain strong, and our national priorities like education and health care are not shortchanged.

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

MARRIAGE PENALTY AND FAMILY TAX RELIEF ACT OF 2001

SPEECH OF
HON. JIM LANGEVIN
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 29, 2001

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MARRIAGE PENALTY AND FAMILY TAX RELIEF ACT OF 2001

SPEECH OF
HON. SHERWOOD L. BOEHLERT
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 29, 2001

Mr. BOEHLERT. Mr. Speaker, I rise in strong support for H.R. 6, the Marriage Penalty and Family Tax Relief Act of 2001. This bill will not only do away with the unfair tax burden on married couples, but it will also double the per-child tax credit from $500 to $1,000. For the 25 million married couples saddled with the marriage penalty, for low and middle income parents, and for their children, this relief will not come a minute too soon.

No one should be penalized for being married. No family should be penalized for having a stay at home parent. Yet without this critical legislation we would miss an opportunity to do right by the people everyday to not only make a home for their family but also to pay their share of taxes. Following up on our passage of H.R. 3, this bill is another big step in the right direction.

Relief from the marriage penalty, a greater child tax credit and lowered marginal tax rates, will mean real help for real families. When fully phased in, a married couple with 2 children earning $35,000 filing jointly will save over $1,800 dollars a year. That’s real money to invest in their children’s education, pay the bills, and save for the future.

This bill is pro-marriage, pro-child, and pro-family. Not just young married couples and families, but older ones, too. The numbers don’t lie. H.R. 6 would give 6 million seniors marriage tax penalty relief in 2002 and increase to 9 million seniors in 2010.

I urge my colleagues to vote for the Marriage Penalty and Family Tax Relief Act of 2001. Vote to support our nation’s families.

IN RECOGNITION OF CAROLYN CRAYTON, THE FOUNDER AND EXECUTIVE DIRECTOR OF BOTH THE KEEP MACON-BIBB BEAUTIFUL, COMMISSION AND THE MACON, GEORGIA INTERNATIONAL CHERRY BLOSSOM FESTIVAL

HON. SAXBY CHAMBLISS
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Friday, March 30, 2001

Mr. CHAMBLISS. Mr. Speaker, I want to recognize Mrs. Carolyn Crayton, the founder and executive director of both the Keep Macon-Bibb Beautiful Commission and the Macon, Georgia International Cherry Blossom Festival. She has dedicated herself to community service, ensuring that our communities stay clean and beautiful.

She has worked tirelessly since 1964 as the Founder and Executive Director of Keep Macon-Bibb Beautiful Commission. Carolyn has been the recipient of the Keep America Beautiful’s Leadership Award and the Mrs. Lyndon B. Johnson Award. She was also awarded the Queen Mother’s Award, which was presented by the Keep Britain Tidy Group, this being the only time this honor was awarded outside the United Kingdom. Carolyn was invited to appear on Good Morning America in 1984, as one of several people who have made a difference in their community. In 1988, she received the Georgia Clean and Beautiful Woman of the Year Award, which is now named the Carolyn Crayton Award.

Carolyn is also responsible for founding the Georgia International Cherry Blossom Festival. Carolyn’s dedication and hard work are the reason we are able to enjoy the Cherry Blossom Festival and all the beautiful cherry blossom trees. She and her organization are responsible for the safety in their presence in the State of Georgia. She has received a Certificate of Merit from the Georgia Garden Clubs of Georgia and the Ladies Home Journal Heroine Award. Carolyn has done such a wonderful job with the production and management of the Georgia International Cherry Blossom Festival, she was named the Festival Director of the Year in Georgia in 1995. One year later she was inducted into the International Festivals and Events Association’s Hall of Fame. In 1999, she received the Deen Day Smith Award.

Unfortunately, Carolyn is retiring this year. I would like to recognize and commend her for all the hard work she has done for the State of Georgia, more specifically Macon. She has selflessly given her time and effort as an active community leader and should be an example to all of us.

Carolyn and her husband Lee are dear friends and I am very proud of the great contribution they have made both to the State of Georgia.

