The House met at 10 a.m. The Reverend Sylvia Sumter, Unity of Washington Church, Washington, D.C., offered the following prayer:

Let us come together, O Heavenly and most gracious Creator, God, we acknowledge Your presence and blessed Spirit, for You alone are omnipotent, full of truth, love and mercy; and we are a Nation under Your righteousness and justice. As we seek Your countenance, let the light of Your infinite wisdom be the guiding force for the Members of this Congress and the work of the United States House of Representatives. Grant that they may endeavor to do Your will for the absolute goodness and blessing of this great land.

May each one work from the place that is the highest and best within them for the good of all in our Nation, and may they be abundantly blessed in so doing. May the light of God surround them; may the love of God enfold them; may the power of God protect them; and may the presence of God watch over them, for wherever You are, all is well. And so it is. Amen.

THE JOURNAL

The SPEAKER. Evidently a quorum is not present. The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 351, nays 55, answered “present” 1, not voting 27, as follows:

[Roll No. 69]

YEAS—351

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Bachus
Baker
Balducci
Baldwin
Ballenger
Barcia
Bartlet
Barton
Beccera
Benten
Berenger
Berkeley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Benilda
Benoit
Bernier
Bono
Boozman
Bowles
Boucher
Boyer
Brady (FL)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Calihan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin

Fletcher
Foley
Forbes
Ford
Frank
Frentlinghuyen
Fret
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrist
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Gruesser
Greenwood
Green
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Hering
Hillaby
Hinojosa
Honson
Hoefel
Hoekstra
Holen
Holt
Honda
Holmes
Horn
Hostetter
Houghton
Hoyer
Halshof
Hunt
Hyde

Mica
McMillan
McDonal
McDole
McDowell
McDermott
McDugle
McHugh
McInnis
McIntrye
McKeon
McKean
McKee
McKee (FL)
McKee (NY)

Insko
Isakson
Istook
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjie
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kissell
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Litt
LoBiondo
Loeza
Lowey
Lucas
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Mansoor
Mascara
Matsui
Meehan
Meehan
Meeks (FL)
Meeks (NY)

Insko
Isakson
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Jefferson
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Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjie
Kaptur
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Kennedy (RI)
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Kissell
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Kind (WI)
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Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Latham
LaTourette
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Lewis (CA)
Lewis (KY)
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LoBiondo
Loeza
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Lucas
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Mansoor
Mascara
Matsui
Meehan
Meehan
Meeks (FL)
Meeks (NY)

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The vote was taken by electronic device, and there were—yeas 351, nays 55, answered “present” 1, not voting 27, as follows:

[Roll No. 69]
URGING GOVERNMENT OF UKRAINE TO ENSURE A DEMOCRATIC, TRANSPARENT, AND FAIR ELECTION PROCESS

Mr. Speaker, I would like to take this opportunity to thank Reverend Sumter for all of her accomplishments in her field, and to thank women throughout the world for those agendas and vocations they espouse to advance the status of women every day.

\[
\text{PLEDGE OF ALLEGIANCE}
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\[
\text{REVEREND SYLVIA SUMTER (Ms. MILLENDER-McDONALD),} \text{ Mr. Speaker, please join me in welcoming the Reverend Sylvia Sumter, the Senior Minister at Unity Church here in Washington, D.C., and today's guest Chaplain.}
\]

It is most fitting that in this month dedicated to recognizing the many accomplishments of women, this Chamber is blessed by the words of a truly inspirational woman. Entering into a nontraditional vocation, Reverend Sumter has excelled, and has become a role model for women everywhere who wish to assume pastoral duties.

Prior to coming to Washington, D.C., Reverend Sumter served as the Chairperson of Communication Studies and Skills for the Unity School of Religious Studies in Independence, Missouri. Reverend Sumter has traveled around the country conducting workshops and seminars, as well as serving as guest speaker at churches, institutions of higher learning, and professional and business organizations, as she held her constant commitment preaching her faith in God, and empowering her gender.

Mr. Speaker, I would like to take this opportunity to thank Reverend Sumter for all of her accomplishments in her field, and to thank women throughout the world for those agendas and vocations they espouse to advance the status of women every day.

\[
\text{ANSWERED “PRESENT”—1}
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\text{Tancredo}
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\[
\text{NOT VOTING—27}
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\[
\text{The SPEAKER pro tempore. The un-}
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\text{The vote was taken by electronic de-}
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\text{The result of the vote was announced}
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\[
\text{as above recorded.}
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\text{REVEREND SYLVIA SUMTER}
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\text{The vote was taken by electronic de-}
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\[
\text{as above recorded.}
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\text{The vote was taken by electronic de-}
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\[
\text{as above recorded.}
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MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 2739. An act to amend Public Law 107–10 to authorize a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2002 in Geneva, Switzerland, and for other purposes.

The message also announced that pursuant to Public Law 68–541, as amended by Public Law 102–246, the Chair, on behalf of the Republican Leader, in consultation with the Democratic Leader, appoints Tom Luce, of Texas, as a member of the Library of Congress Trust Fund Board for a term of five years.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. ROS-LEHTINEN). The Chair will entertain 10 one-minutes on each side.

CONGRATULATING RYDER SYSTEM, INC., AND GREGORY T. SWINTON ON RECEIPT OF 2002 GREEN CROSS FOR SAFETY AWARD

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Ryder Systems, a leader in supply chain and transportation management, and especially its President and Chief Executive Officer, Gregory T. Swinton. The National Safety Council has selected Ryder and Mr. Swinton to receive the Council’s 2002 Green Cross for Safety Award.

This award is given for exemplary commitment to workplace safety and corporate citizenship. Mr. Swinton is the first supply chain and transportation executive to receive this honor. Since joining Ryder in 1999, Mr. Swinton has identified safety as one of the company’s top five goals.

Please join me in congratulating and recognizing the wonderful safety standards that Ryder has achieved, and most especially Gregory T. Swinton for his commitment to recognizing the importance of safety in our workplace.

RECOGNIZING KIM MENESINI, D.A.R.E. EDUCATOR OF THE YEAR FOR NEVADA

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

Mr. GIBBONS. Mr. Speaker, today I rise to recognize the effort of Ms. Kim Menesini, who was recently named the D.A.R.E. Educator of the Year for Nevada.

As a resident of Nevada for 25 years and as a teacher in Lyon County for over 20 years, Ms. Menesini has remained committed to ensuring that her students learn how to read and write and do the basic mathematics, but also how to just say “no” to drugs and alcohol.

Ms. Menesini has been involved with the Nevada D.A.R.E. drug program for more than 15 years. This program tries to help kids build strength through self-esteem and offers them alternatives to saying “no” to drugs and alcohol.

According to Lyon County Deputy Sheriff Patrick Marble, Ms. Menesini’s fifth-grade class at the Elementary School in Dayton, Nevada, know that she will support and guide them in a positive and loving way. There are reasons the students love and respect her.

Congratulations, Ms. Menesini, on your award, and thank you for your dedication to the children of Nevada and for the future of our Nation.

PROPOSED BUDGET OPENS SOCIAL SECURITY LOCKBOX

(Mrs. THURMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. THURMAN. Mr. Speaker, I rise today to talk about Social Security and the President’s budget. As we all know, the budget resolution is going to come to the House today, and I think it is very important that we highlight what the budget will do to Social Security.

Not too long ago, I stood up here with over 400 of my Democratic and Republican colleagues and voted for a lockbox for Social Security. We made a promise to the American people that we would not spend any Social Security dollars on anything but Social Security.

But, Mr. Speaker, that is just what the Republican budget resolution does. It spends $1.6 trillion of Social Security dollars to fund other things like the tax cuts. That is not my analysis, that is Congressional Budget Office analysis. Instead, we should be doing something to address the impending baby-boomer retirement.

I invite my Republican colleagues to sit down with myself and the rest of the Democrats to develop a sound plan for the future of Social Security and the rest of the budget. We need a plan that preserves Social Security, not one that uses the money to fund other agenda items.

REMEMBERING MARTIN AND GRACIA BURNHAM

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

Mr. TIAHRT. Mr. Speaker, today marks the 296th day that Martin and Gracia Burnham have been held captive by Muslim terrorists in the Philippines.

A couple of weeks ago our spirits were lifted as we heard of a new video showing Martin and Gracia. Our initial enthusiasm at the confirmation that they are still alive and healthy quickly dissipated as we realized the videotape was much older than claimed. Though the cameraman claims the tape is from mid-January, many signs point to it being shot much earlier, earlier even than the tape released in December.

Martin and Gracia’s clothes are in much better condition than in the video shot in November. Martin is not wearing glasses that he received in November and wore on the previous video.

Martin and Gracia’s clothes are in much better condition than in the video shot in November. Martin is not wearing glasses that he received in November and wore on the previous video. Martin’s beard is shorter, and the Burnahms are much healthier looking.
RAIDING THE SOCIAL SECURITY TRUST FUND

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, I rise today to oppose the President’s budget and the Republicans’ budget.

Some months ago, this House stood almost unanimously and said we would put the Social Security monies in a lockbox. The lockbox is smashed. We are spending Social Security, $1.6 trillion of it, in this budget resolution that is before us today. In addition, Medicare is being cut billions of dollars.

Our senators, who have built this country, have no medical insurance. Our health care industry is about to crash. This budget resolution is a sham.

Come on, Republicans, we can do a lot better. Let us take care of America’s people and America’s seniors.

KEEPING FISCAL DISCIPLINE DURING DIFFICULT TIMES

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

Mr. TANCREDO. Mr. Speaker, I rise today to praise the work of the chairman of the Committee on the Budget, the gentleman from Iowa (Mr. NUSSELE), and the Republican members of that Committee on the Budget. As we all know, this year has been very challenging as the results of the attacks of September 11 and the downturn in our economy.

Mr. Speaker, we will hear a lot of people talking about this budget today. As always, a great deal of rhetoric will emanate from this House. There is one thing that seems to frighten the members of the Democratic minority here more than anything else. There are a couple of words that absolutely petrify them, apparently: it is called a balanced budget. They do not know what it is, they had never had one during the time they were in charge of this body, but we are presented with them with one today. It is a scary thing for them, unfortunately.

Mr. Speaker, it is important to note that if we accepted all of the 17 amendments offered in the Committee on the Budget this year by members of the minority, we would increase spending some $58 billion over what $415 billion and require $175 billion in additional taxes. That is the old way of doing business. There is a better way. It is called a balanced budget. It is called defending America, and that is what this budget does.

CESAR CHAVEZ, A GREAT AMERICAN HERO

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAVIS of California. Mr. Speaker, I rise today to recognize an historic event in San Diego, the renaming of Crosby St lot in Barrio Logan to Cesar E. Chavez Parkway.

Guided by local leaders Councilman Ralph Inzunza, Rachel Ortiz, Luis Natividad, Sam Duran, Carlos and Linda Legerrette, and pushed along by the Hispanic Heritage Commemoration Committee, the Parkway paves the way for the renaissance of Barrio Logan.

Chavez’s commitment to fair wages, better working conditions, decent housing and quality education is still alive and well in San Diego. I am proud of my constituents and the efforts of local leaders to honor this humble yet great man.

Cesar Chavez deserves to be honored as a great American hero. His dedication to human rights and justice warrants his birthday being seriously considered a national holiday.

I hope my colleagues will join me in giving Chavez his rightful place in American history.

CELEBRATING 90TH BIRTHDAY OF DOROTHY HEIGHT, PRESIDENT AND CEO OF NATIONAL COUNCIL OF NEGRO WOMEN

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I rise today to celebrate the 90th birthday of Dorothy Height. We will be celebrating this wonderful event tonight. She is the President and CEO of the National Council of Negro Women.

She grew up under the tutelage of Mary McCleod Bethune and is a member of my great sorority, Delta Sigma Theta Sorority, Incorporated, and I am so pleased to stand up.

But, see, Dorothy Height would want me to stand on the floor today and talk about a what? He said a balanced budget? The balanced budget. I cannot believe the man even had the nerve to stand there and say that. Balanced budget on the back of seniors who need Social Security, and Dorothy Height, a 90-year-old woman, needs Social Security. Balanced on the backs of seniors who need Medicare. Dorothy Height needs Medicare. Balanced on the back of seniors who need housing.

Fortunately, Dorothy Height has housing. Mr. Speaker, give me a break. Balanced budget? I do not even believe he had the nerve to let those words come out of his mouth. We are balancing it on the back of the senior citizens who need it most.

SEEKING INFORMATION ON WHEREABOUTS OF MIRANDA GADDIS AND ASHLEY POND

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, I come before the House today to once again alert those who may be watching in Oregon and across the Nation to the disappearance of two young girls from my district, Miranda Gaddis and Ashley Pond, both 13 years of age, students of Gardner Middle School in Oregon City, and teammates on the school dance team, have been reported missing.

Ashley disappeared January 9, and Miranda vanished March 8. Both were last seen by their mothers early in the morning as they left their homes at the Newell Village Creek apartments to catch the bus to school on South Beaver Creek Road.

Investigators continue to hold out hope that the girls will come home. They believe that the girls may have been abducted by a person or persons that they knew.

If Members have any information regarding Ashley and Miranda’s whereabouts, I ask them to please contact the FBI office or the Oregon City Police Department at 503-657-4964.

REPUBLICAN “BALANCED BUDGET” WILL RAID SOCIAL SECURITY TRUST FUND AND CUT FUNDS FOR EDUCATION AND SENIOR HEALTH

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

Mr. WYNN. Mr. Speaker, I rise to sound the alarm, particularly for our baby boomers. This budget breaks into the Social Security trust fund, breaks into the lockbox and raids the trust fund to the tune of $1.6 trillion. Members remember the lockbox. It was our solemn promise not to touch Social Security trust fund money. Well, that has been obliterated.

My friends on the Republican side of the aisle would be quick to say, well, you have to understand, the deficit is caused by the war. Not so. Only 10 percent of our deficit is caused by the war.
Almost half of that deficit is caused by tax breaks for the very rich.

What happens?

We raid Social Security, creating an insolvency for baby boomers about to enter retirement age.

We resolve legislation. We make a great noise about passing the Leave No Child Behind Act. What do we do in this budget? We underfund education by 16 percent. That is not right.

We talk about prescription drugs, but this budget funds prescription drugs for seniors. This is an unfair budget. It raids the Social Security trust fund, and it should be rejected.

CELEBRATING THE BIRTHDAY OF CESAR CHAVEZ, AN AMERICAN HERO

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

Mr. BACA. Mr. Speaker, as we approach the end of March, we approach the birthday of Cesar Chavez, a positive role model for the Latino community, a hero. Cesar Chavez touched the lives of millions with his nonviolent struggle for justice, education, and equality. He was a beacon of hope.

But Cesar Chavez views the challenges he faced as a motivation to help farmworkers whose suffering he shared. In 1962, Cesar Chavez founded the National Farmworkers Association, the predecessor to the United Farmworkers of America.

He organized farmworkers to campaign for fair working conditions, reasonable wages, and decent housing and health conditions. He sacrificed himself for human rights and for dignity. He left a legacy for each and every one of us, and for generations to come.

He has received the Presidential Medal of Freedom, the Martin Luther King, Jr., Peace Prize, and was nominated for the Nobel Prize.

No one better symbolizes Latino empowerment than does Cesar Chavez. He is a symbol of hope, and we will never forget his words. The challenge of life, justice, and equality will ever ring in our lives: Si, se puede; yes, we can. We should honor his birthday by celebrating it, and I am hopeful we will pass that legislation.

CONGRATULATIONS ON A GREAT SEASON TO DIVISION I STATE BOYS’ BASKETBALL CHAMPIONS, THE CATHEDRAL HIGH SCHOOL PANTHERS

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

Mr. NEAL of Massachusetts. Mr. Speaker, the city of Springfield, Massachusetts, is the birthplace of basketball. It is also where the new Basketball Hall of Fame is being constructed on the historic banks of the Connecticut River. And today, it is the home of the Division I State basketball champions, the Cathedral High School Panthers.

On Saturday night in the Worcester Centrum, Cathedral defeated Brookline by a score of 75 to 71 to capture their first State championship. Gene and Genevieve Eggleston, the Panthers are now the third team from western Massachusetts to earn this coveted State athletics title.

In addition, the boys’ basketball team has now won four of the six last western Massachusetts championships. Mr. Speaker, their accomplishments speak for themselves. As a former teacher at Cathedral, I know the importance the school places on education and athletics, and the great job that the Sisters of St. Joseph do. They should take great pride in the character demonstrated by the boys’ basketball team on and off the court this weekend when they earned the right to be called the very best team in the Commonwealth of Massachusetts.

Congratulations on a great season to the Cathedral High School Boys’ Basketball State Champions.

ACKNOWLEDGING WOMEN FROM THE 18TH CONGRESSIONAL DISTRICT OF TEXAS FOR THEIR ACTIVISM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I join my colleagues in acknowledging that the Bush budget does nothing for Americans and it does nothing for women.

This month is a month when we commemorate the history of women in America, and I would like to acknowledge, from the 18th Congressional District, women who part of the winds of political change and activism: Christie Adair, Irma Leroy, Nina Lorenzo, Kaye Whitmore, Eleanor Tinsley, Helen Huey, Christian Hartung, Madge Bush, Esther Williams, Beverly Clark, Judge Betty Brock Bell, Sylvia Garcia, Carol Alvarado, Carol Galloway, Ada Edwards, and Lisa Berry Tinsley, Helen Huey, Christian Hartung, Madge Bush, Esther Williams, Beverly Clark, Judge Betty Brock Bell, Sylvia Garcia, Carol Alvarado, Carol Galloway, Ada Edwards, and Lisa Berry Dockery, all women who realize that for all of the spoils of America, all matter, the Bush budget has become an increasingly attractive option for employees in the workplace, and, I would also add, a commonsense

The Clerk read the resolution, as follows:

H. Res. 373
Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the resolution considered in the Whole House on the state of the Union for consideration of the bill (H.R. 3924) to authorize telecommuting for Federal contractors. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Chairman and ranking member of the Committee on Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XVIII. As an amendment is adopted, the Speaker shall call the attention of the House to the fact that the amendment has been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for purposes of debate I ask unanimous consent that the custom of 30 minutes to my friend, the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for purposes of debate only.

Mr. Speaker, the resolution before us today is an open rule providing for the consideration of H.R. 3924, the Freedom to Telecommute Act of 2002. The bill also requires that the GAO, General Accounting Office, make a report to Congress within 1 year of enactment on the compliance by agencies with telecommuting regulations.

The bill also requires that the GAO, General Accounting Office, make a report to Congress within 1 year of enactment on the compliance by agencies with telecommuting regulations.
addition to the workplace. Technology advances have allowed more and more employees to telecommute, allowing them to work from anywhere at any time. In fact, it is estimated that 19 million people enjoy the benefits of telecommuting today.

As our society continues to engage in the war on terrorism, we are obviously all more sensitive to the concerns regarding safety and security. This bill takes into consideration these concerns, allowing an exception to be made if the contracting officer certifies in writing that telecommuting would conflict with the needs of that agency.

For example, this exception could apply if a contractor deals with classified or sensitive information.

Mr. Speaker, the rest of the workplace has recognized the advantages of telecommuting. The benefits include encouraging a more productive workforce, increasing employee morale and quality of life, as well as helping the environment by eliminating pollution from increasing commuter traffic.

Under the leadership of my good friend, the chairman, the gentleman from Virginia (Mr. Davis), the Subcommittee on Technology and Procurement Policy has been a champion of developing and promoting telecommuting as an option in the Federal workplace. I believe that we should share the same vision and that the Federal Government should be the leader in maintaining the best practices for the workplace, not lagging behind.

Mr. Speaker, I urge support for this open rule, as well as the commonsense legislation it underlies.

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

Mr. Hastings of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, advances in computer and telecommunications technology have made it possible for more and more Americans to work from their homes if they so choose. More than 45,000 Federal employees exercised their option to telecommute for 52 days or more in 2001.

A footnote right here. This being the seat of creativity, my reading and that of the gentlewoman from New York (Ms. Slaughter) is that “telecommute” joins the lexicon of new verbs, because to our knowledge, it did not exist. I am kind of the last of us for coming up with something that takes into consideration all of the technology that is setting upon our great Nation and our world.

These Federal employees were among the 19 million Americans who telecommuted at least once last year. Telecommuting holds a host of advantages for America’s workers and employers. It allows workers the flexibility to perform their jobs and manage their demanding personal lives at the same time.

Businesses can use telecommuting to retain valuable workers whose personal and extracurricular obligations would otherwise force them to take a leave of absence, or, worse, terminate their employment altogether.

Telecommuting also has the potential to reduce gridlock and automobile pollution by allowing workers to skip the rush hour commute.

As the gentleman from Texas (Mr. Sessions) already noted, H.R. 3924, the Freedom to Telecommute Act, modifies Federal procurement rules to allow private contractors working for Federal agencies the option to telecommute when executing their duties under those contracts. These workers will join Federal employees who are already able to telecommute under existing law.

If a Federal contracting officer feels that telecommuting would be inconsistent with agency needs, he or she would be permitted under this legislation to prohibit it, thus creating workplace flexibility and ensuring security at the same time.

The legislation basically is non-controversial. It was passed out of the Committee on Government Reform unanimously, and I urge my colleagues to support it on the floor this morning.

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

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

Mr. Speaker, I would say that I appreciate the gentleman from Florida (Mr. Hastings) for his support of this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. Davis), chairman of the Subcommittee on Technology and Procurement Policy.

Mr. Davis of Virginia. Mr. Speaker, I rise in support of the open rule for H.R. 3924, the Freedom to Telecommute Act of 2002. I believe this is a non-controversial bill, but I think it is one long overdue in this House.

Telecommuting is something we ought to encourage. I am kind of indebted to the gentleman from California (Mr. Dreier) and the Committee on Rules for moving swiftly to bring this bill to the floor. Their efforts to ensure that we can vote on this important bill I think will expand opportunities for telecommuting.

H.R. 3924 will prevent Federal agencies from restricting potential contractors from participating in the bidding process if they use telecommuters to fulfill their responsibilities. Congress has passed bills over the last several years that actually direct Federal agencies to develop and promote telework programs. Unfortunately, the current acquisition policy sends the wrong message about the importance of telework in the modern workplace.

Telework is a popular movement that has gained tremendous momentum over the last 25 years. Today, an estimated 19 million Americans telework. Employees are drawn to it because it offers improved quality of life. It increases morale. It generates greater productivity because there are fewer office distractions.

Telecommuting is a family-friendly policy that accommodates employees with health problems or child care problems or elder care responsibilities. It also eases traffic congestion, and in this region that is very important, by helping to reduce gridlock and air pollution.

By easing traffic congestion, not only is it friendlier and saves motorists time, but it helps the overall environment due to increased vehicle emissions.

Our Subcommittee on Technology and Procurement Policy has held two hearings about telecommuting. We heard from both public and private sector witnesses about their efforts to develop and implement such programs in their organizations. Many of them have been very successful in employee retention, in employee recruitment and in productivity. They’ve revealed that telecommuting is often used as a human capital management initiative in the private sector and in a few Federal agencies. It allows employees greater flexibility in their work environment, and it enhances their quality of life.

It is costly to recruit people, to hire people, to train new staff on a constant basis. If they are used strategically, telecommuting programs keep organizations competitive and are critical to maintaining continuity and efficiency in the workplace. Federal managers have been reluctant to embrace the concept because they are not in a position to monitor employees directly. I submit, Mr. Speaker, this is the old model. That is the work model from the industrial era. Today’s workers operate quite differently. The Federal managers have to move away from such out-dated process-oriented measures. We need to encourage the government to become a results-driven organization, to learn from the efficiencies that the private sector has produced.

Allowing Federal employees to contract with companies that employ telework initiatives, they are directly exposing them to the employees. I think this helps the Federal level to encourage our managers to use more of it. It helps to reverse negative managerial attitudes toward telecommuting in the Federal Government.

But among contracting officers there has been reluctance to encourage bids from companies that telecommuting, again, operating under the old concepts that if we are not there watching over an employee, somehow the work is not getting done. That is most often done with security concerns in mind.

H.R. 3924 provides contracting officers with the necessary guidance for encouraging telecommuting among potential Federal contractors. An exception is made if the contracting officer certifies in writing that telecommuting would conflict with the needs of the agency. For example, this exception could apply if a contractor deals...
Mr. HASTINGS of Florida. Mr. Speaker, I yield 5 minutes to my good friend, the gentlewoman from Texas (Ms. JACKSON-LEE) for her leadership.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Florida (Mr. HASTINGS) for supporting the rule and the underlying bill, H.R. 3924.

Mr. Speaker, I am rising to support the rule of the Freedom to Telecommute Act and to acknowledge the importance of the underlying bill. Particularly as it relates to independent contractors, it certainly is distinctive from full-time employees. With independent contractors there is a valid basis, saving money and helping with child care issues. It is good that this bill is moving its way to the floor of the House.

I would argue and make mention of the fact that there are still many other issues that we must address. I believe that the very fact of this rule indicates the necessity for addressing the need to finish our work and to do more work as it relates to the budget, particularly as we look prospectively at the rule on the budget that has only 2 hours for this body. 435 Members of Congress, to be able to discuss one of the most vital responsibilities that this Congress has, is not adequate.

And I would hope that the time we spend on this rule supporting this very time we are spending on the telecommuting bill. I would say the bill itself is a good bill. But the question becomes what are we doing about the budget? Why do we have this short period of time? And when you ask us why the minority has the package which we have come to the floor with first on the rule which allows for consideration of legislation; and we are going to have an opportunity to discussion this during the debate on the budget process, as we proceed with the rule, the special rule for consideration of telecommuting legislation; and we are going to have an opportunity to discussion this during the debate on rule debate. But let me just say that it is very clear that the package which we have come forward with first on the rule which allows for the consideration of legitimate substitutes, there was not a legitimate substitute put forward, and that is the reason that we made the decision as has traditionally been the case.
that only legitimate substitutes would be given an opportunity for consideration.

The supposed substitutes that were put forward were simply, as described by one of the authors, perfecting amendments to the chairman's proposed budget, to the budget that came from the Committee on the Budget and some modifications of numbers going from utilization of the Congressional Budget Office for the scoring process to the Office of Management and Budget. And there we are going to have this afternoon a very important debate with this war-time budget that we are going to be addressing.

I believe that we should enjoy strong bipartisan support because when we came together following September 11 behind the President of the United States with the number one priority being to win the war on terrorism, this budget that we will be voting on is directly tied to that shared bipartisan American goal that we have. And so I hope very much that we will be able to have strong support for it.

Mr. Speaker, I thank my friend from the State of Virginia for yielding me time.

Mr. TIERNEY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I note that the distinguished chairperson of the Committee on Rules, I apologize, he is walking out not because he knew I would say something regarding what he said. In that debate on last evening in the Committee on Rules and at last as 12:30 this a.m., I certainly, and my colleagues certainly, raised the question of us having sufficient time to discuss this war-time budget.

I did not think and I said so and I do not think that the limited time that we have is going to be sufficient for all of the Members of the House of Representatives who so desire to come forward and talk about the particulars of this budget. The chairman is absolutely correct. There is no distinction between a Democrat or a Republican on homeland defense and on the security of our Nation and pursuing the necessary defense in order that we may be secure. But there is a distinction on whether or not we are going to fund education or if we are going to fund housing for the disabled or if we are going to take care of the energy and environmental considerations. And some of us see the necessity to avoid some of the tax consequences that have been put forward.

Mr. Speaker, I yield 3 minutes to my good friend, the distinguished gentleman from Massachusetts (Mr. TIERNEY).

Mr. Speaker, I rise to add this rule on the suspension today and indicate that I suspect that this particular bill is going to meet with a great deal of agreement on both sides of the House. I do regret, however, that this rule process has more time allotted to discussion and debate than the rule on the budget will and the rule on the budget being in comparison so much more important in dealing with such a large part of what it is that we do here and what we do for the American people and our American goal that we have.

I would have to say that there is no difference between the Republican-Democratic stand when it comes to making sure that our national security is taken care of and that our homeland security is taken care of. We stand together. We stand united. We support the protection of this country at all times. There is, however, a significant amount of difference, and if we had ample time on the rules to discuss that and on the bill itself to discuss it between what our beliefs are and the right way to proceed with the economic and social security of people in this country. Everybody understands that the financial commitment that we will have to make toward our national security and toward homeland security, but there is a great deal of disagreement as to whether we should be accelerating tax breaks for very wealthy individuals and putting the country and standing as a country and putting some investment into the education and to the health care and to the building of roads and bridges and to protection of our homeland, and that is where the debate, if we had time on the rule and if we had time on the bill itself, would come into play.

Very frankly speaking, this is a situation where this rule does not allow enough time in comparison. This rule gives more time than needed for a bill and the other rule does not.

Mr. Speaker, the gentleman that I am in fact speaking is the distinguished chairperson of the Committee on Rules, that have spoken, our words should be taken out of the RECORD for the reason that they were not relevant? The SPEAKER pro tempore would take a unanimous consent request in order to remove those words from the RECORD.

The gentleman from Massachusetts may proceed in order.

Mr. TIERNEY. Mr. Speaker, let me proceed to talk on the rule for a second. I think one of the reasons that we are speaking here is that while this rule on this particular bill by suspension allows more than adequate time to talk about that rule, the rule on the budget does not allow enough time to talk about that rule nor does the budget debate allow for enough time on that.

Mr. Speaker, I did not hear anything when the other speaker was speaking, and I cannot hear what the Chair had to say on that. The Chair does not take initiative.

The SPEAKER pro tempore. The Chair normally awaits a relevancy point of order from the floor. The Chair does not take initiative.

Mr. TIERNEY. Mr. Speaker, I did not hear what the Chair had to say on that. I did not hear anything when the other speaker was speaking, and I cannot hear the Chair now either.

The SPEAKER pro tempore. The Chair does not normally take initiative on a relevancy point of order.

The gentleman from Massachusetts may proceed in order.

Mr. HASTINGS of Florida. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman from Florida will state his point of order.

Mr. HASTINGS of Florida. Mr. Speaker, then all of us, myself and the chairperson of the Committee on Rules, that have spoken, our words should be taken out of the RECORD for the reason that they were not relevant? The SPEAKER pro tempore would take a unanimous consent request in order to remove those words from the RECORD.

The gentleman from Massachusetts may proceed in order.

Mr. TIERNEY. Mr. Speaker, let me proceed to talk on the rule for a second. I think one of the reasons that we are speaking here is that while this rule on this particular bill by suspension allows more than adequate time to talk about that rule, the rule on the budget does not allow enough time to talk about that rule nor does the budget debate allow for enough time on that.

Mr. Speaker, I would just suggest to the Chair that my remarks are not time wasting. I was discussing and comparing the rule under the telecommuting bill.

Mr. TIERNEY. Mr. Speaker, I would just suggest to the Chair that my remarks are not time wasting. I was discussing and comparing the rule under the telecommunication bill with the rule for the budget, and I think that if I am talking about the rule and making a comparison I am in fact speaking germanely and on the RECORD, and while my colleagues have tried, the majority, to stifle that debate on the budget and stifle our debate on the budget rule, I do not think it is permissible to stifle our debate on this rule where we are making that kind of comparison.

The SPEAKER pro tempore. If the gentleman can maintain a nexus to the pending special order of business, he may proceed.
Mr. TIERNY. Mr. Speaker, I thank the Speaker because it is difficult to maintain a nexus, but we do have to take opportunity that we can to make sure that we are at least heard to some degree on this budget that is coming up and make sure that we use whatever time we have to make sure people understand that there is a difference between the parties when it comes to dealing with the social and economic security of this country. We can talk under the rules all we want about being able to protect our Nation and there is no disagreement, but there ought to be a debate as between accelerating tax cuts and accelerating the tax cuts for the wealthy versus doing things for the economic security of this country.

POINT OF ORDER

Mr. SESSIONS. Mr. Speaker, I make a point of order.

I think the gentleman is in violation of House rule XVII, which requires a Member to confine himself to the question under debate. We are speaking today about telecommuting, and that is what this rule is concerning and on the floor at this time, and I would ask for the Chair to rule upon this again, sir.

The SPEAKER pro tempore. The Chair will require the gentleman from Massachusetts not to dwell on the merits of the budget resolution. It is not before the House at this point in time. Mr. TIERNY. Mr. Speaker, I thank the Speaker. I understand that my colleagues on the other side do not want us to dwell on the budget comparisons and on those issues, and so I will try again to confine my remarks to the rule, understanding how audaciously they have worked to make sure we do not get into an extended debate about the economic and social security of our country and the comparison with tax breaks and acceleration of tax breaks for the wealthy.

Continuing on this rule, Mr. Speaker, this rule gives us plenty of time, as I said before, to discuss in fact an issue that is not in great contention, and it is remarkable that we have so much time to discuss a bill that comes under a great deal of agreement and so little time to discuss other bills that, in fact, have a great deal of disagreement and issues of very significant importance to this country.

Mr. Speaker, I rise to oppose this Rule because it denies the American people a full and fair debate to the fiscal year 2003 budget resolution, and denies America’s First Responders a full and fair debate over whether this budget will assist them as they assist us in fighting terrorism.

As we all know, our nation’s first responders rose to the occasion in recent months, answering the call to protect and stabilize our communities after the terrorist attacks of September 11th and the anthrax attacks of October 2001. Communities incurred over a billion dollars in overtime costs for police, fire, and medical personnel—and stand to incur similar unreimbursed expenses as the war on terrorism continues.

This Amendment—which the Majority refused to allow to come up for a vote—calls for Congress to include some relief for America’s First Responders who have so ably served our country. It addresses FEMA’s State and Local Terrorism Preparedness Initiative which requires local first responders to put up a burdensome (and for many, unaffordable) 25% local “match” in order to receive ANY assistance. The Amendment concludes that “Government should assist local communities who stand ready to participate in FEMA’s Local Terrorism Preparedness Initiative by waiving the 25% percentage, and/or explore a ‘soft match’ whereby local first responders of this unfunded mandate and to ensure that local first responders may continue to serve as America’s first line of defense.

Our nation’s first responders are in desperate need of assistance from the Federal government for homeland security efforts and they deserve a full and fair debate over whether Congress is prepared to respond to their urgent needs in this year’s budget.

Because the Majority refused to allow this debate, I urge my colleagues to stand up for America’s First Responders and against this unfair rule.

This Amendment to H. Con. Res. 353, the FY 2003 Budget Resolution, calls for Congress to include some relief for America’s First Responders who have so ably served our country after the terrorist attacks of September 11th and the anthrax attacks of October, 2001. It addresses FEMA’s proposed $3.5 billion State and Local Terrorism Preparedness Initiative—$2.625 billion of which will be directed toward participating in FEMA’s Local Terrorism Preparedness Initiative by waiving the 25% local “match” in order to receive ANY assistance. This Amendment concludes that “Government should assist local communities who stand ready to participate in FEMA’s Local Terrorism Preparedness Initiative by waiving the 25% local match prerequisite or by reducing the percentage as much as practicable.”

This amendment, the substance of which was communicated to the Budget Committee last week by 114 Members of Congress—Democrats and Republicans from urban and rural districts across the country—is a budget neutral remedy to a problem faced by first responders in my district and across the country. The letter was signed by Representatives ABERCROMBIE, ACKERMAN, ANDREWS, BACA, BALDASSARIO, BALDWIN, BAXLEY, BERMAN, BLAGJEEVICH, BLUMENAUER, BONIOR, BOWSELL, S. BROWN, CAPPS, CAPUANO, CARDIN, B. CARSON, CHRISTENSEN, CLAYTON, CLEMENT, CLYBURN, COYNE, CROWLEY, CUMMINGS, DAVIS, DELAHANTY, DELAURA, DELORES EDWARDS, F. EDGERTON, G. EDWARDS, F. EDWARDS, FARR, FELNER, F. FRANK, GORDON, G. GREEN, GRAHAM, HARMAN, HINCHHEY, HOEFFEL, HOLT, HONDA, HOUGHTON, HYDE, JACKSON, TUBBS JONES, W. JONES, KILDEE, KING, KUCINICH, LAFALCE, LAMPSOM, LANGEVIN, LANTOS, LARSEN, LARSON, B. LEE, JACKSON LEE, J. LEWIS, LOBONDO, LOGFREN, LYNCH, MALONEY, MARKEY, MAYS, MCCARTHY, MCGOVERN, MCKINNEY, MCNULTY, MECKS, MENENDEZ, MILLER-MCDONALD, G. MILLER, MOORE, NADLER, NEAL, NORTON, OLIVER, PALLONE, PASCRELL, PASTOR, PAYNE, PELOSI, PHLEPS, QUINN, RANALL, RIVERS, RODRIGUEZ, ROSS, SANDLIN, SANDY, SCHAKOWSKY, SCHIFF, SCOTT, SHOWS, SKELTON, SLAUGHTER, SNYDER, SOLIS, STUPAK, Sweeney, M. THOMPSON, THURMAN, TIERNY, TOWNS, TURNER, M. UDALL, T. UDALL, WAMP, WATSON, WAXMAN, WELDON, WOOLSEY, WU, and was a call for a commitment to ensuring that local first responders receive our support and resources to fight terrorism. This Amendment is co-sponsored by a number of my colleagues who simply want the opportunity to show our First Responders that our budget includes resources for them to protect and defend our communities. I thank Representatives JOHN BALDACCI, TAMMY BALDWIN, ROB BLAGOJEVICH, SHERROD BROWN, MICHAEL CAPUANO, STEVE LYNCH, BOB Matsu, NANCY PELOSI, C. RODRIGUEZ, LUCILLE ROYBAL-ALDAR, M. SANDLIN, H. SARVER, and LAWYER for their support in this important effort.

Our Local Terrorism Preparedness Initiative Amendment will allow creativity and flexibility in shaping policy, so that lawmakers may either waive the match for fiscal year 2003, reduce the 25% percentage, and/or explore a “soft match” whereby communities that have together incurred over a billion dollars in overtime costs for police, fire and medical personnel can individually designate the expenses incurred after September 11th as part of their match—at no additional cost to the taxpayers.