CONGRATULATING CLOUD COUNTY COMMUNITY COLLEGE

HON. JERRY MORAN
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Friday, March 30, 2001

Mr. MORAN of Kansas. Mr. Speaker, March Madness means many things to many people. In the quest for college basketball’s holy grail, March represents the time when champions are crowned in all divisions. This week, I am proud to congratulate the Cloud County Community College women’s basketball team from Concordia, Kansas. This past Saturday, the lady Thunderbirds won the National Junior College Athletic Association national title.

For this team, this program, and this community, the championship is indeed a great honor. At times, it is easy to get wrapped up in all of the hype surrounding college athletics, but I think Cloud County coach, Brett Erkenbrack, said it best: “Great team, a tremendous bunch of young ladies, and a great crowd.”
Cloud County is the first Kansas team to win the women’s title in the 27 year history of the NJCAA tournament. The team includes three players selected to the All-Tournament Team, including Paulie Valentine, N’Keisa Richardson, and the tournament Most Valuable Player, Michelle Malal.

The talented players on Coach Erkenbrack’s team fought a difficult road on the way to earning the National title, defeating the number 5 and number 1 seeds, as well as enduring an overtime victory in the semifinals.

The Concordia community also rallied around their home team. Attendance at the championship game was the biggest of the tournament and beat last year’s mark by over 25%. This is a story of teamwork, preparation, and hard work, combined with a supportive community and families all pulling together for a championship run. It is a great story to tell and a story worth repeating.

Congratulations again to the Cloud County Women’s Basketball team. They truly are champions.

RECOGNIZING EVAN DOBELLE’S CONTRIBUTIONS TO THE HARTFORD COMMUNITY

HON. JOHN B. LARSON
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Friday, March 30, 2001

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to bring to my colleagues’ attention a true leader in the First Congressional District of Connecticut, and a good friend of mine, Dr. Evan Dobelle. For the past six years, Dr. Dobelle has served as the President of Trinity College in Hartford, Connecticut. In those six years, he has expanded on that role of president of the private college to that of an effective leader in the surrounding urban community—transforming the outlook and prosperity of both the school and the community. It is now with bittersweet enthusiasm that I must wish Dr. Dobelle well as he embarks on his newest endeavor, which is to become the President of the University of Hawaii.

Never one to shy away from a challenge, Evan Dobelle began his commitment to the community in his twenties, serving two terms as the Mayor of Pittsfield, MA. At age 31, Dr. Dobelle was selected United States Chief of Protocol for the White House and Assistant Secretary of the State with the rank of Ambassador under the Carter Administration. Before assuming his position at Trinity College, he served as Chancellor and President of City College of San Francisco, and president of Middlesex Community College in Lowell, MA. He holds a bachelor’s, master’s, and doctoral degrees in education and public policy from the University of Massachusetts at Amherst and a master’s in public administration at Harvard University.

In 1995, Evan Dobelle came to Hartford to serve as the eighteenth president of Trinity College; a school synonymous with rigorous academics, but also known for its location in economically depressed area of Frog Hollow. It is a picture of public academia located within the heart of one of Hartford’s forgotten neighborhoods. With Trinity, Evan faced one of his toughest challenges. Not only did he have to enhance the quantity and quality of

applicants, and increase Trinity’s endowment, Evan was responsible for improving relations with the neighborhood surrounding the gates of Trinity. Recognizing the benefits that both the community and the school had to offer one another, Evan embraced the surrounding neighborhood and called upon both the community and the school to invest in a neighborhood partnership for mutual improvement. While successfully achieving the goals outlined for enrollment and endowments, Dobelle also used his innovation and leadership to play a vital role in orchestrating the Hartford Corridor, a $250 million neighborhood redevelopment project, consisting of four public elementary schools, a boys and a girls club, a center for family services, a limited housing renovation, and effectively satisfying the third requirement of his presidency and creating a national model. It is for this accomplishment he will be remembered so fondly for by the people of the city of Hartford.

The Corridor redevelopment project has been one of the most celebrated and successful ventures the City of Hartford has seen. It is due largely in part to the dedication and leadership of Dr. Evan Dobelle. In his six years as president of Trinity College and a resident of the City of Hartford, Evan Dobelle has become an inspiration to his adopted community in Hartford.

Dr. Dobelle has gone beyond the call of duty and done a tremendous job not only for Trinity College, but the entire city of Hartford. I commend him for his excellent work, and wish him the best, as I know he will give nothing less than that to the students of the University of Hawaii and its surrounding communities.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2002

SPREECH OF
HON. JIM LANGEVIN
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 28, 2001

The House in Committee of the Whole on the House of the Union had under consideration the resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

Mr. LANGEVIN. Mr. Chairman, I rise today in strong opposition to this budget resolution. In particular, I object to its cornerstone: an extension of the Bush Tax cuts. This budget resolution would cut appropriated federal programs that are absolutely vital to our nation’s small business, worker, health, environmental protection, and housing needs. The Bush budget also slashes our transportation and infrastructure needs, decreases funding for critical law enforcement programs, and cuts budget authority for the benefits our veterans need and deserve. And at a time when an energy crisis is threatening large portions of our country, why would the Administration propose to cut our energy budget below current levels?

Furthermore, the Small Business Administration (SBA) would receive a cut of over 46 percent in its overall budget. Small businesses are the backbone of Rhode Island’s economy and account for more than 95 percent of the jobs in the state. They bring new and innovative services and products to the market place and provide business ownership opportunities to diverse and traditionally underrepresented groups. Many of these small businesses rely on the valuable loan assistance and technical training programs offered by the SBA. These cuts could severely impact Rhode Island’s small business community, just when we need their contributions the most.

I support a more balanced approach to our federal budget that allows for a significant tax cut, but also takes into consideration a wide range of short and long-term budgetary needs. It is for these reasons that I will support the Democratic and Blue Dog alternatives.

Under the Democratic alternative, we could extend the solvency of Social Security and Medicare and have a sizable tax cut that would benefit every family. This measure would also allow us to adequately fund our top priorities, including education, prescription drugs, defense and small business, and still retire all redeemable public debt by 2008.

The Blue Dog Budget Alternative would set forth a five-year budget framework to account for the uncertainties in long-term budget forecasts. The plan provides for retiring over half
the publicly held debt by 2006 and eliminating back-loaded tax cuts and unnecessary spending increases. By reserving half of the on-budget surplus for the next five years, we could continue to pay down the debt and strengthen Social Security and preserve Medicare. Finally, like the Democratic alternative, the Blue Dog budget sets aside a pool of money to help states and localities improve their voting systems in time for the next federal elections. The Bush framework completely ignores this urgent need.

The Bush Administration’s budget threatens the quality of life of millions of Americans. There are many tough choices ahead, but I firmly believe that with cooperation and an eye towards operating within a responsible framework, this Administration and Congress can and should develop a budget that will ensure that everyone’s needs are met. I encourage my colleagues to join me in rejecting this ill-conceived Republican proposal and supporting instead a sensible, well-balanced budget resolution that speaks to the needs of every American family.

MAGGIE LENA WALKER

HON. ROBERT C. SCOTT
OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 2001

Mr. SCOTT. Mr. Speaker, in celebration of Women’s History Month, I rise to honor the contributions of a distinguished woman. I would like to share with the House the remarkable life of Maggie Lena Walker, a Richmond, Virginia native and a business and community leader in the early part of the 20th Century. Maggie Walker is well known for her efforts on behalf of the African American community in Richmond and in the development and success of Richmond’s historic Jackson Ward community, among the oldest African American communities in the country.