Congress has an historic opportunity to assist local communities: by relieving them of this unfunded mandate; by rewarding the entrepreneurial and patriotic spirit in so many districts like my own in Massachusetts where first responders have put aside turf issues and worked cooperatively to create Local Emergency Planning Committees and other cross-jurisdictional response strategies to serve the American people and by rewarding that local first responders may continue to serve as America’s first line of defense.

Because the Majority refused to allow this debate, I urge my colleagues to stand up for America’s First Responders and against this unfair rule.

This Amendment to H. Con. Res. 353, the FY 2003 Budget Resolution, calls for Congress to include some relief for America’s First Responders who have so ably served our country after the terrorist attacks of September 11th and the anthrax attacks of October, 2001. It addresses FEMA’s proposed $3.5 billion State and Local Terrorism Preparedness Initiative—$2.625 billion of which will be directed toward participating in FEMA’s Local Terrorism Preparedness Initiative by waiving the 25% local “match” in order to receive ANY assistance. The Amendment concludes that “Government should assist local communities who stand ready to participate in FEMA’s Local Terrorism Preparedness Initiative by waiving the 25% local match prerequisite or by reducing the percentage as much as practicable.”

This bipartisan effort includes a letter signed by 114 Members—Democrats and Republicans from urban and rural districts across the country—seeking a budget neutral means to relieve local police, fire and emergency responders of this unfunded mandate and to ensure that local first responders may continue to serve as America’s first line of defense. (Please see an attached copy of the letter with a list of signatories.)

If passed, the Amendment will allow flexibility in shaping policy, so that lawmakers may either waive the match for FY 2003, reduce the 25% percentage, and/or explore a “soft match” whereby communities that have together incurred over a billion dollars in overtime costs for police, fire and medical personnel can individually designate the expenses incurred after September 11th as part of their match.

At the end, add the following new section:

SEC. 4. LOCAL TERRORISM PREPAREDNESS ASSISTANCE.

(a) FINDINGS.—The Congress finds that—

(1) our Nation’s first responders rose to the occasion in recent months, answering the call to protect and stabilize our communities after the terrorist attacks of September 11th and the anthrax attacks of October 2001; and

(2) communities incurred over a billion dollars in overtime costs for police, fire and medical personnel, and stand to incur similar unreimbursed expenses as the war on terrorism continues;

(b) $3.5 billion of which would be directed toward local communities might not also most first responders participate because of an onerous 25 percent local match prerequisite for Federal assistance; and
Hon. JOHN SPRATT, Chair, House Budget Committee, Cannon House Office Building, Washington, DC.

DEAR CHAIRMAN NUSSELE AND RANKING MEMBER SPRATT: We are writing to respectfully request that the fiscal year 2001 budget resolution include a waiver for local first responders’ desire for urgent need of assistance from the Federal government for homeland security efforts.

As you are aware, our nation’s first responders rose to the occasion in recent months, answering the call to protect and stabilize our communities after the terrorist attacks of September 11th as well as the anthrax attacks of October 2001. Communities incurred over a billion dollars in overtime costs for police, fire and medical personnel—and stand to incur similar unreimbursed expenses as the war on terrorism continues.

While we are encouraged by the President’s proposed increases in homeland security spending, particularly the $3.5 billion for FEMA’s proposed State and Local Terrorism Preparedness initiative—$2.625 billion of which will be directed toward local communities—we note with concern that the Administration’s proposed budget might not allow most local communities to participate because of an onerous (under current circumstances cited above) local “match” prerequisite for federal assistance. Congress has an historic opportunity to assist local communities by adding $875 million to this package, thereby ensuring that local first responders may continue to serve as America’s first line of defense. In the event that the Committee cannot fund the $875 million, we urge Congress to fund $875 million and stand to incur similar unreimbursed expenses as the war on terrorism continues.

For many years, the government contracting industry has been forced to lag behind because many government agencies prohibit their contractors from allowing telecommuting. This legislation will help them move into the 21st century.

Many of the country’s most technologically advanced companies have embraced telecommuting as a cost-savings measure for companies, good for employees and good for families. For far too long the demands of the job have conflicted with the demands of the family, and workers have had to choose between the two. For many workers, 9 to 5 workday is not feasible.

Rather than neglecting their duties at home in order to work, telecommuting allows them to supplement their traditional workday or to occasionally work from home. Some businesses have also found it advantageous to offer telecommuting as an alternative to the traditional office environment. This practice saves money, and when the government is the customer, the savings can be passed along to the American taxpayer.

This legislation permits government contractors to take advantage of telecommuting opportunities. We will all benefit from this change to procurement policies. Government contracts will be completed faster and more efficiently, saving us all money and taxes. The deterrents to working more than full-time will be removed if employees can work from home and contractors will invest money in their pilots rather than overhead.

The increased number of telecommuters will also take people off the roads during heavy commuting hours, reducing congestion and helping our environment.

The most important change that will result from this legislation is the benefits that will result for the employees of government contractors. They will be able to spend more time with their family, while still meeting their work commitments. Parents will be able to stay at home with a sick child and still be able to work. Moms and dads can take their kids to soccer practice and return to work when they get home.

The district I represent in Norfolk and Virginia Beach has hundreds of companies who contract with the Defense Department. By allowing their employees to telecommute, many of those contractors will be able to give the government the ability to spend money on our Nation’s national security priorities rather than more costly government contracts.

Mr. Speaker, this legislation is productive, pro-business and pro-family. I thank my good friend the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the Subcommittee on Technology and Procurement Policy, for submitting this legislation, and I urge my colleagues to support it.

Mr. SPEAKER Pro tempore. The gentleman from Florida (Mr. HASTINGS) has 1½ minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I would ask the gentleman from Texas (Mr. SESSIONS) if he has additional speakers. At this time we have none and we are prepared to close.

Mr. SESSIONS. Mr. Speaker, I would respond to the gentleman and tell him that we do have one additional speaker and then I would close. We will go ahead and allow my speaker, allow the gentleman from Florida (Mr. HASTINGS) to close and then we will do the same. It is my understanding there will be a vote on this rule.

Mr. HASTINGS of Florida. Mr. Speaker, I would say to the gentleman from Texas (Mr. SESSIONS), as of 5 minutes ago there was no vote requested.

Mr. SESSIONS. Mr. Speaker, I am trying to advise Members that may be listening there is a potential to have a vote on the rule.

Mr. Speaker, I yield as much time as she may consume to the gentlewoman from West Virginia (Mrs. CAPITO), to the gentleman from Virginia (Mr. TOM DAVIS) for bringing this Freedom to Telecommute Act on the floor.

I rise in support of the bill and urge my colleagues to support it.

The increased number of telecommuters will also take people off the roads during heavy commuting hours, reducing congestion and helping our environment.

The most important change that will result from this legislation is the benefits that will result for the employees of government contractors. They will be able to spend more time with their family, while still meeting their work commitments. Parents will be able to stay at home with a sick child and still be able to work. Moms and dads can take their kids to soccer practice and return to work when they get home.

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Mr. HASTINGS of Florida. Mr. Speaker, may I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) has 1½ minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I would ask the gentleman from Texas (Mr. SESSIONS) if he has additional speakers. At this time we have none and we are prepared to close.

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Mr. Speaker, this legislation is productive, pro-business and pro-family. I thank my good friend the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the Subcommittee on Technology and Procurement Policy, for submitting this legislation, and I urge my colleagues to support it.
Mr. Speaker, I yield the balance of my time. 

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

Today, we have had a rule that we debated on telecommuting. We have ongoing legislation that affects the gentleman from Virginia (Mr. TOM DAVIS), through his subcommittee, has brought to the floor today. We had a vigorous debate. Seems like we have agreement on this bill.

I am very proud of not only the work that the gentleman from Virginia (Mr. TOM DAVIS) does but also the Committee on Rules for its fair rule, a one-hour debate which we provide on any piece of legislation that is important enough to come to the floor.

Mr. Speaker, I urge my colleagues to join me in supporting this rule and the underlying legislation which will allow all workers to enjoy the all-round benefits of telecommuting, the Federal employees.

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

The previous question was ordered. The resolution was agreed to.

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

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

There were points of order against this debate that were raised by my colleagues on the other side, and there was a citation to the specific rule that ostensibly and allegedly was violated and rulings from the Speaker and the Parliamentarian’s advice in that regard, all on this particular rule with reference to telecommunication.

After all the bluster of the past few minutes, let me remind my friends on the other side that under their budget rules, there is no objection.

So ordered.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS) for his constant vigilance in the area of telecommuting, and I want to join with him in every effort to see that this moves forward to bring us to a more productive workforce.

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

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There were points of order against this debate that were raised by my colleagues on the other side, and there was a citation to the specific rule that ostensibly and allegedly was violated and rulings from the Speaker and the Parliamentarian’s advice in that regard, all on this particular rule with reference to telecommunication.

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increased productivity exists because of reduced office distractions: fewer phone calls, no water cooler chats, less commuting time going back and forth to work. Therefore, employees have increased time uninterrupted at work to do their jobs.

As a Member from northern Virginia, I know what it is like to sit in the worst traffic congestion in the country. Telecommuting reduces congestion on our roads, and it helps the environment by eliminating a significant number of vehicle trips during peak hours. Telework is also a very family-friendly initiative. It offers parents the choice of providing care and supervision for their own children while continuing their careers. It also accommodates employees with health problems or elder care or day care responsibilities.

The Subcommittee on Technology and Procurement Policy, which I chair, has been encouraging the development and promotion of telecommuting policies in the Federal Government. Last year, we conducted two oversight hearings to examine Federal agencies’ progress in this area. We found that telecommuting is an excellent recruitment and retention tool that the Federal Government can use to address its human capital management crisis. The Federal Government should be a telecommuting leader. We should not be following industry. We should not be following our contractors. We ought to be leading, but, unfortunately, Federal agencies have been reluctant to embrace this concept.

For example, Federal managers are resistant to the concept because they would no longer be in the position to monitor employees directly. This attitude ignores the increased employee morale and productivity that results. The testimony before our subcommittee shows that the private sector is turning to this because it increases morale, it increases employee retention, it helps in recruitment, and, most of all, it increases productivity. It is time for Federal managers to shift their focus from a process-oriented performance measurement to a results-driven measurement.

When the Federal Government contracts with companies that embrace telework initiatives, the Federal workforce is directly exposed to this concept. Managers who have been reluctant to embrace this concept get to see it firsthand. This is one more way to help break down the managerial barriers that exist today to successful telecommunications and telecommuting in the Federal Government.

Federal agencies continue to grapple with barriers to acquiring the goods and services they need in order to meet their mission objectives. Agencies require better management approaches and purchasing tools government-wide to facilitate the efforts of acquisition managers in meeting agency goals.

As chairman of the Subcommittee on Technology and Procurement Policy, I am working with our minority members in the administration to accomplish broader acquisition reform. For example, I recently introduced H.R. 3924, the Services Acquisition Reform Act, SARA, which directs the Federal Government to adopt management reform techniques modeled after those in the private sector.

The current Federal services acquisition policy precludes companies with innovative human capital management models from participating fully in the Federal marketplace. Another loser is the Federal Government, which does not get the value and it does not get the competitive nature of these groups. The taxpayers also lose because they do not get the lower prices that competition brings. This sends the wrong message to Federal agencies, and it sends the wrong message to potential contractors.

Federal agencies receive mixed messages about the value of telecommuting under current law. Congress has encouraged the promotion of telecommuting in the Federal workplace, and yet we turn around and restrict Federal contractor employees from implementing similar policies. At the same time, we are striving to create a management initiative that the Federal Government that is modeled after the best practices of the private sector. But our current policy prevents the private sector from utilizing a critical management initiative such as telecommuting.

At the Subcommittee on Technology and Procurement Policy’s two hearings on this topic, we heard from companies such as AT&T and Siemens Enterprise Networks. Both companies testified about the benefits of their telecommuting programs. They highlighted the strategic value of these programs as recruitment and retention tools.

Moreover, at the Subcommittee on Technology and Procurement Policy’s September 6, 2001, hearing, we heard testimony from the Information Technology Association of America, the ITAA. Harris Miller, ITAA’s president, testified about the challenges his organization’s member companies face in the contracting process when they offer their employees the flexibility of telework. Contracting officers are reluctant to allow contractors to telecommute. As I already mentioned, H.R. 3924 will solve this problem.

As the Federal Government transforms its services’ contracting processes from one that is performance-based to a results-driven process, human capital management strategies need to be adjusted accordingly. Human capital is of primary importance to private sector organizations. The Federal Government should encourage this viewpoint among its contractors and incorporate it into the agencies’ management structures.

We are way behind the ball on this at the Federal level; and this legislation, I think, will move us a step forward. So I encourage my colleagues to help expand telecommuting opportunities for Federal contracting employees, and I ask my colleagues to join me in supporting H.R. 3924.

Mr. Chairman, I reserve the balance of my time.
around. Mr. Chairman, to some of the rest of us.

So I am very pleased to be able to join my colleagues in support of this legislation to encourage further use of telecommuting in the Federal Government.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume, and let me just say that there is no reason jobs could not go to Texas, or anywhere else under telecommuting, where we could get the best and the brightest to be able to perform their duties and not have to have them in the current work-structured atmosphere, an outdated structure that the Federal Government now operates under.

I want to again thank the gentleman from Texas (Mr. TURNER) for his help and assistance on this legislation. He has been a most constructive partner in our efforts to better utilize tele-communicating and acquisition reform. Hopefully, the time is not too distant when we will find thousands more parents in the Washington area and other areas able to telecommute, giving them time to drive their kids back and forth to their piano lessons, to see their kids’ practices and games or visit their schools, to adjust to appropriate medical appointments their kids may have; and, frankly, just to have more time with their families. With more available time, I deeply think, goes greater worker productivity.

It means for the Federal Government our ability to recruit and retain good people and keep them in this business, something that over the long term for the American taxpayer lowers our costs and gets better value for our tax dollars. This is an important first step. I urge adoption of this measure.

Mr. BLUMENAUER. Mr. Chairman, I come to the floor today to support H.R. 3924, the Freedom to Telecommute Act. This bill does the right thing by permitting federal agencies to allow contractors to telecommute. Telecommuting is an integral part of building livable communities because it gives people more choices in their work, for their families and for our environment. Not everyone can live next-door to his or her workplace, but with telecommuting more people can work from home when appropriate and we can reduce the troublesome peak-hour demand on our transportation systems.

In 2001, one in five American workers, or 28 million Americans were telecommuters and the growth of telecommuting is impressive. The number of U.S. telecommuters grew from roughly 19 million in 2000 to 32 million in 2001 and experts predict that more than 137 million workers will be involved in some sort of remote work by next year.

Increasingly, private and public organizations are abandoning telecommuting as a successful workforce strategy because telecommuting helps recruit new employees, expand the labor pool and provide staffing flexibility. It also reduces sick leave, increases productivity, reduces stress and protects the environment. In fact, if 10 percent of the nation’s workforce were able to telecommute only one day a week, we would cut 24.4 million driving miles, eliminate 12,963 tons of air pollution and conserve more than 1.2 million gallons of fuel each week.

I urge my colleagues to support this bill that helps build more livable communities by promoting telecommuting.

Mr. WOLF. Mr. Chairman, I rise in support of H.R. 3924, the Freedom to Telecommute Act of 2002. Mr. Chairman, I have been a strong advocate of telecommuting and believe that it can be a major answer to solving traffic congestion around the country. It’s simple. Fewer cars equal less traffic equal less pollution.

The federal government is already on the way to making telework a standard option for federal employees. Two years ago I included a provision in the transportation spending bill which requires federal agencies to identify employees whose jobs would be appropriate for telework. Congress required agencies to offer telework to 25 percent of eligible employees by the end of last year, each agency was required to offer the telework option to 25 percent of these eligible employees and to continue offering the option to an additional 25 percent until 100 percent of federal employees who are able to telework.

My friend and colleague from Virginia, Representative DAVIS who strongly supports the federal telework program, has sponsored the Freedom to Telecommute Act on the floor today. This bill to authorize telecommuting for federal contractors will partner with my provision, requiring federal agencies to allow workers to telework. It only makes sense that if we are working to encourage federal employees to be teleworking, we should also be allowing employees of federal contractors who work side by side with federal workers the option to telecommute.

A George Mason University study found that by reducing cars on the road by 3 percent, you can reduce traffic delays by 10 percent. This means if we can get 6 percent of the workforce to telecommute, we can reduce traffic congestion 10 percent.

Studies show that employees are more productive when they telework. They also have a higher quality of life and more time to spend with their families instead of sitting in traffic. Teleworking also saves businesses money by freeing up expensive office space. Add in the benefit of cleaner air from fewer cars on the road and teleworking adds up to a win-win situation for everyone.

I urge a unanimous vote for H.R. 3924.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition of a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

Are there any amendments to the bill? If not, under the rule, the Committee rises.

Annually, the Committee rose; and the Speaker pro tempore (Mr. KNOLLENBERG) having assumed the chair, Mr. FOSSELLA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3924) to authorize telecommuting for Federal contractors, pursuant to House Resolution 373, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

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

The bill was ordered to be engrossed and read a third time, and was read the third time.
The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause (c) of rule XX, the Chair will reduce to 5 minutes the minimum time for an electronic vote on the motion to suspend the rules and agree to H. Res. 371, which vote will be immediately taken after the vote on passage of H.R. 3924.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 13, as follows:

[Roll No. 72]

BEYOND—a quorum is not present.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the resolution, H. Res. 371, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 11, as follows:

[Roll No. 72]

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

MRS. NORTHUP. Mr. Speaker, on rollcall No. 71, I would have unavowedly voted "yea."

__225__
CONGRESSIONAL RECORD — HOUSE

March 20, 2002

H1019

Mr. SANDLIN. Mr. Speaker, I demand a record vote.

The vote was taken by electronic device, and there were—ayes 77, noes 337, answered “present”—1, not voting 19, as follows:

<table>
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<tr>
<th>AYES—77</th>
<th>NOES—337</th>
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The SPEAKER pro tempore (Mr. FOSSELLA). The Chair will remind the gentleman from Texas that the motion to adjourn is not debatable.

The question is on the motion to adjourn offered by the gentleman from Texas (Mr. SANDLIN).

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

RECORDED VOTE

The vote was taken by electronic device, and there were—ayes 77, noes 337, answered “present”—1, not voting 19, as follows:

<table>
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<tr>
<th>AYES</th>
<th>NOES</th>
</tr>
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[List of names and voting results]

ANSWERED "PRESENT"—1

[Names of members not present]

NOT VOTING—11

[Names of members not voting]

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Mr. SANDLIN. Mr. Speaker, in protest of this rule and since passage of this rule would require spending the Social Security surplus, I move that the House do now adjourn.
Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 372 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 372

Fiscal Year 2003

The SPEAKER pro tempore. The House resolved into the Committee of the Whole House on the Union for consideration of the concurrent resolution (H. Con. Res. 353) establishing the congressional budget for the United States Government for fiscal year 2003 and setting forth appropriate budgetary levels for each of fiscal years 2004 through 2007.

The previous question shall be considered as agreed to by the House and in the Committee of the Whole House on the Union for consideration of the concurrent resolution the Speaker may, pursuant to section 309(a)(5) of the Congressional Budget Act of 1974, waive. General debate shall not exceed one hour.