Maggie Walker was born on July 15, 1867. She spent her childhood at the Van Lew Mansion in Richmond, Virginia, where her mother, a former slave, worked as a cook. She spent her childhood at the Van Lew Mansion in Richmond, among the oldest African American families. Among her servants received a good education. It was here that Maggie Walker began to learn the value and importance of education. Like many educated African American women during that time, Maggie Walker’s first contribution was in the field of education where she taught in the public school system after her graduation from Armstrong Normal School in Richmond. She was required to leave the teaching profession after her marriage and soon recognized the limited availability of job opportunities for African American women. Further, it was Walker’s belief that African American women had an instrumental part to play in the economic and political success of the African American community. This belief was manifested in Walker’s founding of the Woman’s Union, an insurance company, and the Saint Luke Penny Savings Bank, where in 1903 she was the first woman bank president in the United States.

The Saint Luke Penny Savings Bank, as its name suggests, was established as an institution whose interest was the small investors, literally the pennies of the African American washerwomen—ultimately proving that even with pennies, the African American community had economic power. Maggie Walker’s Saint Luke Penny Savings Bank merged with two other banks to become Consolidated Bank and Trust, the oldest existing African American owned and operated bank in the U.S., with several branches today in Richmond and Hampton, Virginia.

This Saint Luke Emporium, a department store located in the Jackson Ward section of Richmond, was started by Walker and is yet another example of her promotion of African American economic empowerment. It employed scores of African American women and provided the African American community the opportunity to purchase goods from its own businesses. The Jackson Ward community in Richmond benefited greatly from Walker’s influence and keen sense of business acumen; today, the Jackson Ward is known historically as the center of Richmond’s African American business and social life.

Maggie Walker’s leadership was not confined to the business community. She set the groundwork for the local women’s suffrage movement and voter registration efforts after the passage of the 19th Amendment. The evidence of her success is in the fact that close to 80 percent of eligible black voters in Richmond in the 1920s were women. Maggie Walker boldly challenged the political establishment in 1921 when she ran for State Superintendent of Public Instruction on the “Lily Black” Republican ticket. Although her campaign for public office was unsuccessful, it confirmed African American women’s important role in the political arena and it also further invigorated the interest of the African American community in the political process.

On April 26, 2001, the Junior Achievement National Hall of Fame will recognize Maggie Walker’s accomplishments as the country’s first African American female bank president. The mission of Junior Achievement is to ensure that every child in America has a fundamental understanding of the free enterprise system. Ms. Walker is a prime example in making that goal a reality. During her days at the St. Luke Penny Savings Bank, the bank provided small cardboard boxes to children to encourage them to save their pennies. When the children had one dollar saved, they could open a savings account with the bank. This tradition continues today at the Consolidated Bank & Trust Company. Maggie Walker’s work as a political leader and business entrepreneur is a reminder to us all that the success of the African American community depends on both economic and political development.

ACHIEVEMENTS OF CESAR CHAVEZ

HON. ALCEE L. HASTINGS
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in commemoration of the life of a great leader, Cesar E. Chavez. His memory serves as a constant reminder of the hardships facing working families every day and an inspiration to those who strive to speak up for people whose voices go unheard.

The teachings of Cesar Chavez have inspired millions of people in our country. One might argue that the practices of our country’s labor community can be attributed to the lessons that were taught by the late Cesar Chavez. In carrying out his mission, Chavez developed and lived with a unique blend of values, philosophies, and styles. Although he organized predominantly Hispanic workers, Chavez’s commitment to non-violence, volunteerism, egalitarianism, and respect for all cultures, religions and lifestyles, has served as the guiding principle of the U.S. labor movement for the past fifty years.

In 1989, Chavez conducted a 36-day fast to protest the pesticide poisoning of migrant workers in California. For years, workers were coming into contact with harmful pesticides that had led to, in many cases, cancer. Farm owners had ignored the problem and Chavez was infuriated. During a speech on the 36th day of his fast, Chavez declared, “If we ignored pesticide poisoning, if we looked on as farm workers and their children are stricken, then all the other injustices our people face would be compounded by an even more deadly tyranny. But ignore that final injustice is what our opponents would have us do.”

Unfortunately, Mr. Speaker, the injustices that Cesar Chavez fought against for fifty years, and the living conditions he spoke out against, still exist today. We have a responsibility in Congress to continue the fight where Cesar Chavez left off. We have a responsibility to speak for those who cannot speak, and to fight for those who cannot fight. Improving working conditions, increasing the minimum wage, and providing quality benefits for all workers remain at the forefront of our challenges on behalf of working families. We should use today’s commemoration of Cesar Chavez’ life to renew our commitment not to ignore that final injustice,” and protect the rights of working families. If we do ignore them, then we are forgetting the great lessons taught to us by this great hero. That would be an injustice in itself.
D294

Friday, March 30, 2001

Daily Digest

HIGHLIGHTS

Senate completed consideration of S. 27, Campaign Finance Reform.

Senate

Chamber Action

Routine Proceedings, pages S3183–S3231

Measures Introduced: Six bills and one resolution were introduced, as follows: S. 665–670, and S. Con. Res. 30. Page S3215

Campaign Finance Reform: Senate completed consideration of S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform, taking action on the following amendments proposed thereto:

Adopted:

McConnell (for Hatch) Amendment No. 167, to provide for expedited review by the United States District Court for the District of Columbia. Pages S3183–98

Bond Modified Amendment No. 166, to amend the Federal Election Campaign Act of 1971 to increase the penalties imposed for making or accepting contributions in the name of another and to prohibit foreign nations from making any campaign-related disbursements. Pages S3187–88, S3191

By 57 yeas to 34 nays (Vote No. 63), McCain Amendment No. 165, relating to coordinated expenditure or other disbursement regulations. Pages S3184–87, S3193–94

Durbin Modified Amendment No. 169, to limit the increase in contribution limits in response to expenditures from personal funds by taking into consideration a candidate’s available funds. Pages S3192, S3194–98

Rejected:

Harkin Amendment No. 168, to add a nonseverability provision with respect to the ban on soft money and the increase in hard money limits. Pages S3190–91

By 41 yeas to 50 nays (Vote No. 62), Reed Modified Amendment No. 164, to make amendments regarding the enforcement authority and procedures of the Federal Election Commission. Pages S3183–84, S3192–93

By prior unanimous-consent, Senate will vote on final passage of the bill at 5:30 p.m., Monday, April 2, 2001.

Nominations Confirmed: Senate confirmed the following nominations:

48 Air Force nominations in the rank of general.
14 Army nominations in the rank of general.
7 Navy nominations in the rank of admiral.
Routine lists in the Air Force, Army, Marine Corps, Navy. Pages S3211–12, S3230–31

Executive Communications: Pages S3214–15

Statements on Introduced Bills: Pages S3216–22

Additional Cosponsors: Pages S3215–16

Amendments Submitted: Pages S3222–24

Additional Statements: Pages S3212–14

Privileges of the Floor: Page S3224

Record Votes: Two record votes were taken today. (Total—63) Pages S3193, S3194

Recess: Senate met at 9 a.m., and recessed at 4:16 p.m., until 5 p.m., on Monday, April 2, 2001. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S3224.)

Committee Meetings

No committee meetings were held.
House of Representatives

Chamber Action

Bills Introduced: 2 public bills, H.R. 1328–1329, were introduced.

Reports Filed: No Reports were filed today.

Guest Chaplain: The prayer was offered by the guest Chaplain, the Rev. Dr. Roger D. Willmore, First Baptist Church of Weaver, Alabama.

Committee to Attend the Funeral of the Late Honorable Norman Sisisky, a Representative from the Commonwealth of Virginia: Pursuant to the provisions of H. Res. 107, the Chair announced the Speaker’s appointment of the following members to the Committee to attend the funeral of the late Honorable Norman Sisisky: Representatives Wolf, Gephardt, Moran of Virginia, Goodlatte, Scott, Tom Davis of Virginia, Goode, Cantor, Jo Ann Davis of Virginia, Schrock, and Skelton.

Quorum Calls—Votes: No quorum calls or recorded votes developed during the proceedings of the House today.

Adjournment: The House met at 10 a.m. and adjourned at 10:10 a.m.