The concurrent resolution shall be disposed of in the House and in the Committee of the Whole House on the Union for consideration of the concurrent resolution the Speaker may, pursuant to section 309(a)(5) of the Congressional Budget Act of 1974, waive. General debate shall not exceed one hour.

MOTION TO ADJOURN

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the Union for consideration of the concurrent resolution (H. Con. Res. 353) establishing the congressional budget for the United States Government for fiscal year 2003 and setting forth appropriate budgetary levels for each of fiscal years 2004 through 2007. The first reading of the concurrent resolution shall be dispensed with. All points of order against consideration of the concurrent resolution are waived. General debate shall not exceed three hours and shall be divided into two periods of general debate over a period of one hour each. General debate shall not exceed one hour.

The motion to adjourn was rejected. The result of the vote was announced as above recorded.

Mr. WEXLER changed his vote from “aye” to “no.”

So the motion to adjourn was rejected.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only on the matter before us.

Mr. Speaker, H. Res. 372 is a closed rule which has been crafted to bring forward the annual Congressional budget resolution. While this differs in some ways from past years, it does reflect the fact that the previous 6 months has been anything but typical in the United States of America. As with all legislation considered by the House, we are mindful of the November 11 terrorist attacks, we have found ourselves in a unique situation where the traditional way of doing things has
been modified by both sides to meet the more important priorities of a Nation fighting a war.

I am very pleased that the motion to adjourn and the one that preceded it both showed that even though there were 120 Members present, the second vote of the loyal opposition who do want to adjourn, that on a large bipartisan basis, most of this body wants to get on with this important work of the budget, and I think it is in that bipartisan spirit that we present this rule.

For a number of years, we have gotten into the admirable habit of managing debate on the budget by asking that all amendments be drafted in the form of substitutes so that Members could consider the whole picture as we debate and weigh spending priorities, which is, after all, our first mission here. Although we set out to continue that practice this year, unfortunately no real alternatives were offered.

While some claim and some will claim that some near substitutes were offered, the proposals were actually modifications to process rather than substance, and they in no way qualified as full substitutes.

Despite rhetoric that I am sure we will hear as we always do in this particular debate that states otherwise, this rule provides a healthy forum for debate of our Nation’s budget, and that is what we will be about this afternoon. It provides for 3 hours of general debate of our Nation’s budget, and that is what this budget is about, our national security. In fact, this budget is about three types of security.

First, it is about fiscal security for the Nation. This budget increases our defense spending by 13 percent so that well-paid, well-trained and well-equipped soldiers can defeat and deter all those who wish to harm the United States of America and its citizens at home and abroad.

The budget also provides $38 billion for new homeland defense spending. This money will be used to monitor our borders, improve intelligence collection, secure airports and better equip first responders for acts of terrorism, and indeed, we have seen some amazing heroic acts from those first responders.

Second, this budget is about economic security. It continues to pay down the national debt and retains important tax cuts for families and businesses. Additionally, this budget provides money for investments in energy, transportation and agriculture. Collectively, these measures will ensure that our economy continues to turn the corner away from recession and towards sustained prosperity.

Thirdly, this budget is about personal security that secures the commitments that our government has made to its citizens. It increases spending for veterans programs, and in my district that is particularly welcome news. It increases spending for education funding, for Medicare costs and environmental needs, and of course, Social Security is protected.

All of America’s most important social spending programs are maintained and increased under this budget. In total, more than $38 billion has been voted five separate times to put Social Security and Medicare in a lockbox and throw away the key. Yet this budget resolution breaks that promise.

I am keenly aware of the sacrifices that war calls for. I am also keenly aware that national security does not abrogate us from pursuing the priorities important to the country. Mr. Speaker, we have promises to keep. Generations of Americans have poured billions of dollars into Social Security and Medicare with the promise that these vital programs would be there for them when they and their loved ones retire. I am also keenly aware of the sacrifices that war calls for.

Indeed, the measure before us wipes out our most of the Social Security surplus and depletes all of the Medicare surplus over the next 5 years. Thirty-two million retirees rely on Social Security income, and that number is increasing every day.

Mr. Speaker, I am still stunned that we have fallen so far so fast. In less than a year a surplus of $5.6 trillion shrank by $4 trillion. This is the worst fiscal reversal in American history and
for what? A single-minded obsession with tax cuts that overwhelmingly benefit the very wealthy in this Nation, and do not bell foored by today's rhetoric. The negative impact of the budget priorities of the majority were already stinging many Americans well before that unfolded Sept. 11. In fact, 43 percent of the surplus was already gone by then due to the tax cut.

Why then in the midst of this fiscal problem do we now hear that the leadership in the House is demanding further tax cuts a month from now? Why are we jeopardizing the Nation's future for a press hit during tax time?

This administration and leadership of the body has squandered an extraordinary opportunity for reasons largely unrelated to the war. The budget reverses a decade of fiscal progress and takes the country back down a perilous path of unending deficits. From 2002 through 2012, budget surpluses are converted into deficits, and Social Security and Medicare trust funds are raided with abandon.

Mr. Speaker, virtually every independent analysis of this budget has dubbed it a sham. It omits numbers in the second 5 years even though we have employed 10-year projections since Congress passed the Balanced Budget Act. Even more ominously this resolution uses OMB rather than CBO estimates in an effort to hide the real impact of the budget. Instead of relying on nonpartisan CBO estimates, the majority chose to use the much rosier estimates provided by the administration's political appointees at OMB.

My colleagues may recall that in 1995 the other side shut down the government to insist on the use of CBO estimates. If CBO should prove correct rather than OMB, virtually the entire Social Security surplus will be gone for the next 10 years.

At the very least the Committee on Rules should have allowed an amendment by Mr. Moran to pull in the reins on deficit spending to allow us to return to fiscal responsibility. The committee should have allowed the gentleman from Texas (Mr. Stenholm) to offer his substitute, which simply used realistic CBO cost estimates to shape the Nation's budget.

Moreover, Democrats had hoped to offer amendments on a host of issues. In addition to undermining Social Security and Medicare, the resolution woefully underfunds education, a prescription drug benefit, efforts to fight HIV and AIDS. The list goes on and on.

This close rule kills honest debate and undermines our ability to find enough money to keep spending. So what we are doing is not having deficit spending. We are making sure that we end with a balance here. And at a time when increased spending is more and more difficult to find enough money to keep spending, we are making sure that priorities are taken care of.

I am proud of not only what this Republican bill does, but last night we heard from the other side, the Democrats, that they do not intend to offer a budget. I think it is very insensitive for someone to come and attack you for doing the heavy lifting when in fact they do not present their own budget.

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

Mr. GOSS. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Texas (Mr. Sessions), a member of the committee.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from Florida (Mr. Goss) for allowing me a few minutes to talk about the budget, the Republican budget, that has run through committee.

The gentleman from Iowa (Mr. Nussle) in that committee has done a fabulous job and I want to talk about some of the great things that this budget does.

First of all, as the parent of a child with Down's syndrome, I am very pleased to know that we are going to continue providing schools with money for IDEA. It is important that this Congress understand that IDEA and the education of the disabled is important. We have increased funding.

We have made sure that as we go through this budget that we make sure that not one penny has been taken from Medicare, Medicaid or Social Security. Last night in the Committee on Rules, I had an opportunity to speak with not only the chairman of the Committee on the Budget but also the ranking member and asked the questions specifically, is there one penny that we have taken out? That answer is no.

We have continued to make sure we pay down debt. We have continued to make sure that veterans receive not only an increase of the money we give them but that we continue to focus on the efficiency of those programs.

We make sure in this budget that not only do we talk about homeland security, which is probably the number one issue combined with winning the war, but we fully fund those requests that we have put forth to make sure that those things happen with making sure the military and homeland security gets their money.

We are making sure that we do things to support funding of not only education and homeland security but we are also making sure that we are giving the money to NIH. NIH funding has doubled now since 1996. We are making sure that we take care of the needs of a growing Nation, a Nation that needs to expand and give us cures related to medicine.

So what we are doing in this budget is going through and making sure that the priorities of this Nation are taken care of. We are increasing funding some places, but we are making sure that homeland security and the defense of this country is taken care of. At a time when we are at war, what we are doing is not having deficit spending.

We are making sure that we end with a balance here. And at a time when increasingly it is more and more difficult to find enough money to keep spending, we are making sure that priorities are taken care of.

I am proud of not only what this Republican bill does, but last night we heard from the other side, the Democrats, that they do not intend to offer a budget. I think it is very insensitive for someone to come and attack you for doing the heavy lifting when in fact they do not present their own budget. It is easy to attack one piece or another, one place or another, but when you put together an entire budget, which is what we have done, I think it deserves the support of this House, and that is what I support.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. Skelton), the ranking member on the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I rise in opposition to this rule. I speak as the ranking member of the Committee on Armed Services, and I speak with those who wear the uniform of our country in mind.

The vote on this resolution might well be the most important national defense vote cast this year. In my opinion, the rule that is being offered today shortchanges national defense. Let me explain.

The top line that is recommended is a $48 billion increase. I think that is fine. We have needed that for some time. However, there is a $10 billion so-called reserve fund that we are not allowed to appropriate. My amendment that was offered at the Committee on Rules and that was denied, would fix that flaw and fix that error. So what this amounts to is a $10 billion zero, a cut in the proposed figure of $48 billion down to a $38 billion increase.

Under the Constitution, our duty is clear: article one, section 8 requires that the Congress of the United States raise and maintain the military. We cannot delegate that duty, as is proposed in this rule and in this resolution. We cannot give it to anyone else. As Harry Truman once said, and as many others have said after him, we cannot give it to the Secretary of Defense, though he is a fine man; the President, or anyone else.

The buck stops here. He is the President, or anyone else. As Harry Truman once said, and as many others have said after him, the buck stops on national security and national defense right with us.

I cannot offer, as a result of the Committee on Rules' denial of my amendment, a pay increase that should equal the pay increase that the soldiers and their families in uniform have been receiving this year. They cannot receive the military construction money that is needed. And just today, General Joe Ralston revealed in testimony and showed us in pictures the dilapidated family housing that our people live in in Europe. We need more Navy ships, ammunition, and unfunded requirements.

It is our duty. It is not a political thing; it is our duty under the Constitution to vote against this rule.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. Gossett).

Mr. FROST. Mr. Speaker, I thank the gentleman from Texas (Mr. Frost). The gentleman from Florida (Mr. Gossett) has 20 minutes remaining. The gentleman from New York has 22½ minutes remaining.

Mr. GOSS. Mr. Speaker, I reserve the balance of my time.
Since September 11, Americans have united in historic fashion, pulling together as a national family to face down the new dangers of terrorism, and Democrats remain committed to ensuring our troops have all the resources they need in the war on terror. There is no partisan debate over defending America. But that is not the only challenge facing us right now, Mr. Speaker.

Mr. Speaker, I can only assume that my friends on the other side of the aisle are great fans of Lewis Carroll. You remember Lewis Carroll. He is the fellow who wrote Alice in Wonderland. We have a situation where down is up and up is down. Republicans say, oh, we do not touch the Social Security surplus. We do not take a penny out of Social Security. Well, down is up and up is down, my colleagues, because, in fact, this budget uses $1 trillion of the Social Security surplus and adds $1 trillion over the first 5 years and $2 trillion over a 10-year period.

Over the past 12 years, America has fallen into a very deep and dangerous budgetary hole, one that poses a great threat to Social Security and other priorities like education, prescription drugs, and homeland security. Since Republicans passed their budget last year, America has lost $5 trillion of the proposed surplus. That is nearly 90 percent of our national nest egg down the drain.

Mr. Speaker, last year, we were planning to pay off America’s national debt. This year, the Bush administration is planning to increase the debt so far, and so all Americans can go deeper into debt. Before last year, we were using the Social Security surplus to strengthen Social Security. In fact, this House overwhelmingly passed five different measures to improve Social Security. It seems to be the keynote of the day.

I just wanted to commend the gentleman from Iowa (Mr. Nussle), the chairman of the Committee on the Budget, for what he has done in bringing this budget forward.

I came here, like a lot of others, in 1996, with the commitment that we are going to balance the budget; and in 1997 we were able to achieve that, and we have been doing that every year since. And Chairman Nussle is keeping us on that path.

We have paid down debt; and, yes, we can move the numbers around, people seem to be good at that, but we have paid down almost a half trillion dollars in debt so far, and that is really a good start. We are going to be paying down more, and we have a commitment to continue to do that as well as protecting Social Security over these next few years.

And I will say that anybody who is receiving Social Security today, or is close to receiving Social Security or Medicare, should not be misled in any way by people saying, oh well, it is not going to be there for them. They are perfectly fine. We are talking about the future, which we are going to be working on.

I cannot help but make the comment that if previous leaderships over the past 30 years, before we took over in 1995, had not spent the Social Security surplus specifically for other government programs, they used it every year, if that had not happened, that money would still be there and we would not be having any argument whatsoever of whether there was enough money for Social Security. That point seems to get lost when we are doing debate.

So, Mr. Speaker, I just want to bring that to everyone’s attention and again commend Chairman Nussle for the good job he does in protecting our future with the war and our homeland defense and our economic security; and I urge my colleagues to vote “yes” on the rule and “yes” on the budget.

Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. Hastings) my colleague on the Committee on Rules.

Mr. Speaker, this budget is a case study in poor leadership and fiscal management. It serves as an example of what goes wrong when you fail to think ahead.

Mr. Speaker, the general theme of this year’s budget resolution is a reckless disregard for the obvious. After all, the resolution does not account for the last 5 years of last year’s tax cut, and it certainly does not account for real CBO numbers.

What the majority’s figures do account for is a more than 5 percent cut in nondefense related spending and an additional $28 billion in tax cuts. They account for a 16 percent shortchanging of “leave no child behind,” and they account for the elimination of the Social Security and Medicare trust funds. The resolution also accounts for cuts in health care, law enforcement, energy production, environmental protection, not enough money for election reform, housing for the elderly, the capital fund for housing, homeless assistance, and all the way across the board we find this.

Basically, Mr. Speaker, what has happened is the lock box has been unlocked, thrown away, retooled, and made into an ATM machine.

Mr. Speaker, Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Iowa (Mr. Nussle), chairman of the Committee on the Budget, for the purpose of a colloquy with a colleague.

Mr. Speaker, will the gentleman yield? Mr. Nussle. I yield to the gentleman from Georgia.

Mr. Speaker, I rise today to engage in a short colloquy with the chairman of the House Committee on the Budget.

It is my desire to clarify where the increase in the money authorized for health-related spending will go. I would like to stress the importance of providing funding for the Center for Disease Control buildings and facilities in respect to winning the war on terrorism.

Mr. Speaker, reclaiming my time, I would be pleased to enter into that colloquy with the very distinguished gentleman from Georgia.

Mr. Speaker, I thank the gentleman.

One of today’s most serious potential threats to our national security is bioterrorism. The CDC is a major and integral part of the homeland defense because of its ability to identify, classify, and recommend courses of action dealing with biological and chemical threats.

In addition to working in asbestos-laden facilities, many highly trained
scientists perform their research in facilities that lack safety features, such as sprinkler systems and adequate electrical and air flow systems, and, as a result, limits the agency’s ability to recruit and retain the world-class scientists.

The multiyear master plan, put together by the CDC for adding to and replacing infrastructure at its Atlanta location, has received wide bipartisan support in the House and the Senate. Addressing the deficiencies will greatly benefit all Americans. It will enhance CDC’s ability to respond to emergencies as well as provide the desperately needed facilities required for day-to-day public health and research activities.

Last year, we provided $250 million for upgrading out-of-date equipment and restore dilapidated facilities at CDC. The CDC needs an additional $300 million to provide the 4th year of construction funding for a new infectious disease laboratory, which will include greatly needed bio-safety level-four hot labs, construction of a new environmental toxicology lab, and greatly needed laboratory space.

The budget resolution for fiscal year 2003 calls for $223.5 billion in health-related spending, which is a $22.8 billion increase from the $200.7 billion in fiscal year 2002. It is my understanding that fiscal year 2003 total spending for HHS’s bioterrorism efforts would rise to $4.3 billion, an increase of $1.3 billion above the 2002 level. These funding levels will support critical homeland security initiatives. This includes funding for improvement to buildings and facilities at CDC.

Mr. Speaker, can the gentleman clarify that the increase in health funding would include improvements and modernization of facilities at CDC?

Mr. GREEN of Texas. Mr. Speaker, first of all, whatever this Congress does, we have to respect funding for national security. But while protecting ourselves from foreign enemies, we should fund programs that protect seniors and children. This budget fails to protect children or senior citizens. In fact, according to this chart, this budget spends the Social Security surplus and the Medicare surplus for the next 10 years. For the next 3 years, we go into deficit spending over and above the surplus in Medicare and Social Security. More than 40 million Americans are without health insurance, and yet there is nothing in this budget that does anything for them. There is no prescription drug benefit for seniors. The expectation of the cost is $750 billion. This budget does not even make a down payment on that.

Many States like Texas have trouble funding its SCHIP program which provides health care for children. There is nothing in this budget that allows the $3 billion for our States to have insurance for our children. To cap this off, the government is backing deficit spending for 3 years, and for the next 10 with Medicare and Social Security, as Members can see from this chart.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I rise in opposition to the rule and would like to identify another reason for opposing this rule. We need to have a credible plan to get back to the balanced budget without relying on the Social Security Trust Fund once we have gotten control over this war on terrorism that the chairman of the Permanent Select Committee on Intelligence has alluded to and pulled out of this recession.

This budget resolution provides no such credible plan. A trigger, which a number of us have received a Republican vote in the Committee on the Budget, stated that next year the House had to produce a budget resolution that put the budget in balance without using the Social Security Trust Fund, and it had to be a 5-year plan. There is no such provision in this bill today. We are headed down a path without regard to how we are going to debate spending and tax cut proposals as far as how it impacts our ability to get back to a balanced budget, to pay down our National debt, and each thread has rates low, to prepare Medicare and Social Security for its future solvency when the baby boomers begin to retire in 2006.

Mr. Speaker, we need a plan. This budget resolution does not do it. The trigger is such a plan, and it ought to be part of a debate we have today.

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

Mr. ISRAEL. Mr. Speaker, it is with great sadness that I rise to speak against this rule. I and my moderate Blue Dog colleagues sought to present a reasonable, bipartisan alternative that would have adopted the majority’s budget, but would have required us in Congress to do what every American with a bank book is required to do, and that is to keep it balanced.

This rule does not allow for discussion of a bipartisan alternative. It does not allow for discussion about prescription drugs for seniors. It does not allow for discussion about squandering our surplus, or allow for a full debate on funding a raid on Medicare and Social Security and Medicare trust funds every year for the next 10 years.

Mr. Speaker, I have repeatedly voted with my Republican friends and with President when I felt that they were reaching across party lines to develop bipartisan consensus on real problems. I had hoped that we would be able to do that with this budget and this rule, but this rule does not provide for that. It is unfair. It is unлемomorable, and it does not give us a way; and on that basis we should defeat this rule and come back and develop true bipartisan consensus on a balanced budget, a strong defense and meeting the needs of working families.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. KIRK), a member of the Committee on the Budget.

Mr. KIRK. Mr. Speaker, I rise in strong support of this budget. We have led on our side. We have a plan to protect Social Security. We have a plan to prosecute the war and provide for tax relief for Americans.