Committee Meetings

NATIONAL ENERGY POLICY

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held an oversight hearing on National Energy Policy: Crude Oil and Refined Petroleum Products. Testimony was heard from John Cook, Director, Petroleum Division, Energy Information Administration, Department of Energy; and public witnesses.

OVERSIGHT—FEDERAL GOVERNMENT’S CONSOLIDATED FINANCIAL STATEMENTS

Committee on Government Reform: Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Affairs held a hearing on “Oversight of the Federal Government’s Consolidated Financial Statements.” Testimony was heard from David M. Walker, Comptroller General, GAO; Donald V. Hammond, Acting Under Secretary, Domestic Finance, Department of the Treasury; and Mitchell E. Daniels, Jr., Director, OMB.

CONGRESSIONAL PROGRAM AHEAD

Week of April 2 through April 7, 2001

Senate Chamber

On Monday, Senate will vote on final passage of S. 27, Campaign Finance Reform, at 5:30 p.m. Also, Senate is expected to begin consideration of H. Con. Res. 83, Congressional Budget for Fiscal Year 2002.

During the remainder of the week, Senate expects to continue consideration of H. Con. Res. 83, Congressional Budget for Fiscal Year 2002, and any other cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: April 3, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine issues surrounding Alzheimer’s Disease, 9:30 a.m., SH–216.

Committee on Armed Services: April 4, Subcommittee on SeaPower, to hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on shipbuilding industrial base issues and initiatives, 9:30 a.m., SR–222.

Committee on Commerce, Science, and Transportation: April 4, Subcommittee on Consumer Affairs, Foreign Commerce, and Tourism, to hold hearings to examine specific measures that have been taken in the United States to prevent bovine spongiform encephalopathy (BSE) “Mad Cow Disease” and assess their adequacy, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: April 3, to hold hearings to examine national energy policy with respect to impediments to development of domestic oil and natural gas resources, 9:30 a.m., SD–628.

Committee on Environment and Public Works: April 5, Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety, to resume hearings to examine the interaction between United States environmental regulations and energy policy, 9 a.m., SD–406.

Committee on Finance: April 3, to hold hearings to examine the process of finding successful solutions relative to Medicare and Managed Care, 10 a.m., SD–215.

April 4, Full Committee, to hold hearings to examine certain issues with respect to international trade and the American economy, 10 a.m., SD–215.

April 5, Full Committee, to hold hearings to examine the impact of certain scams on taxpayers, 10 a.m., SD–215.

Committee on Foreign Relations: April 3, business meeting to consider proposed legislation to amend U.S. anti-drug certification procedures; S. Res. 27, to express the sense of the Senate regarding the 1944 deportation of the Chechen people to central Asia; S. Res. 60, urging the
immediate release of Kosovar Albanians wrongfully imprisoned in Serbia; S. Con. Res. 7, expressing the sense of Congress that the United States should establish an international education policy to enhance national security and significantly further United States foreign policy and global competitiveness; S. Con. Res. 23, expressing the sense of Congress with respect to the involvement of the Government in Libya in the terrorist bombing of Pan Am Flight 103; and the nomination of William Howard Taft, IV, of Virginia, to be Legal Adviser of the Department of State, 10:30 a.m., SD–419. 

Committee on Governmental Affairs: April 4, to hold hearings on the state of the Presidential appointments process, 2 p.m., SD–342.

April 5, Full Committee, to continue hearings on the state of the Presidential appointments process, 10 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: April 4, to hold hearings to examine the constitutionality of employment laws, focusing on states rights and federal remedies, 9:30 a.m., SD–430.

Committee on Indian Affairs: April 4, business meeting to consider pending calendar business, 9:30 a.m., SR–485.

April 5, Full Committee, to hold oversight hearings to examine the goals and priorities of the United South and Eastern Tribes (USET) for the 107th Congress, 9:30 a.m., SR–485.

Select Committee on Intelligence: April 3, to hold closed hearings on intelligence matters, 2:30 p.m., SH–219.

April 4, Full Committee, to hold closed hearings on intelligence matters, 2 p.m., SH–219.

Committee on the Judiciary: April 3, to hold hearings to examine online entertainment and related copyright law, 10 a.m., SD–106.

April 3, Subcommittee on Technology, Terrorism, and Government Information, to hold hearings to examine the Hart-Rudman Report, with respect to homeland defense, 2 p.m., SD–226.

April 4, Subcommittee on Antitrust, Business Rights, and Competition, to hold hearings to examine competitive choices concerning cable and video, 10 a.m., SD–226.

April 4, Subcommittee on Immigration, to hold hearings to review certain issues with respect to immigration policy, 2 p.m., SD–226.

April 5, Full Committee, to hold hearings on the nominations of Larry D. Thompson, of Georgia, to be Deputy Attorney General and Theodore B. Olson, of the District of Columbia, to be Solicitor General of the United States, both of the Department of Justice, 10 a.m., SD–226.

House Chamber

To be announced.

House Committees

Committee on Agriculture, April 3, Subcommittee on Department Operations, Oversight, Nutrition, and Forestry, hearing to review the USDA domestic food distribution programs, 1 p.m., 1300 Longworth.

April 4 and 5, to continue hearings on Federal Farm Commodity Programs, 10 a.m., on April 4 and 9:30 a.m., on April 5, 1300 Longworth.

Committee on Appropriations, April 3, Subcommittee on District of Columbia, on Corrections and Related Activities, 1:30 p.m., 2362 Rayburn.

April 3, Subcommittee on Labor, Health and Human Services and Education, on Members of Congress, 10 a.m., 2358 Rayburn.

April 4, Subcommittee, Commerce, Justice, State and Judiciary, on the SEC, 10 a.m., H–309 Rayburn.

April 4, Subcommittee on District of Columbia, on D.C. Courts; Police and Fire, 1:30 p.m., 2362 Rayburn.

April 4, Subcommittee on Labor, Health and Humans and Education, to continue on NIH Theme hearings, 10 a.m., 2358 Rayburn.

April 5, Subcommittee on Commerce, Justice, State and Judiciary, on the FCC, 10 a.m., 2362 Rayburn.

April 5, Subcommittee on Interior, on National Endowment for the Humanities and National Endowment for the Arts, 10 a.m., B–308 Rayburn.

Committee on Armed Services, April 4, to continue hearings on posture of U.S. military forces, 10 a.m., 2118 Rayburn.

April 4, Special Oversight Panel on Morale, Welfare and Recreation, hearing on morale, welfare and recreation programs of the Department of Defense, 2 p.m., 2212 Rayburn.

April 5, Special Oversight Panel on Department of Energy, hearing on the reorganization plan of the National Nuclear Security Administration, 9 a.m., 2212 Rayburn.

Committee on Education and the Workforce, April 3, Subcommittee on Select Education, hearing on Department of Education Financial Management, 9:30 a.m., 2175 Rayburn.


Committee on Energy and Commerce, April 3, Subcommittee on Commerce, Trade and Consumer Protection, hearing on An Examination of Existing Federal Statutes Addressing Information Privacy, 2 p.m., 2123 Rayburn.

April 4, Subcommittee on Health and Environment and the Subcommittee on Oversight and Investigations, joint hearing on Patients First: A 21st Century Promise to Ensure Quality and Affordable Health Coverage, 10 a.m., 2123 Rayburn.

April 4, Subcommittee on Telecommunications and Internet, hearing on E-Rate and Filtering: A Review of the Children’s Internet Protection Act, 10 a.m., 2322 Rayburn.

April 5, Subcommittee on Oversight and Investigations, hearing entitled “Protecting America’s Critical Infrastructures: How Secure are Government Computer Systems?” 9:30 a.m., 2322 Rayburn.

Committee on Financial Services, April 4, Subcommittee on Capitol Markets, Insurance and Government Sponsored Enterprises and the Subcommittee on Financial Institutions and Consumer Credit, joint hearing on promotion
of capital availability to American businesses, 10 a.m., 2128 Rayburn.

Committee on Government Reform, April 2, Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Affairs, hearing on “IRS Progress in Addressing Management Issues,” 2 p.m., 2154 Rayburn.