The other side’s leadership has ordered them not to produce a budget. The gentleman from South Carolina is a very fine Member of Congress who would have been able to put together a good alternative had he been allowed to. But instead, there is no plan on the other side. When we look at the options, the options are to raise taxes, cut defense spending, go further into debt. We have no leadership on the other side. Thank goodness our major- ity has led on this fact.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, I take a back seat to no one in support of a strong budget and increased intelligence spending, but these priorities can and should be met in the context of a balanced budget with balanced priorities. I voted for such a budget over a couple of years ago. When I voted, each thread has been supported by the Blue Dogs, of which I am a Member. One does not have to be from the South, unless we count southern California, or a male, to be a Blue Dog, and I proudly am one who strongly support a fiscally responsible budget.

This time, for the first time, the Blue Dog proposal has not been made in order, and so we do not have on the table and we will not be able to vote for a balanced budget proposal with balanced priorities.

I strongly oppose this rule. I strongly oppose the notion that many of us on a
bipartisan basis are not in favor of balanced budgets. I think we talk about homeland security, we can only achieve that in a context of economic security which we risk destroying by this vote today. Vote "no" on this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I am here to oppose the rule. The President has asked for bipartisanship, and I have bent over backwards to be bipartisan. In fact, I voted for the President's tax cut last year. When we were asked to be bipartisan, we have tried. In fact, a group of us, the Blue Dogs, submitted a substitute budget using all of the numbers in the Republican budget with two differences: One, that we used Congressional Budget Office numbers, the same numbers used for the last 10 years, not switching numbers; number two, that we added a midyear review in August in case the projections do not come out the way that we had thought they would.

So when we hear a Member on the other side say there was not an alternative or substitute budget submitted, it is not true. They can say black is white, but it does not make it true. They have to work with us, or they denied our substitute budget. They denied us the opportunity to present a substitute budget. They know that the numbers do not add up.

Mr. Speaker, why is a review important? Because Congress right now is in the Social Security funds and will be in $200 billion by the end of the next fiscal year, and a trillion over the next 10 years if things are not changed. Under the present budget and the proposal, it is a trillion dollars into Social Security funds over the next 10 years. I voted for the tax cut. I want a chance to work with the other side on a bipartisan manner, but it is not happening. We reached out to them and basically were rebuffed in the face. I wish we could start this over because we could work together given half an even and fair chance. The President and the Secretary of Treasury has asked for a $750 billion increase in the debt limit. That is a $750 billion blank check. I think Congress has a responsibility to make sure that we oversee the use of that money and not write blank checks or provide blank checks to any person.

Ms. SLAUGHTER. Mr. Speaker. I yield 1 minute to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, the gentleman from Illinois (Mr. KIRK) invoked my name, and let me assure the gentleman, I am a free agent. I am comfortable with the decision that our caucus has made and our leadership has made. Frankly, we tried to produce a budget resolution, and we found to have a competing resolution on the floor and an apples-to-apples comparison, to use some micks and the devices the other side used to get the results they achieve. We did not want to do that for a couple of reasons, not the least of which we did not want to go to 5 years. We think a 10-year budget is proper. We did not want to use OMB, as complacent as they can be sometimes in helping Members get the bottom line that they want. We wanted to stick with the Congressional Budget Office, the neutral and nonpartisan group.

Mr. Speaker, for these and many other reasons, we decided not to do a budget resolution; but there will be a Democratic resolution. It will be presented in the other body by Senator CONRAD.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I rise in strong support of the rule and the underlying legislation. As a member of the Committee on Rules, and the Committee on the Budget, I congratulate the gentleman from California (Chairman DREIER) on a fair rule, for allowing for open debate, and for the gentleman from Iowa (Mr. NUSSELR) for producing a wartime budget that recognizes the need to secure our homeland, win the war on terror, and bolster our economy.

By providing record increases in defense spending, providing for greater intelligence networking and funding antiterrorism measures, our budget takes a comprehensive approach to winning the war on terror.

By including funds for aviation security, defending against biological attacks, and securing America's borders, our budget makes homeland defense our highest priority. By allowing American taxpayers to keep $66 billion more of their own money during the next 5 years through economic stimulus tax relief, our budget helps stabilize and secure our economy.

Mr. Speaker, there has been much discussion lately about the important of a balanced budget. I have always been a strong proponent of balanced budgets; but even proponents of proposals for balanced budget constitutional amendments like we addressed several years ago, those allow flexibilities when emergencies occur. Surely this time of national emergency, war and economic distress more than justifies temporary flexibility.

Mr. Speaker, I would like to highlight four aspects of this resolution which are of particular interest to my area of the Pacific Northwest: First, as chairman of the House Nuclear Cleanup Caucus, I am pleased that the Committee on the Budget has included my provision to set the Department of Energy's nuclear cleanup budget at $6.7 billion for next year, and a total of $11.1 billion to be available to fully implement the Department of Energy's accelerated cleanup plan.

Second, by including bipartisan language authored by myself and the gentlewoman from Oregon (Ms. HOOLEY), our budget highlights local fish recovery efforts in the Pacific Northwest. People in central Washington and throughout the region are dedicated to ensuring the survival of our salmon. It is crucial that the Federal Government continue to work together to address the entire range of factors impacting fish populations.

Further, this budget serves our growers and farmers by fully providing for the continuation of the Market Access Program included in the House farm bill. Funding for this program will more than double from $90 million to $200 million in order to open new markets and expand trade opportunities for American agricultural products.

Finally, the budget resolution provides $700 million in additional borrowing authority for the Bonneville Power Administration. This additional borrowing authority is supported on a bipartisan basis by all Members of the Pacific Northwest.

This increase will be used to assist the BPA in upgrading and building transmission lines that are urgently needed. I am pleased that this resolution fully funds the President's request for additional borrowing authority.

Accordingly, I urge my colleagues to vote for the rule and the underlying resolution.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentlewoman from New York for yielding time.

Mr. Speaker, if there is anything bipartisan about this budget resolution, it is probably our mutual displeasure with it. I do not think anyone is satisfied with this budget. And even if my colleagues on the other side accept the bottom line, that this budget resolution will run a real deficit and then continue to spend Social Security and Medicare dollars to pay for general government for years to come, I would say this year's bipartisan budget process does not permit a single substantive amendment, not in the Budget Committee, not in the Rules Committee, not on the House floor.

I mention only one. Yesterday, I asked the Rules Committee to make in order an amendment that would have made improvements to this budget, but to incrementally increase our investment in research and development. It was not allowed. This budget resolution does provide increased funding for the National Institutes of Health, but it does not provide enough funding for general scientific research and development through the National Science Foundation and other agencies. The NSF, the National Science Foundation, provides the backbone for the science and the scientists that are necessary to ensure that this Nation remains a leader. For our investment is going to pay off, we need to make an investment in the other areas of science research and development.
Ms. SLAUGHTER. Mr. Speaker. I yield 4 minutes to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Speaker, I thank the gentlewoman for yielding me this time. I take to the floor in the strongest possible opposition to this unfair rule. I cannot believe my colleagues on this side that can stand up and say, this is a fair rule."

But the first thing I want to say today is let the record clearly state, and I could not agree more, that Congress must join the President to provide for the security of our Nation, our troops, our law enforcement officials, and everyone else who is fighting the war on terrorism. We agree. However, it is cowardly, not patriotic, to use this vitally important priority for all of us as a scapegoat for abandoning all fiscal responsibility and the budget process in this unfair this unfair rule.

As a member of the minority, I do not expect I am going to win very often on the floor. But I do expect the majority to show a modicum of respect for the democratic process, if not for Democracy. Every single Democratic amendment, both a complete substitute as well as numerous single bullet amendments, completely shut out of the debate is outrageous. What really bothers me about this, I remember the times in the last 23 years in which I have stood up with you on this side of the aisle when you were in the minority and demanded that you have an opportunity to have your amendments on the floor and debated and usually I was with you.

But yesterday the Rules Committee said "no" to the gentleman from Kansas (Mr. MOORE), the gentleman from Tennessee (Mr. TANNER), and myself when under the rules that you sent to us, we brought you a complete substitute and you said, "No, we do not wish to allow you to have 1 hour of debate on a substitute." We offered the good hand of friendship to you and you said, "no." That is your privilege. That is your privilege. You can do so. But it is not just a few Blue Dogs or the Democrats who have a problem. The majority seems determined to ignore it, but they have the same problem that needs to be solved and that is a deficit reduction.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from California, the chairman of the Committee on Rules, that denied me an opportunity to have debate.

Mr. DREIER. Mr. Speaker, let me just say that in the testimony that the gentleman from Texas gave yesterday before the Committee on Rules, he made it very clear that what he was offering was, and this is a direct quote, "a perfect test to the chairman's budget." That is how he described what did come forward, he said as a substitute. He described it as a perfecting amendment to the chairman's budget. I thank my friend for yielding.

Mr. STENHOLM. I take back my time from the chairman and say that these are the rules of the House. The Rules Committee, who brought a rule, "Bring a budget that is scored by CBO." We did. The gentleman from Iowa (Mr. NUSSELE) did not bring a budget to the Committee on Rules scored by CBO. You ignored your own rules in allowing the gentleman from Iowa to come forward with an OMB-scored when your rules and what you instructed me to do is come CBO-scored. You chose to ignore it, which you can do. You can waive any rule any time you want to in the majority. But let me remind the gentleman that the chickens will come home to roost.

You are going to have to vote to borrow $750 billion, and it is going to be more than that with the economic game plan you folks are on. You are going to override 213 votes to increase the debt ceiling when we could have been with you and we offered to be with you in a bipartisan way to the President saying, We do not have to resort to games; we can do it. We can do it under the rules of the House and we can do it bipartisanly. But no thanks, you did not want any part of that.

There is justice in this world, and you are going to get a chance pretty soon to borrow that money in an up and down vote and explain why you are doing it when you could have had something better.

Mr. GOSS. Mr. Speaker. I yield again such time as he may consume to the distinguished gentleman from Iowa (Mr. NUSSELE), chairman of the Committee on the Budget, for a colloquy.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. NUSSELE. I yield to the gentleman from Alaska, the distinguished chairman of the Committee on Transportation and Infrastructure.

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

Mr. Speaker, I rise to engage in a colloquy with the gentleman from Iowa on H. Con. Res. 353, the fiscal year 2003 House budget resolution.

Mr. NUSSELE. I am pleased to enter into a colloquy with the gentleman.

Mr. YOUNG of Alaska. First of all, I would like to commend Chairman Stenholm of the Committee on the Budget for bringing this resolution to the floor. I am very pleased with the cooperative working relationship that has developed between our two committees.

As you know, the President's budget proposes an $8.6 billion, or 27 percent, reduction in highway funding, from $31.8 billion in fiscal year 2002 to $23.2 billion in fiscal year 2003. Most of this proposed decrease in funding is based on the revenue-aligned budget authority appropriation of the Transportation Equity Act for the 21st Century, otherwise known as TEA-21, which I continue to support in principle. However, it is simply too harmful to our State transportation budgets and our economy to allow such a dramatic funding cut to take place next year. Therefore, my goal has been to restore the highway program to a reasonable, sustainable funding level of not less than $27.7 billion, which is the funding level envisioned by fiscal year 2003 in TEA-21. Any language to the contrary in the report accompanying H. Con. Res. 353 does not accurately reflect my views on this subject.

My position on this issue is made clear in H.R. 3694, the Highway Investment Restoration Act, H.R. 3694 calls for highway funding of not less than $27.7 billion in fiscal year 2003. The words "not less than" are profoundly important to me and the 315 cosponsors of the legislation. This is a fluid process, and I reserve the right of my committee to move this bill or some version of it in the future if necessary. If it becomes clear to me that the highway trust fund can sustain a higher funding level and at that time there is significant support for more than $4.4 billion in fiscal year 2003, then I will actively support a further increase in highway funding. The budget resolution adds $4.4 billion for highways and highway safety, thereby increasing funding for the highway program to $27.7 billion. This is a significant improvement over the President's budget. For that and other reasons, I support the resolution and urge my colleagues on my committee especially, to do likewise.

I would like to clarify my views with the gentleman from Iowa and ask if there is anything in H. Con. Res. 353 that would preclude adding more than $4.4 billion to the highway program at some point in the future.

Mr. NUSSELE. I thank the gentleman for his leadership on this issue and also for the cooperation between our committees. I agree with the gentleman from Alaska that there is nothing in this resolution that would preclude adding more than $4.4 billion to the highway program under certain circumstances. For instance, such a further increase could be possible if conference negotiations with the Senate result in a higher funding level for highways or if the Appropriations Committee, as an example, would allocate additional outlays to its transportation subcommittee by reducing outlays in some other function.

I understand the gentleman will continue to work with the Budget Committee to help modify the caps, including those for highways and transit to, among other things, accommodate the additional transportation spending and to smooth out the year-to-year fluctuations in the revenue adjustments made under the RABA provision of TEA-21. I appreciate the gentleman's leadership on this.

Mr. YOUNG of Alaska. I thank the gentleman for his comments. I will
work with him as I have told him before not only on the floor but in private to provide both the general purpose and transportation caps to, among other things, reflect the increase in highway spending. I want to thank the gentleman for his good work.

Ms. SLAUGHTER. Mr. Speaker. I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, and to vote against this rule, because all of us have voted to do so. Unless you were just elected in the past year, every single one of us have voted to protect Social Security and Medicare if at all possible. I offered the most reasonable amendments. Only I could imagine, a trigger amendment. All it said was that we will give you a pass this year but beginning next year, if the Congressional Budget Office tells us that we are operating at a deficit, give us a plan, a 5-year plan that will enable us to be good to our word. We are on our retirement and our Medicare for our children to have to come up with the general funds revenue, not take it from Social Security trust funds. Let us balance this budget with Social Security Trust Funds. Over the next 5 years, $23.864 billion comes out of the Social Security revenues. Over the next 10 years, $1.6 trillion is going to come from Social Security trust funds. All we are saying is that as of next year, if you find that we are still operating at a deficit, give us a plan, a 5-year plan that will enable us to be good to our word, because five times we have voted for the lock box. Five times. 228 Republicans have voted for the lock box, saying we are not going to use Social Security to balance the budget. Yet here we are today, about to do exactly what we promised never to do.

If you vote for the rule, you are rejecting an amendment that simply said give us a 5-year plan to get out of the reliance upon Social Security trust funds. Let us balance this budget with general funds revenue, not take it from the trust funds, not put the burden on our children to have to come up with our retirement and our Medicare, that is all we are asking for, to be good to our word. We are on record. We gave allowances if we are at a time of war. Or in a weak economy, it does not apply. But all things being equal, the Budget Committee has a responsibility to bring us to balance over 5 years without depending upon the trust funds. And if for no other reason, you need to support that and vote against this rule.

Mr. GOBLL. Mr. Speaker, I again yield to the distinguished gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget, for purposes of a colloquy.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. NUSSLE. I yield to the gentleman from Florida, the distinguished chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I thank the very distinguished chairman of the Budget Committee for yielding.

I rise to engage the distinguished chairman of the Budget Committee in a colloquy. Mr. NUSSLE. I am pleased to engage in a colloquy with the gentleman.

Mr. YOUNG of Florida. Mr. Chairman, as you know, the budget resolution includes a reserve fund for highways and highway safety. My reading of the relevant provisions indicates to me that if the Appropriations Committee reports a bill with obligation limitations for programs within the highway category in excess of $23.864 billion, then you as the chairman of the Budget Committee increase the allocation for outlays for the highway program if the Appropriations Committee bill allocates the additional funding in accordance with TEA-21.

In addition, the outlays from the reserve fund cannot exceed $1.18 billion. Is that correct?

Mr. NUSSLE. Mr. Speaker, that is correct.

Mr. YOUNG of Florida. It is also my understanding that the budget resolution does not require the Committee on Appropriations to report a bill containing obligation limitations for programs within the highway category in excess of $23.864 billion. Is that correct?

Mr. NUSSLE. That is also correct.

Mr. YOUNG of Florida. In the course of my review of the budget resolution before us today, I see no provision that establishes discretionary caps in fiscal year 2003 or extends the highway and transit guarantees beyond 2003. Is that accurate?

Mr. NUSSLE. That is also accurate. As a concurrent resolution, the budget before us today does not establish discretionary caps or continue the highway or transit firewalls beyond fiscal year 2003.

Mr. YOUNG of Florida. Would the chairman also agree that discussions on establishing discretionary caps in fiscal year 2003 and beyond extend the highway and transit guarantees beyond the current fiscal year?

Mr. NUSSLE. I most definitely agree with that. The Committee on the Budget has exclusive jurisdiction over the Budget Enforcement Act, but the chairman and I, I think, have established a good working relationship, and I will continue to consult with the chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, as you have just said, you and I have established great communications. We have had numerous discussions about the need of the Committee on Appropriations to be able to determine the appropriate balance of competing needs and priorities within the discretionary segment of the budget. The needs are great for the prosecution of the war and homeland security and other critically important Federal programs. We both recognize that the cuts anticipated in the highway program are too great to be sustained this year, though these reductions in the highway program are required by provisions of existing law in TEA-21 in which expenditures must equal receipts. Those provisions were supported by a majority of the House and had the full backing of the highway lobby at the time. Nevertheless, there is a great deal of support to increase spending for highways beyond the collections of the trust fund this year.

By contrast, the resources to fund all the current needs are limited. That is why the gentleman from Wisconsin and I introduced legislation that would ensure that any increase for the highway program not come at the expense of other Federal programs. H.R. 3900 adjusts the highway category. It ensures that additional spending is guaranteed for highways in fiscal year 2003.

H.R. 3900 has been referred to your committee. Is your committee expected to report favorably this legislation to ensure that the highway fires are increased above the $23.864 billion this year?

Mr. NUSSLE. It is my expectation that my committee will be reporting legislation to ensure that the highway category is increased.

Mr. YOUNG of Florida. Mr. Speaker, I appreciate the commitments of the gentleman from Iowa and the clarity that he has provided to me and to the House today. I would like to add that the needs are not just for the war in Congress. It is a difficult job to bring all of the divergent views together. I applaud the gentleman for the good job he has done. He can count on my vote for this resolution.

Mr. NUSSLE. Mr. Speaker, reclaiming my time, I thank the gentleman. There is only one more difficult job than mine, and that is to do it 13 times. I certainly respect and admire the chairman of the Committee on Appropriations for his good work.
We should be talking about a different budget today. The budget should be based on values, on opportunity, responsibility and community. But this Republican budget, which is the only thing we are able to consider today, falls flat on all counts.

It is not honest. It shows deficits as far as the eye can see, in large part because of the Republican economic program that we passed about 9 months ago.

First of all, we have squandered the surplus, squandered the surplus, $1.5 trillion, gone in the flash of an eye. Gone. $1.5 trillion, gone in the flash of an eye. Twelve months ago we had it; now it is gone. Of course, the loss of that surplus means that we cannot fulfill our promise to the lockbox. Five times in this House 220-plus Members of the Republican Party voted solidly for the lockbox. By voting today for this budget, they are breaking into the lockbox, breaking our word.

Let us look at the words. The gentleman from Texas (Mr. ARMED) declared the House of Representatives is not going to go back to raiding the lockbox. Not a dime’s worth of Social Security or Medicare money will be spent on anything other than Social Security and Medicare.

The gentleman from Iowa (Mr. Nussle), the distinguished chair of the lockbox. He said, "Not a dime from Texas (Mr. ARMED) de-lockbox. We are not keeping our word."

Of the Republican Party voted solidly to fill our promise to the lockbox. Five now it is gone. Of course, the loss of $4.5 trillion, gone in the flash of an eye. $4.5 trillion, gone in the flash of an eye. squandered the surplus, $4.5 trillion, gone in the flash of an eye.

My mother called me a week ago and she said, "I bounced some checks." She is 94-years-old and she still keeps her own checkbook. She lives in independent living in St. Louis. She said, "I bounced some checks. It is the first time I have ever done it in my life. Please, when you come home next, sit down with me. We have to figure this out."

So I sat down with her and we went over all of her checks. She lives in independent living. The cost is $2,500 a month. She has got a prescription drug bill of about $600 over that. So her monthly outgo before she gets to spending money is about $3,100 a month. Her Social Security is $2,100 a month. Her monthly outgo before she gets to spending money is about $3,100 a month.

Her Social Security is $1,200 a month. My brother and I, we are lucky. Her Social Security is $1,200 a month. She has got a prescription drug bill of about $600 over that.

She is 94. She and millions like her and their families should not have to be worrying about all this. What if she were in a family that did not have people like my brother and me who could help her? What if she did not have that money coming in to take care of her prescription drugs, to pay her monthly bills?

This budget has real live consequences for the people that we represent. Are we going to privatize Social Security? Are we going to cut the benefits? Because that is the logical conclusion of this budget. The President has said he wants to privatize it, which means you have got to come up with a lot of money that is not in this budget. The Republican Party wants to get it to cut the benefits. Is that what we are saying to the American people today? I hope it is not.

This is the most important budget decision that you will vote on probably in your time in this Congress. A year ago we had surpluses; today we are breaking the lockbox. A year ago we had taken care of Social Security first; this budget puts Social Security last. A year ago we had the money for prescription drugs; today, not going to have to have a decent prescription drug program.

It is a travesty that we have 3 hours to talk about the most important fiscal decisions that will have consequences in everybody’s life in this country.

I urge Members to vote no on a ridiculous rule and vote no if we have to vote on this budget today. Let us get to a summit. Let us get to a family discussion with the President. Let us get to a budget for America that is a real compromise, that will keep the word and the promise of the United States Congress to the people of this country.

The SPEAKER pro tempore (Mr. LaTourette). The Chair would advise both sides that each side has 2½ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

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

Mr. KIND. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in opposition to the rule and I am opposed to this budget resolution. It is a budget, unfortunately, that only Enron could love. It is using 5-year numbers instead of 10 years, obviously hiding the impact of the tax cuts exploding in the second 5 years and the impact that is going to have with budget deficits. It is using OMB numbers instead of the Congressional Budget Office, when the same Republican party shut down this place in 1995 accusing President Clinton of doing the exact same thing; and it underestimates the true cost of Medicare spending in the years to come.

As Yogi Berra once said, it is deja vu all over again. It takes us back to the deficit spending of the eighties and early nineties, using Social Security and Medicare trust fund money for other purposes, rather than taking us forward by maintaining fiscal discipline so we can deal with the greatest fiscal challenge facing us today: the aging population. This is happening at exactly the wrong time. Mr. Speaker, just before the 77 million American baby-boomers start retiring in just a few short years. But this is more than just about the baby-boomers. This is about the future of my 3- and 5-year-old boys, because it will be their generation who will be asked to fix the irresponsibility of what occurred last year and what is about to happen today.

I encourage my colleagues to oppose the rule and to oppose this budget resolution.
on the Committee on Rules refused to make in order.

The Moran trigger amendment prohibits the Congress from adopting any budget resolution next year if it does not project a surplus within 5 years. Democrats have offered a vehicle in this trigger amendment that can force the institution to face up to the facts.

The majority has spent some time today claiming that no substitutes were offered in the Committee on Rules. I beg to differ. The gentleman from Kansas (Mr. MOORE) and the gentleman from Tennessee (Mr. TANNER) and the gentleman from Texas (Mr. STENHOLM), along with the gentleman from Tennessee (Mr. MATHEISON), offered a substitute that establishes a budget plan for fiscal discipline. Yet, the Committee on Rules failed to make it in order. Our amendment to the rule would correct this serious failing.

Last year, Mr. Speaker, the President and every House Republican leader projected a surplus of Social Security and Medicare trust funds would be saved for Social Security and Medicare. With this budget, that promise has been broken.

We want to give the majority one last chance to do the right thing. Mr. Speaker. By defeating the previous question, we can restore honesty to the budget process and protect Social Security.

The time for games has ended. Let us pass an honest budget, or at least a trigger amendment that protects Social Security. It is the right thing to do, and every Member knows it.

I urge a no vote on the previous question.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore (Mr. LA TOTTOUERRE). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. GOSS. Mr. Speaker, I yield the balance of our time to the distinguished gentleman from greater San Dimas, California (Mr. DREIER), chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I have been listening to this debate, and I guess have participated in it briefly with my friend, the gentleman from Texas (Mr. STENHOLM).

I have to say that I am reminded, as I have heard the exchange take place over the last hour or so, of the words of a very famous former Democratic President who was known for his colorful but poignant words when Harry Truman said, "Any jackass can kick a barn down, but it takes a carpenter to build.

Mr. Speaker, I believe that we have a beautifully crafted budget which has come forward from the hard work of the gentleman from Iowa (Mr. NUSSELE) and the members of the Committee on the Budget working to address a challenge the likes of which the United States of America has never faced, this war on terrorism, while at the same time focusing on the important need to make sure that we have the resources to win the global war on terrorism and address a wide range of other priority needs which have come forward: transportation, which the gentleman from Alaska (Mr. YOUNG) addressed; national security issues; and education issues.

What we want to do is focus on stimulating our economy and making sure that we grow this economy so that we have the resources necessary. Why is it that we have seen this slowdown? Because of September 11 and the slowing economy that followed. And what we have done is we have seen time and energy put into place to craft, like carpenters, this beautiful plan which I believe does deserve bipartisan support because we are all together in our quest to win the war on terrorism. It is 10 years past time to make sure that we have the resources necessary and a budget in place that will do that.

What is it that we have gotten from our friends on the other side of the aisle? Absolutely nothing. My friend, the gentlewoman from Rochester, New York (Ms. SLAUGHTER) just talked about the fact that we had substitutes submitted. There were no substitutes submitted.

Mr. Speaker, every single time we have made in order substitutes that have come from the Blue Dogs, from the Progressive Caucus, from the ranking minority member of the Committee on the Budget, and yet, we saw the ranking minority member of the Committee on the Budget tell us that 96 pages, 96 pages, Mr. Speaker, were put into a package which simply criticized the package that came forward from the Committee on the Budget, and in fact, there was no alternative provided whatsoever.

Vote in favor of this rule and in favor of this very fair, responsible budget.

The amendment previously referred to by Ms. SLAUGHTER is as follows:

Strike all after the resolved clause and insert:

That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House in recess in the form of the Whole House on the state of the Union for consideration resolution (H. Con. Res. 353) establishing the congressional budget for the United States for fiscal year 2003 and setting forth appropriate budgetary levels for each of fiscal years 2004 through 2007. The first reading of the concurrent resolution shall be considered with all points of order against consideration of the concurrent resolution are waived. General debate shall not exceed three hours, with two hours of general debate confined to the congressional budget equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, and one hour of general debate on economic and domestic policies equally divided and controlled by Representative Saxton of New Jersey and Representative Moran of Virginia, debatable for 30 minutes.

After section 303, insert the following new section:

SEC. 304. CIRCUIT BREAKER FOR DEFICIT REDUCTION.

(a) IN GENERAL.—Effective January 1, 2003, in the Congressional Budget Office's January Budget and Economic Outlook for any fiscal year projects an on-budget deficit (excluding social security) for the budget year or any subsequent fiscal year covered by those projections, it shall not be in order in the House to consider a concurrent resolution on the budget pursuant to section 305(a)(5) of the Congressional Budget Act of 1974 to achieve mathematical consistency. The concurrent resolution shall not be subject to a demand for division on the question of its adoption.

(b) POINTS OF ORDER.—(1) In any fiscal year in which the Congressional Budget Office's January Budget and Economic Outlook for any fiscal year projects an on-budget deficit for the budget year or any subsequent fiscal year covered by those projections, it shall be in order in the House to consider a concurrent resolution on the budget pursuant to section 305(a)(5) of the Congressional Budget Act of 1974 to achieve mathematical consistency. The concurrent resolution shall not be subject to a demand for division on the question of its adoption.

(2) In any fiscal year in which the Congressional Budget Office's January Budget and Economic Outlook for any fiscal year projects an on-budget deficit for the budget year or any subsequent fiscal year covered by those projections, it shall be in order in the House to consider an amendment to a concurrent resolution on the budget that would increase on-budget deficits relative to CBO's projections and put the budget on a path to achieve balance within 5 years.

(3) Amendments offered by the majority shall rise and report the concurrent resolution. Each further amendment may be of one hour of general debate on economic and domestic policies equally divided and controlled by Representative Saxton of New Jersey and Representative Moran of Virginia, debatable for 30 minutes.

(4) No further amendment shall be in order after the concurrent resolution has been agreed to.

(5) The concurrent resolution shall be considered for amendment under the five-hour rule.

(6) Any jackass can kick a barn down, but it takes a carpenter to build.
SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2003 through 2007:

1. **FEDERAL REVENUES.**—For purposes of the enforcement of this resolution:
   - The recommended levels of Federal revenues are as follows:
     - Fiscal year 2003: $...
     - Fiscal year 2004: $...
     - Fiscal year 2005: $...
     - Fiscal year 2006: $...
     - Fiscal year 2007: $...

2. **NEW BUDGET AUTHORITY.**—For purposes of the enforcement of this resolution, the appropriate levels of new budget authority are as follows:
   - Fiscal year 2003: $...
   - Fiscal year 2004: $...
   - Fiscal year 2005: $...
   - Fiscal year 2006: $...
   - Fiscal year 2007: $...

3. **BUDGET OUTLAYS.**—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:
   - Fiscal year 2003: $...
   - Fiscal year 2004: $...
   - Fiscal year 2005: $...
   - Fiscal year 2006: $...
   - Fiscal year 2007: $...

4. **SURPLUSES.**—For purposes of the enforcement of this resolution, the amounts of the surpluses are as follows:
   - Fiscal year 2003: $...
   - Fiscal year 2004: $...
   - Fiscal year 2005: $...
   - Fiscal year 2006: $...
   - Fiscal year 2007: $...

5. **PUBLIC DEBT.**—The appropriate levels of the public debt are as follows:
   - Fiscal year 2003: $...
   - Fiscal year 2004: $...
   - Fiscal year 2005: $...
   - Fiscal year 2006: $...
   - Fiscal year 2007: $...

6. **DEBT HELD BY THE PUBLIC.**—The appropriate levels of debt held by the public are as follows:
   - Fiscal year 2003: $...
   - Fiscal year 2004: $...
   - Fiscal year 2005: $...

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TITILE II—RESTORING FISCAL DISCIPLINE AND PROTECTING SOCIAL SECURITY

SEC. 201. REVIEW OF BUDGET OUTLOOK.
(a) IN GENERAL.—If, in the report released pursuant to section 202(e)(2) of the Congressional Budget Act of 1974, entitled the Budget and Economic Outlook Update (for fiscal years 2003 through 2012), the Director of the Congressional Budget Office projects that the unified budget of the United States for fiscal year 2003 will be in balance and that the budget (excluding the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) will be in balance by fiscal year 2007, then the chairman of the Committee on the Budget of the House of Representatives shall request that the President submit to the House a proposal to bring the unified budget of the United States for fiscal year 2003 within functional category 050, and a corresponding level of outlays that flow from this budget authority, without specified purpose. Therefore, this $10 billion in new budget authority shall supplement the funds available contingent upon the budget authority thereto.

(b) POINT OF ORDER.—It shall not be in order in the House to consider any bill, joint resolution, amendment, or conference report that provides new budget authority or a decrease in revenues for any fiscal year after fiscal year 2007 that would increase the surplus or decrease the deficit for fiscal year 2003.

202. REQUIREMENT FOR PRESIDENTIAL PLAN TO RESTORE BALANCED BUDGET AND PROTECT SOCIAL SECURITY SURPLUS.
(a) REQUEST IF UNIFIED DEFICIT PROJECTED.—If the report of the Congressional Budget Office referred to in section 202 projects a unified deficit in fiscal year 2003, the chairman of the Committee on the Budget of the House shall request that the President—
(1) submit to the House a proposal to bring the unified budget of the United States into balance by fiscal year 2003 and the budget (excluding the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) into balance by fiscal year 2007, or
(2) submit to the House a request that the unified budget of the United States for fiscal year 2003 be in deficit by [INSERT SPECIFIC DOLLAR AMOUNT]. If the President certifies that such deficit amount is related to the costs of war or recession.

(b) REQUEST IF DEFICIT PROJECTED FOR BUDGET EXCLUDING OASDI.—If the report of the Congressional Budget Office referred to in section 202 projects the budget (excluding the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) in balance by fiscal year 2007, the chairman of the Committee on the Budget shall request that the President submit to the House a proposal to bring the unified budget of the United States into balance by fiscal year 2003 and the budget (excluding the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) into balance by fiscal year 2007.

(c) TEXT OF PROPOSAL.—The proposal shall include—
(1) specific legislative changes to reduce outlays or increase revenues, or both, and
(2) the text of a special resolution implementing the President’s recommendations through reconciliation directives instructing the committees of the House of Representatives and Senate to determine and recommend changes in laws within their jurisdictions to reduce outlays or increase revenues by specified amounts; sufficient to meet the balanced budget goals described in section 201.

(d) INTRODUCTION.—Within 5 legislative days after receipt of the proposal referred to in subsection (a), the majority leader of the House shall introduce legislation to carry out such proposal.

SEC. 203. CONGRESSIONAL ACTION REQUIRED IF BALANCED BUDGET AND SOCIAL SECURITY PROTECTION GOALS ARE NOT BEING MET.
(a) REQUIREMENT FOR LEGISLATION RESTORING BALANCED BUDGET AND PROTECTING SOCIAL SECURITY SURPLUS.—Whenever the President submits a plan to reform and balance the budget that the Committee on the Budget of the House shall report, not later than September 15, a revised concurrent resolution on the budget for fiscal year 2003 with instructions to committees to achieve reductions in outlays or increases in revenues, or both, sufficient to meet the balanced budget goals in section 201, and appropriate reductions in outlays or increases in revenues by specified amounts; sufficient to meet the balanced budget goals described in section 201.

(b) REQUIREMENT FOR SEPARATE VOTE TO ALLOW FOR A UNIFIED DEFICIT IN FISCAL YEAR 2003.—(1) The committee on the Budget of the House proposes to eliminate less than all of the projected unified deficit in fiscal year 2003, then that committee shall report a resolution that waives the balancing budget goal for fiscal year 2003 and authorizing a deficit of a specific amount with a finding that the deficit is a result of economic recession or costs related to the war on terrorism.

(2) PROCEDURE IF HOUSE BUDGET COMMITTEE FAILS TO REPORT REQUIRED RESOLUTION.—(A) AUTOMATIC DISCHARGE OF HOUSE BUDGET COMMITTEE.—If the Committee on the Budget fails to report the resolution required by subsection (a), then the legislation introduced pursuant to section 202 (legislation implementing the President’s plan) shall be automatically discharged from consideration by the committee or committees to which it was referred and shall be placed on the appropriate calendar.

(B) CONSIDERATION BY HOUSE.—Ten days after the applicable committee or committees have been discharged under paragraph (1), any Member may move to reconsider the legislation, which motion shall be privileged and not debatable.

(c) APPLICATION OF CONGRESSIONAL BUDGET ACT.—(1) The provisions of title III of the Congressional Budget Act of 1974 shall apply in the House of Representatives, if the House has voted on a resolution meeting the requirements of section 202 and the House has enacted legislation restoring 75-year solvency of the Federal Old Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for 20 years.

(a) POINT OF ORDER.—It shall not be in order in the House to consider any bill, joint resolution, amendment, or conference report that provides new budget authority or a decrease in revenues for any fiscal year after fiscal year 2007 that would increase the surplus or decrease the deficit for fiscal year 2003.

(b) EXCEPTION.—(1) Subsection (a) shall not apply if the chairman of the Committee on the Budget of the House certifies, based on the report of the Congressional Budget Office, that Congress has enacted legislation restoring 75-year solvency of the Federal Old Age and Survivors Insurance Trust Fund and legislation extending the solvency of the Hospital Insurance Trust Fund for 20 years.

202. CRITICAL DEFENSE NEEDS.
This resolution includes $10 billion in new budget authority requested by the President for fiscal year 2003 within functional category 560, and a corresponding level of outlays that flow from this budget authority, without specified purpose. Therefore, this $10 billion in new budget authority shall be available for critical defense requirements, including additional pay raises for military personnel, military construction, readiness, naval shipbuilding, and other procurement requirements that were included in the President’s budget request for fiscal year 2003.

SEC. 303. RESERVE FUND FOR PRESCRIPTION DRUGS.
(a) IN GENERAL.—Except as provided by subsection (b), in the House, if the Committee on Ways and Means or the Committee on Energy and Commerce reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides a prescription drug benefit, the chairman of the Committee on the Budget may revise the appropriate committee allocations for such committees and appropriate legislation by the amount provided by that measure for that purpose.

(b) FUNDS AVAILABLE CONTINGENT UPON BALANCED BUDGET AND PROTECTION OF SOCIAL SECURITY.—The chairman of the Committee on the Budget may only make revisions under subsection (a) if—
(1) the chairman has made the certification described in section 201 that the unified budget is projected to be in balance in fiscal year 2003 and that the budget (excluding the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) will be in balance by fiscal year 2007; or
(2) the President has submitted a plan meeting the requirements of section 202 and
the House has voted on a resolution meet the requirements of section 203.

SEC. 304. RESERVE FUND FOR ADDITIONAL TAX CUTS.

(a) In General.—Except as provided by subsection (b), in the House, if the Committee on Ways and Means or the Committee on Energy and Commerce reports a bill or joint resolution on which an amendment to limit new budget authority is offered or a conference report thereon is submitted, that provides for reductions in revenues of not more than $4,311,000,000 for fiscal year 2003 and $1,853,000,000 for the period of fiscal years 2003 through 2008, the chairman of the Committee on the Budget of the House of Representatives may reduce the recommended level of Federal revenues and make other appropriate adjustments for that fiscal year.

(b) FUNDS AVAILABLE CONTINGENT UPON BALANCED BUDGET AND PROTECTION OF SOCIAL SECURITY.—The chairman of the Committee on the Budget may only make revisions under subsection (a) if—

(1) the chairman has made the certification described in section 201 that the unified budget is projected to be in balance in fiscal year 2003 and that the budget (excluding the Eisenhower Trust Fund, the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) will be in balance by fiscal year 2007; or

(2) the President has submitted a plan meeting the requirements of section 202 and the House has voted on a resolution meeting the requirements of section 203.