April 3, Subcommittee on Technology and Procurement, hearing on “Enterprise-Wide Strategies for Managing Information Resources and Technology: Learning From State and Local Governments,” 10 a.m., 2154 Rayburn.

April 4, full Committee, hearing on the “The U.S. Postal Service’s Uncertain Financial Outlook,” 10 a.m., 2154 Rayburn.

April 5, Subcommittee on the Census, hearing on “BEA: Is the GDP Accurately Measuring the U.S. Economy?” 2 p.m., 2247 Rayburn.

April 5, Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Affairs, hearing on H.R. 577, to require any organization that is established for the purpose of raising funds for the creation of a Presidential archival depository to disclose the sources and amounts of any funds raised, 10 a.m., 2154 Rayburn.

Committee on International Relations, April 4, Subcommittee on Europe, hearing on the U.S.-European Relationship: Opportunities and Challenges, 1:30 p.m., 2172 Rayburn.

Committee on the Judiciary, April 4, to mark up the following measures: H.J. Res. 41, proposing an amendment to the Constitution of the United States with respect to tax limitations; and H.R. 1209, Child Status Protection Act of 2001, 10 a.m., 2141 Rayburn.

April 4, Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on “Business Method Patents,” 2 p.m., 2141 Rayburn.

Committee on Resources, April 3, Subcommittee on Forests and Forest Health oversight hearing on Developing Economic Uses for Forest Fuels, 3 p.m., 1334 Longworth.

April 3, Subcommittee on Water and Power, oversight hearing on California Water—A Regional Perspective, 2 p.m., 1324 Longworth.


April 4, Subcommittee on Fisheries, Conservation, Wildlife and Oceans, oversight hearing on the implementation of the Sustainable Fisheries Act and the reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act, 2 p.m., 1334 Longworth.

Committee on Rules, April 3, to consider H.R. 8, Death Tax Elimination Act of 2001, 5 p.m., H–313 Capitol.

Committee on Science, April 3, Subcommittee on Space and Aeronautics, hearing on Vision 2001: Future Space, 4 p.m., 2318 Rayburn.

April 4, full Committee, hearing on Space Station Cost Overrun, 10 a.m., 2318 Rayburn.

Committee on Small Business, April 3, Subcommittee on Regulatory Reform and Oversight, hearing on Internet Entrepreneurship, 2 p.m., 311 Cannon.

April 5, full Committee, hearing on implications of the procurement policies of the Pentagon that favored China, and other foreign countries, as suppliers of berets for the Army rather than this Nation’s small businesses, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, April 4, hearing on Congestion in the U.S. Transportation System, 11 a.m., 2167 Rayburn.

Committee on Veterans’ Affairs, April 3, Subcommittee on Health, hearing on the state of the VA Health Care System, 2 p.m., 334 Cannon.

April 4, Subcommittee on Oversight and Investigations, hearing on Department of Veterans Affairs Information Technology Program, 10 a.m., 334 Cannon.

Committee on Ways and Means, April 3, Subcommittee on Human Resources, to continue hearings on welfare reform issues, 3 p.m., B–318 Rayburn.

April 3, Subcommittee on Oversight, hearing on the 2001 tax return filing season, 2 p.m., 1100 Longworth.

April 5, Subcommittee on Health, hearing on the Nation’s Uninsured, 10 a.m., 1100 Longworth.
Next Meeting of the SENATE
5 p.m., Monday, April 2

Program for Monday: Senate will resume consideration of S. 27, Campaign Finance Reform, with a vote on final passage to occur at 5:30 p.m.
Also, Senate is expected to begin consideration of H. Con. Res. 83, Congressional Budget for Fiscal Year 2002.

Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Tuesday, April 3

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE
Boehlert, Sherwood L., N.Y., E503
Chambliss, Saxby, Ga., E503
Hastings, Alice L., Fla., E505
Langevin, Jim, R.I., E503, E504
Larson, John B., Conn., E504
Moran, Jerry, Kansas, E503
Scott, Robert C., Va., E505

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