SEC. 305. RESERVE FUND FOR FISCAL YEAR 2002 SUPPLEMENTAL FOR MILITARY ACTION AND HOMELAND SECURITY.

If the Committee on Appropriations reports a bill or joint resolution providing appropriations requested by the President for military action and homeland security, or if an amendment to limit new budget authority is offered or a conference report thereon is submitted, that provides new budget authority (and outlays flowing therefrom) for that purpose and if the request by the President is accompanied by a list of rescissions to offset some or all of its costs, the chairman of the Committee on the Budget may make the appropriate revisions to the appropriate aggregates, allocations, and other levels in this resolution by the amount provided by that measure for that purpose, but the total adjustment under this section shall not exceed the amount so requested by the President.

SEC. 306. RESERVE FUND FOR SPECIAL EDUCATION.

(a) Fiscal Year 2003.—In the House, if the Committee on Appropriations reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides in excess of $5,857,000,000 in budget authority for fiscal year 2004 and outlays flowing therefrom, $12,047,000,000 in budget authority for fiscal year 2005 and outlays flowing therefrom, $12,783,000,000 in budget authority for fiscal year 2006 and outlays flowing therefrom, $13,533,000,000 in budget authority for fiscal year 2007 and outlays flowing therefrom (assuming changes from current policy levels of the following: $1,765,000,000 in new budget authority for fiscal year 2004, $2,783,000,000 in new budget authority for fiscal year 2005, $3,894,000,000 in new budget authority for fiscal year 2006, and $5,180,000,000 in new budget authority for fiscal year 2007).

(b) Fiscal Years 2004-2007.—In the House, if the Committee on Education and the Workforce reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that reauthorizes grants to States under part B of the Individuals with Disabilities Education Act (IDEA), the chairman of the Committee on the Budget may revise the applicable allocations of the appropriate committees to accommodate a total budget authority and outlay limit for such program not in excess of the following: $9,587,000,000 in budget authority for fiscal year 2004 and outlays flowing therefrom, $12,047,000,000 in budget authority for fiscal year 2005 and outlays flowing therefrom, $12,783,000,000 in budget authority for fiscal year 2006 and outlays flowing therefrom, $13,533,000,000 in budget authority for fiscal year 2007 and outlays flowing therefrom (assuming changes from current policy levels of the following: $1,765,000,000 in new budget authority for fiscal year 2004, $2,783,000,000 in new budget authority for fiscal year 2005, $3,894,000,000 in new budget authority for fiscal year 2006, and $5,180,000,000 in new budget authority for fiscal year 2007).

SEC. 307. RESERVE FUND FOR HIGHWAYS AND FEDERAL DISABILITY INSURANCE.

(a) In General.—In the House, if the Committee on Appropriations reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that establishes an obligation limitation in excess of $23,864,000,000 for fiscal year 2003 for programs, projects, and activities within the highway category (under section 251(c)(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985), the chairman of the Committee on the Budget shall make any other adjustment for such committee by the amount of outlays resulting from such excess, but—

(1) only if chairman of the Committee on the Budget determines that the bill or joint resolution, or amendment thereto or conference report thereon, that establishes such obligation limitation provides that the obligation limitation is to be funded solely for programs, projects, or activities as distributed under section 1102 of the Transportation Equity Act for the 21st Century; or

(2) only if the total amount of obligation limitation for programs, projects, or activities distributed by such formula for fiscal year 2003 exceeds $23,864,000,000; and

(3) does not exceed $18,180,000,000 in outlays for fiscal year 2003.

(b) RULE OF ENFORCEMENT.—In the House, section 302(c)(1) of the Congressional Budget Act of 1974 shall be deemed to also apply to the applicable allocation of outlays in the case of any bill or joint resolution that establishes an obligation limitation for fiscal year 2003 for programs within the highway category, or amendment thereto or conference report thereon.

SEC. 308. ADDITIONAL SURPLUSES RESERVED FOR DEBT REDUCTION.

In the House, if after the release of the report pursuant to section 202(e)(2) of the Congressional Budget Act of 1974 entitled the Budget and Economic Outlook: Update (for fiscal years 2003 through 2012), the chairman of the Committee on the Budget determines, in consultation with the Director of the Congressional Budget Office and of the Office of Management and Budget, that the estimated unified surplus for fiscal year 2003 and for the period of fiscal years 2003 through 2007 exceeds the estimated unified surplus for fiscal year 2003 and for that period as set forth in the report of the Committee on the Budget for the fiscal year 2003, then the chairman of that committee may increase the surplus or reduce the deficit, as applicable, and reduce the limit on the public debt held by the public by the difference between such estimates for that period.

SEC. 309. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration; and

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) REJECTION OF CHANGES IN ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year may be determined by the Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to carry out this resolution.

SEC. 310. USE OF CBO ESTIMATES IN ENFORCING THIS RESOLUTION.

The chairman of the Committee on the Budget of the House shall enforce this resolution based upon estimates made by the Director of the Congressional Budget Office using the economic and technical assumptions pertaining to the Congressional Budget Office’s report released on March 6, 2002, entitled “An Analysis of the President’s Budgetary Proposals for 2003”, except as provided by Title II.

SEC. 311. SENSE OF CONGRESS ON THE NEED FOR A NATIONAL HOMELAND SECURITY STRATEGY.

(a) FINDINGS.—Congress finds that—

(1) effective homeland security requires the coordinated efforts of Federal, State, local, and private investment to prevent, prepare for, and respond to terrorist and violent crime threats; and

(2) spending from each entity must proceed from a comprehensive strategy outlining threats, vulnerabilities, needs, and responsibilities for all aspects of homeland security strategy;

(3) there has been no comprehensive threat or vulnerability assessment to guide the homeland security budget; and

(4) there has been no comprehensive national homeland security strategy to match priority needs with Federal spending; and

(5) the absence of a comprehensive homeland security strategy, Congress will find it difficult to allocate funds according to the prioritization and required level of need.

Ms. WATERS. Mr. Speaker, I rise to express my extreme displeasure with the budget that is before us today. This budget can hardly be called a budget—that implies some logic and order to the document.

In reality, the Republicans have filled this budget with “funny math” in order to say that it is balanced and fair. According to the President, this budget protects our domestic and war on terrorism.

However, this budget is anything but fair. After putting through $1.7 trillion in tax cuts last year and the $43 billion in tax cuts in the so-called economic stimulus signed into law on March 9, 2007, which largely benefits the wealthiest Americans and corporations, our nation’s financial situation has deteriorated at an alarming pace.

Just over a year ago, many experts were estimating a 10 year, $5 trillion surplus. However, under President Bush’s watch and_being tax cut for tax year 2008 more than $4 trillion in tax cuts has disappeared. Over the next ten years we will have to dip into the social Security surplus—to the tune of $1.8 trillion.
To protect those tax cuts, President Bush and the Republicans in Congress have advocated a budget that cuts and slashes hundreds of millions of dollars from domestic programs. Programs that, up until recently, they have said are their highest priorities.

For example, in the Budget Resolution Congress debated today, the Department of Education’s budget is barely increased. In addition, the Republicans have underfunded elementary and secondary education by $4.2 billion. Indeed, they do not even appropriate the minimum time for electronic voting, if or- ders to agree to the question of approving the rule and for fully funding the Individuals with Disabilities Education Act (IDEA). I am pleased that the Fiscal Year 2003 budget includes $19.6 billion over 10 years for IDEA, however this amount is still a long way from providing states with the 40 percent funding level Congress committed to pay.

Federal IDEA funding assists states in providing invaluable services and educational opportunities for children with disabilities. However, Congress has not fulfilled their financial commitment to the states, and has left states to determine how to pay for IDEA.

Mr. Speaker, Congress should not mandate stringent federal programs without first determining how to fit these programs into the federal budget, and then providing states with the necessary funds to comply with those federal standards. States should not be left to fund programs that are not initiated at the State and local level. I support the IDEA program and realize the importance of providing disabled youth with the opportunity to gain an equal education. As the former Lieutenant Governor for the State of Idaho, and a former member of the state legislature, I also realize the budget constraints placed on states when federal programs are mandated without funding. As many states face severe deficit spending it is important that Congress meet its commitments to IDEA, past and present.

Mr. GOSS. Mr. Speaker, I move the previous question on the resolution. The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 221, nays 206, not voting 7, as follows:

[Roll No. 75]
Mr. HINOJOSA and Mr. LUTHER changed their vote from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

MOTION TO RECONSIDER OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Speaker, I move to reconsider the vote by which the previous question was ordered on the resolution.

MOTION TO TABLE MOTION TO RECONSIDER

Mr. GOSS. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. This motion is made on the motion to reconsider offered by the gentleman from Florida (Mr. Gooss).

The question was taken; and the motion to reconsider was agreed to.

The vote was taken by electronic device, and there were—yeas 222, nays 206, not voting 6, as follows:

[Roll No. 76]

YEAS—222

Mr. SUHR, Mr. Speaker, on that I demand the yea and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote followed by a 5-minute vote on the resolution, if ordered.

The motion to table electronic device, and there were—yeas 222, nays 206, not voting 6, as follows:

[Roll No. 77]

YEAS—222

Mr. SUHR, Mr. Speaker, I move to reconsider the vote by which the previous question was ordered.

So the previous question was ordered as above recorded.

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

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

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yea and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be 5-minute vote. The vote was taken by electronic device, and there were—yeas 222, nays 206, not voting 6, as follows:

[Roll No. 77]

YEAS—222

Mr. SUHR, Mr. Speaker, I move to reconsider the vote by which the previous question was ordered.

So the previous question was ordered as above recorded.

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

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

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yea and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be 5-minute vote. The vote was taken by electronic device, and there were—yeas 222, nays 206, not voting 6, as follows:

[Roll No. 77]
The SPEAKER pro tempore (Mr. LAOTURETTE). Without objection, a motion to reconsider is laid on the table.

Ms. SLAUGHTER. Mr. Speaker, I move that we reconsider the vote.

Ms. SLAUGHTER. Mr. Speaker, I move to lay the motion to reconsider on the table.

Ms. SLAUGHTER. Mr. Speaker, on behalf of the House of Representatives, I move that we reconsider the vote.

Mr. Speaker, on behalf of the House of Representatives, I move that we reconsider the vote.

So the resolution was agreed to.

The result of the vote was announced as above recorded.
The Speaker pro tempore (Mr. LANTOR). Pursuant to House Resolution 372 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution, H. Con. Res. 353.

The Clerk read the title of the concurrent resolution.

The Chairman. Pursuant to the rule, the concurrent resolution is considered as having been read the first time.

The text of H. Con. Res. 353, as amended pursuant to House Resolution 372, is as follows:

Resolved by the House of Representatives (the Senate concurring),

IN THE COMMITTEE OF THE WHOLE
Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 353) establishing the congressional budget for the United States Government for fiscal year 2003 and setting forth appropriate budget levels for each of fiscal years 2004 through 2007, with Mr. SIMPSON in the chair.

The following budgetary levels are appropriate levels of total budget outlays are as follows:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>$1,756,432,000,000</td>
</tr>
<tr>
<td>2004</td>
<td>$1,815,097,000,000</td>
</tr>
<tr>
<td>2005</td>
<td>$1,899,231,000,000</td>
</tr>
<tr>
<td>2006</td>
<td>$1,978,512,000,000</td>
</tr>
<tr>
<td>2007</td>
<td>$2,058,894,000,000</td>
</tr>
</tbody>
</table>

(4) O-BUDGET DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the on-budget deficits are as follows:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>$224,539,000,000</td>
</tr>
<tr>
<td>2004</td>
<td>$188,492,000,000</td>
</tr>
<tr>
<td>2005</td>
<td>$151,245,000,000</td>
</tr>
<tr>
<td>2006</td>
<td>$140,555,000,000</td>
</tr>
<tr>
<td>2007</td>
<td>$131,681,000,000</td>
</tr>
</tbody>
</table>

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>$7,371,000,000,000</td>
</tr>
<tr>
<td>2004</td>
<td>$7,622,000,000,000</td>
</tr>
<tr>
<td>2005</td>
<td>$7,073,000,000,000</td>
</tr>
<tr>
<td>2006</td>
<td>$6,762,000,000,000</td>
</tr>
<tr>
<td>2007</td>
<td>$6,661,000,000,000</td>
</tr>
</tbody>
</table>

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>$3,495,000,000,000</td>
</tr>
<tr>
<td>2004</td>
<td>$3,505,000,000,000</td>
</tr>
<tr>
<td>2005</td>
<td>$3,448,000,000,000</td>
</tr>
<tr>
<td>2006</td>
<td>$3,369,000,000,000</td>
</tr>
<tr>
<td>2007</td>
<td>$3,270,000,000,000</td>
</tr>
</tbody>
</table>

The following budgetary levels are appropriate levels of total budget authority are as follows:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>$1,531,893,000,000</td>
</tr>
<tr>
<td>2004</td>
<td>$1,626,605,000,000</td>
</tr>
<tr>
<td>2005</td>
<td>$1,930,171,000,000</td>
</tr>
<tr>
<td>2006</td>
<td>$2,020,704,000,000</td>
</tr>
<tr>
<td>2007</td>
<td>$2,114,974,000,000</td>
</tr>
</tbody>
</table>

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>$5,904,000,000,000</td>
</tr>
<tr>
<td>2004</td>
<td>$6,418,000,000,000</td>
</tr>
<tr>
<td>2005</td>
<td>$6,418,000,000,000</td>
</tr>
<tr>
<td>2006</td>
<td>$2,020,704,000,000</td>
</tr>
<tr>
<td>2007</td>
<td>$2,114,974,000,000</td>
</tr>
</tbody>
</table>

Fiscal year 2003:
1. New budget authority, $4,431,000,000.
2. Outlays, $2,361,000,000.
3. New budget authority, $300,000,000.
4. Outlays, $364,000,000.
5. Natural Resources and Environment (300):
   a. New budget authority, $21,010,000,000.
   b. Outlays, $19,900,000,000.

Fiscal year 2004:
1. New budget authority, $39,218,000,000.
2. Outlays, $39,389,000,000.
3. New budget authority, $30,546,000,000.
4. Outlays, $30,362,000,000.

Fiscal year 2005:
1. New budget authority, $31,449,000,000.
2. Outlays, $30,922,000,000.
3. New budget authority, $30,851,000,000.
4. Outlays, $31,677,000,000.

Fiscal year 2006:
1. New budget authority, $31,474,000,000.
2. Outlays, $32,022,000,000.
3. Agriculture (350):
   a. New budget authority, $23,641,000,000.
   b. Outlays, $24,054,000,000.

Fiscal year 2007:
1. New budget authority, $23,157,000,000.
2. Outlays, $23,307,000,000.
3. Commerce and Housing Credit (370):
   a. New budget authority, $3,800,000,000.
   b. Outlays, $4,985,000,000.

Fiscal year 2004:
1. New budget authority, $23,848,000,000.
2. Outlays, $23,800,000,000.
3. New budget authority, $22,167,000,000.
4. Outlays, $22,280,000,000.

Fiscal year 2005:
1. New budget authority, $21,300,000,000.
2. Outlays, $21,438,000,000.
3. New budget authority, $2,157,000,000.
4. Outlays, $2,307,000,000.

Fiscal year 2006:
1. New budget authority, $3,815,000,000.
2. Outlays, $3,910,000,000.
3. New budget authority, $9,405,000,000.
4. Outlays, $2,361,000,000.
5. Transportation (400):
   a. New budget authority, $63,447,000,000.
   b. Outlays, $60,807,000,000.

Fiscal year 2004:
1. New budget authority, $66,950,000,000.
2. Outlays, $59,675,000,000.
3. New budget authority, $67,561,000,000.
4. Outlays, $60,068,000,000.

Fiscal year 2005:
1. New budget authority, $68,221,000,000.
2. Outlays, $60,068,000,000.
3. New budget authority, $68,897,000,000.
4. Outlays, $61,318,000,000.

Fiscal year 2006:
1. New budget authority, $69,274,000,000.
2. Outlays, $61,922,000,000.
3. New budget authority, $69,970,000,000.
4. Outlays, $63,302,000,000.

Fiscal year 2007:
1. New budget authority, $73,244,000,000.
2. Outlays, $71,000,000,000.
(B) Outlays, $17,352,000,000.

Fiscal year 2004:
(A) New budget authority, $15,315,000,000.
(B) Outlays, $17,961,000,000.

Fiscal year 2005:
(A) New budget authority, $15,515,000,000.
(B) Outlays, $17,461,000,000.

Fiscal year 2006:
(A) New budget authority, $15,895,000,000.
(B) Outlays, $15,705,000,000.

Fiscal year 2007:
(A) New budget authority, $16,295,000,000.
(B) Outlays, $15,548,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2003:
(A) New budget authority, $83,241,000,000.
(B) Outlays, $81,746,000,000.

Fiscal year 2005:
(A) New budget authority, $86,477,000,000.
(B) Outlays, $84,625,000,000.

Fiscal year 2006:
(A) New budget authority, $89,463,000,000.
(B) Outlays, $86,353,000,000.

Fiscal year 2007:
(A) New budget authority, $91,753,000,000.
(B) Outlays, $89,463,000,000.

Fiscal year 2003:
(A) New budget authority, $352,017,000,000.
(B) Outlays, $344,039,000,000.

Fiscal year 2005:
(A) New budget authority, $354,538,000,000.
(B) Outlays, $342,219,000,000.

Fiscal year 2003:
(A) New budget authority, $36,948,000,000.
(B) Outlays, $36,242,000,000.

(19) Allowances (920):

Fiscal year 2006:
(A) New budget authority, $294,769,000,000.
(B) Outlays, $294,768,000,000.

Fiscal year 2005:
(A) New budget authority, $277,366,000,000.
(B) Outlays, $277,365,000,000.

Fiscal year 2004:
(A) New budget authority, $277,095,000,000.
(B) Outlays, $277,085,000,000.

Fiscal year 2003:
(A) New budget authority, $277,855,000,000.
(B) Outlays, $277,845,000,000.

Fiscal year 2002:
(A) New budget authority, $274,576,000,000.
(B) Outlays, $272,048,000,000.

Fiscal year 2007:
(A) New budget authority, $38,880,000,000.
(B) Outlays, $38,775,000,000.

Fiscal year 2005:
(A) New budget authority, $38,932,000,000.
(B) Outlays, $38,880,000,000.

Fiscal year 2004:
(A) New budget authority, $38,811,000,000.
(B) Outlays, $38,556,000,000.

Fiscal year 2003:
(A) New budget authority, $38,776,000,000.
(B) Outlays, $38,556,000,000.

Fiscal year 2002:
(A) New budget authority, $38,563,000,000.
(B) Outlays, $38,201,000,000.

Fiscal year 2001:
(A) New budget authority, $38,880,000,000.
(B) Outlays, $38,563,000,000.

(11) Health (550):

Fiscal year 2007:
(A) New budget authority, $917,000,000.
(B) Outlays, $917,000,000.

Fiscal year 2005:
(A) New budget authority, $89,630,000,000.
(B) Outlays, $86,353,000,000.

Fiscal year 2004:
(A) New budget authority, $89,463,000,000.
(B) Outlays, $86,353,000,000.

Fiscal year 2003:
(A) New budget authority, $86,753,000,000.
(B) Outlays, $83,241,000,000.

Fiscal year 2002:
(A) New budget authority, $83,241,000,000.
(B) Outlays, $81,746,000,000.

Fiscal year 2005:
(A) New budget authority, $61,220,000,000.
(B) Outlays, $59,513,000,000.

Fiscal year 2004:
(A) New budget authority, $65,550,000,000.
(B) Outlays, $62,642,000,000.

Fiscal year 2003:
(A) New budget authority, $63,401,000,000.
(B) Outlays, $63,246,000,000.

Fiscal year 2005:
(A) New budget authority, $59,127,000,000.
(B) Outlays, $57,370,000,000.

Fiscal year 2004:
(A) New budget authority, $56,150,000,000.
(B) Outlays, $56,150,000,000.

Fiscal year 2003:
(A) New budget authority, $51,180,000,000.
(B) Outlays, $51,180,000,000.

Fiscal year 2007:
(A) New budget authority, $53,155,000,000.
(B) Outlays, $53,155,000,000.

TITLE II—RESERVE AND CONTINGENCY FUNDS

Subtitle A—Reserve Funds for Legislation Assumed in Aggregates

SEC. 201. RESERVE FUND FOR WAR ON TERRORISM.

In the House, if the Committee on Appropriations or the Committee on Armed Services reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority (and outlays flowing therefrom) for operations of the Department of Defense to prosecute the war on terrorism, the chairman of the Committee on the Budget shall make the appropriate re-adjustments of the allocations and other levels in this resolution by the amount provided by that measure for that purpose, but the total adjustment for all measures considered under this section shall not exceed $10,000,000,000 in new budget authority for fiscal year 2003 and outlays flowing therefrom.

SEC. 202. RESERVE FUND FOR MEDICARE MODERNIZATION AND PRESCRIPTION DRUGS.

(a) IN GENERAL.—In the House, if the Committee on Energy and Commerce reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides a prescription drug benefit and modernizes Medicare, and provides adjustments to the medicare program on a fee-for-service, capitated, or other basis, the chairman of the Committee on the Budget may revise the appropriate committee allocations for such committees and other appropriate levels in this resolution by the amount provided by that measure for that purpose, but not to exceed $5,000,000,000 in new budget authority and $5,000,000,000 in outlays for fiscal year 2003 and $350,000,000 in new budget authority and $350,000,000 in outlays for the period of fiscal years 2003 through 2012.

(b) Joint Resolution.—If an amendment to a conference report on the joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides in excess of $5,000,000,000 in new budget authority for purposes of subsection (a), the chairperson of the Committee on the Budget may make further appropriate adjustments.

SEC. 203. RESERVE FUND FOR SPECIAL EDUCATION.

(a) FISCAL YEAR 2003.—In the House, if the Committee on Appropriations reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides in excess of $7,529,000,000 in new budget authority and $7,529,000,000 in outlays flowing therefrom for fiscal year 2003 for grants to States authorized under part B of the Individuals with Disabilities Education Act (IDEA), the chairman of the Committee on the Budget may revise the appropriate allocations for such committee and other appropriate levels in this resolution by the amount provided by that measure for that purpose, but not to exceed $1,000,000,000 in new budget authority for fiscal year 2003 and outlays flowing therefrom.

(b) FISCAL YEARS 2004–2007.—In the House, if the Committee on Education and the Workforce reports a bill or joint resolution,
or if an amendment thereto is offered or a conference report thereon is submitted, that reauthorizes grants to States under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.). The chairman of the Committee on the Budget may revise the applicable allocations of the appropriate committees to accommodate a total budget authority and outlays appropriate to fiscal year 2007 not to exceed the following: $9,587,000,000 in budget authority for fiscal year 2004 and outlays flowing therefrom; $10,755,000,000 in budget authority for fiscal year 2005 and outlays flowing therefrom; $12,047,000,000 in budget authority for fiscal year 2006 and outlays flowing therefrom; and $13,497,000,000 in budget authority for fiscal year 2007 and outlays flowing therefrom (assuming changes from current policy levels of the following: $1,752,000,000 in new budget authority for fiscal year 2004, $2,783,000,000 in new budget authority for fiscal year 2005, $3,894,000,000 in new budget authority for fiscal year 2006, and $5,180,000,000 in new budget authority for fiscal year 2007).

SEC. 204. RESERVE FUND FOR HIGHWAYS AND HIGHWAY SAFETY.

(a) IN GENERAL.—In the House, if the Committee on Appropriations reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that establishes an obligation limitation for programs, projects, or activities within the highway category (under section 302(a) or 302(f)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990), the chairman of the Committee on the Budget may increase the allocation of outlays for such committee by the amount of outlays resulting from such excess, but—

(1) only if the chairman of the Committee on the Budget determines that the bill or joint resolution, or amendment thereto or conference report thereon, or revision thereof, or continuing appropriation, and may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(b) EXCEPTION.—In the House, an advance appropriation may be reported in a bill or joint resolution if—

(1) for fiscal year 2004 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading “Accounts Identified for Advance Appropriations” in an aggregate amount not to exceed $25,178,000,000 in new budget authority for fiscal year 2004.

SEC. 205. RESERVE FUND FOR HIGHWAYS AND HIGHWAY SAFETY.

(a) IN GENERAL.—In the House, if the Committee on Appropriations reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that establishes an obligation limitation for programs, projects, or activities within the highway category (under section 302(a) or 302(f)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985), the chairman of the Committee on the Budget may increase the allocation of outlays for such committee by the amount of outlays resulting from such excess, but—

(1) only if the chairman of the Committee on the Budget determines that the bill or joint resolution, or amendment thereto or conference report thereon, or revision thereof, or continuing appropriation, and may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(b) EXCEPTION.—In the House, an advance appropriation may be reported in a bill or joint resolution if—

(1) for fiscal year 2004 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading “Accounts Identified for Advance Appropriations” in an aggregate amount not to exceed $25,178,000,000 in new budget authority for fiscal year 2004.

SEC. 206. RESERVE FUND FOR HIGHWAYS AND HIGHWAY SAFETY.

(a) IN GENERAL.—In the House, if the Committee on Appropriations reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that establishes an obligation limitation for programs, projects, or activities within the highway category (under section 302(a) or 302(f)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985), the chairman of the Committee on the Budget may increase the allocation of outlays for such committee by the amount of outlays resulting from such excess, but—

(1) only if the chairman of the Committee on the Budget determines that the bill or joint resolution, or amendment thereto or conference report thereon, or revision thereof, or continuing appropriation, and may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(b) EXCEPTION.—In the House, an advance appropriation may be reported in a bill or joint resolution if—

(1) for fiscal year 2004 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading “Accounts Identified for Advance Appropriations” in an aggregate amount not to exceed $25,178,000,000 in new budget authority for fiscal year 2004.

SEC. 211. CONTINGENCY FUND FOR ADDITIONAL SURPLUSES.

In the House, if a bill or joint resolution is enacted that amends the Higher Education Act to make student aid administration subject to annual appropriations, the chairman of the Committee on the Budget may—

(1) increase the section 302(a) allocation for the Committee on Appropriations by the amount provided by that measure but not to exceed $797,000,000 for fiscal year 2003 and the outlays flowing therefrom; and

(2) make the appropriate adjustment in the section 302(a) allocation for the Committee on Education and the Workforce resulting from the enactment of the bill or joint resolution making student aid administration subject to annual appropriations.

Subtitle D—Implementation of Reserve and Contingency Funds

SEC. 251. APPLICATION AND EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered to be the non-appropriations of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, discretionary spending, and new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee; and

(2) such chairman may make any other necessary adjustments to such levels to carry out this resolution.

(d) SPECIAL RULE.—In the House, there shall be a separate section 302(a) allocation to the appropriate committees for Medicare.

For purposes of enforcing such separate allocation under section 302(f) of the Congressional Budget Act of 1974, the “first fiscal year” and the “total of fiscal years” shall be deemed to refer to fiscal year 2003 and the total of fiscal years 2003 through 2012 included in the joint explanatory statement of managers accompanying this resolution, respectively.

Such separate allocation shall be the exclusive allocation for Medicare under section 302(a).

TITLE III—BUDGET ENFORCEMENT

SEC. 301. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—(1) In the House, except as provided in subsection (b), an advance ap-

SEC. 302. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House, notwithstanding any provision of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of such Act to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(e) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts for the Social Security Administration.

SEC. 303. REPORTING REQUIREMENTS FOR THE CONGRESSIONAL BUDGET OFFICE.

The report submitted by the Director of the Congressional Budget Office on or before February 15 of each year pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 shall include the following information for the preceding fiscal year:

(1) a comparison of the different impact between revised and un-revised economic model projections for that fiscal year and what actually happens;

(2) an identification of the technical factors that contributed to the forecasting inaccuracies for that fiscal year; and

(3) a variance analysis between forecasted and actual budget results for that fiscal year; and

(4) recommendations on how to improve forecasting accuracies.

TITLE IV—SENSE OF CONGRESS AND SENSE OF HOUSE PROVISIONS

SEC. 401. COMBATING INFECTIOUS DISEASES.

(a) FINDINGS.—Congress finds that—

(1) the United States has historically taken an unparalleled leadership role in providing humanitarian assistance and relief to the world’s poorest people;

(2) that role has included initiatives to expand trade, relieve debt of countries pursuing democratic change, and provide medical technology to improve health and life expectancy around the globe; and

(3) good governance and continued economic reforms that contribute to combating poverty, encouraging economic growth, and ensuring stability in developing countries.
(b) SENATE OF CONGRESS.—It is the sense of Congress that the United States should continue to assist, through expanded international trade, debt relief, and medical assistance programs, the countries that reform their economies, promote democratic institutions, and respect basic human rights.

SEC. 402. ASSET BUILDING FOR THE WORKING POOR.

(a) FINDINGS.—Congress finds the following:

(1) that the vast majority of United States households, the pathway to the economic mainstream and financial security is not through spending and consumption, but through saving, investing, and the accumulation of assets.

(2) One-third of all Americans have no assets available for investment and another 20 percent have only negligible assets. The situation is even more serious for minority households; for example, 60 percent of African-American households have no or negative financial assets.

(3) Nearly 50 percent of all children in America live in households that have no assets available for investment, including 40 percent of black children and 73 percent of African-American children.

(4) Up to 20 percent of all United States households do not deposit their savings in financial institutions and, thus, do not have access to the basic financial tools that make asset accumulation possible.

(5) Public policy can have either a positive or a negative impact on asset accumulation. Traditional public assistance programs based on income and consumption have rarely been successful in supporting the transition to economic efficiency. Tax policy, through $388,000,000,000 in annual tax incentives, has helped lay the foundation for the great middle class.

(6) Making an income-tax liability, low-income working families cannot take advantage of asset development incentives available through the Federal tax code.

(7) Individual Development Accounts have proven to be successful in helping low-income working families save and accumulate assets. Individual Development Accounts have proven to be successful in helping low-income working families save and accumulate assets. Homeownership programs that provide interest-free loans to first-time buyers to purchase homes in need of rehabilitation have been successful in helping low-income families acquire homes, stabilize their communities, and enter the economic mainstream.

(b) SENATE OF CONGRESS.—It is the sense of Congress that the Federal tax code should support a significant expansion of Individual Development Accounts to help low-income, working families save, build assets, and move their lives forward; thus, not only have access to the basic financial tools that make asset accumulation possible.

SEC. 403. FEDERAL EMPLOYEE PAY.

(a) FINDINGS.—The House finds the following:

(1) For the vast majority of United States households, the pathway to the economic mainstream and financial security is not through spending and consumption, but through saving, investing, and the accumulation of assets.

(2) The Office of Management and Budget has requested that federal agencies plan their fiscal year 2003 budgets with a 2.6 percent pay raise for civilian Federal employees.

(3) In almost every year during the past two decades, there have been equal adjustments in the compensation of members of the uniformed services and of civilian employees of the United States.

(b) SENATE OF CONGRESS.—It is the sense of the Senate that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services.

SEC. 404. HOUSE ON MEDICARE+CHOICE REGIONAL DISPARITIES.

(a) FINDINGS.—The House finds that—

(1) one of the goals of the Balanced Budget Act of 1997 was to expand options for Medicare beneficiaries under the Medicare+Choice program;

(2) the funding formula in that Act was intended to make these choices available to all Americans; and

(3) despite attempts by Congress to equalize regional disparities in Medicare+Choice payments in the Balanced Budget Refinement Act of 1999 and the Medicare, Medicaid, and SCHIP Improvement Act of 2000, rural and other low-pay areas have continued to lag significantly behind their higher-payment counterparts in average adjusted per capita (AAPCC) reimbursements.

(b) SENATE OF CONGRESS.—It is the sense of Congress that the Committee on Ways and Means reports a bill to reform Medicare, it should apply all new funds directed to the Medicare+Choice program to increase funding to states and territories receiving floor or blended rates relative to counties receiving the minimum update.

SEC. 405. BORDER SECURITY AND ANTI-TERRORISM.

It is the sense of the Senate that this resolution assumes $330 million in new budget authority and a corresponding level of outlays in functional category 750 (Administrative and General) for fiscal year 2003 includes a 4.1 percent pay raise for military personnel.

The Chairman. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the attention of my colleagues for what I think is an important, very sober debate today that needs to occur about America’s future.

Mr. Chairman, the world changed on September 11. Boy, we have heard those words quite a bit lately from a number of Members in a bipartisan way. We are at war. America suffered a profound national emergency. Our pre-attack recession grew deeper, and any one of those challenges would have made putting a budget together very difficult. But all three at one time, trust me, put a pretty difficult task before this Congress in trying to put a budget plan together. All three could have resulted in deficits for many years.

But when the world changed on September 11, the President came forward with a plan. He provided leadership, and America saw the Congress come together in a bipartisan way. We provided, in a bipartisan way, resources to meet the national emergency, resources to prosecute the war, and about a week and a half ago, bipartisan tax relief and job creation resources, as well as worker protection assistance.
These were appropriate responses, but these appropriate responses eliminated the surplus. Americans out there, constituents of all of ours, are still wondering: Is America safe; will I have a good paying job; and, what is my family’s future going to look like?

First on the question is America safe, our budget secures our Nation, allows us the resources to win the war, secure the homeland, invest in future technology, and keep our promise to our veterans.

With the budget plan that we put together and that we present to the Congress today, we secure our Nation’s future, and we do it in a positive way.

The second question that Americans are asking is will I have a good paying job? Our budget secures a growing economy. It funds job creation and worker protection, adopts a national energy strategy, invests in America’s roads and infrastructure, provides for an agriculture safety net, promotes trade and access to our products, and, yes, provides additional tax relief and tax incentives. As I believe in short what this budget plan does, it creates jobs.

With this budget plan, I believe we secure a growing economy. But Americans are still asking questions. They are asking, do my family and I have a secure future? We cannot forget while we are securing the economy, securing the homeland, that America’s priorities must continue. We must secure the future for ourselves and our families, leave no child behind in education, fully fund and reauthorize special education, conserve and protect our environment, access quality and affordable health care. And finally, modernize Medicare and provide prescription drugs for seniors, and protect every penny for Social Security and government pensions, and our savings for the future.

With the plan that we put together, we believe we have better secured our future for ourselves and our families. Without our bipartisan response to the economy and to the war and to protect the homeland, this would have not only been a balanced budget, but even with this budget and even with the short-term borrowing that needs to occur to accomplish those important priorities, under our plan we begin to pay down the national debt again in 2004.

So I believe our mission is undeniable. We must secure America’s future. Our goal is clear. We need security for our Nation, security for a growing economy, and security for ourselves and our families. I believe that our budget makes it happen, together with the fine work of the American people.

We put our money where our mouth is. We believe in short what this budget plan does, it creates jobs. We have a plan. There is no doubt that people can quibble with the fact that no plan is perfect in every regard. But the President proposed a plan, we made it better. We are providing positive leadership at this crucial time in American history, and it is time to get that job done.

Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. Thornberry) to talk about securing our Nation.

Mr. THORNBERY. Mr. Chairman, every year during the debate on the budget, someone says it is about more than just numbers, it is about priorities. Certainly since September 11, the priorities of the country have changed.

National security is not just something that happens in a military base or in some far-off country. It touches every household, every workplace, every school and hospital in the country. National security is the first priority of the American people and it is the first priority of this budget.

The first paragraph of the President’s budget submission says that the war against terrorism is a war unlike any other in American history. We did not choose this war, but we will not shrink from it; and we will mobilize all the necessary resources of our society to fight and to win.

That is what this budget does. It mobilizes the resources necessary to fight and win the war against terrorism. The budget provides $66 billion, or a 13 percent increase, in defense. Some people think that is too much. Other people do not think it is enough. The committee decided to go with what the President recommended, giving him all of the resources he has asked for to fight this war. We also support the President in focusing on the troops with a 4.1 percent pay hike for the military; 2 percent for the police; and 2 percent for some specially targeted mid-career personnel. This budget will help give the troops the tools they need to do their job, with $69 billion in procurement and $54 billion for research and development.

It includes the largest operating and maintenance budget ever at $140 billion; but it also keeps faith with those people who have already served our country, fully funding for the first time in a number of years military health care, expanding concurrent receipt for those who are most severely disabled, and also significantly increasing VA health care by about 12 percent.

In addition to those categories, Mr. Chairman, the budget follows the President’s lead in nearly doubling the spending for homeland security. There are some important initiatives here, such as significantly increasing the money for the INS, Customs, Coast Guard, which may all be put together soon, there are significant increases in their funding. It improves funding to prepare for bioterrorism with money for hospitals, research for vaccines, strengthening our ability to detect attacks. Most significantly, it has a new program to assist the local policemen, local firefighters and emergency responders with $3.5 billion administered by FEMA so that those local first responders can have the money they need and get the things that they need to do.

Mr. Chairman, it is fair to disagree about the spending on any particular program, but the overriding fact of this budget and the overriding fact of our time is that this country is at war against terrorism. It is a different kind of war. Sometimes we will be in a fierce military battle such as we have seen in recent days in Afghanistan. At other times we go through the military operations. Sometimes the memory of the attacks against innocent Americans are going to be fresh in our minds. At other times those memories will seem to fade, and we face the danger of drifting back into business as usual.

But the truth is it is not going to be business as usual again for a very long time. We are at war. This budget supports the President in fighting and winning that war, it supports the soldiers on the ground in Afghanistan, it supports the people guarding our borders and the other people trying to protect our public health, it supports local policemen and firefighters; and, I would suggest, Mr. Chairman, it deserves our support as well.

This is the time to put our money where our mouth is. It is not the time for vague statements and assurances. We put our money where our mouth is with our votes. I suggest we vote for this resolution.

Mr. SUNUNU. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New Hampshire (Mr. SUNUNU), vice chairman of the Committee on the Budget.

Mr. SUNUNU. Mr. Chairman, when we set out to put together this budget, our goal was to put together a strong wartime budget, a budget that met the priorities laid out by the President during his State of the Union Address, to fund and win the war on terrorism, to fund our homeland security needs, and to get our economy moving again after the attacks on September 11 and the impact it has had on our economy and not just in Washington, D.C., New York but across the country.

We worked hard to put together a budget plan that meets these priorities and in particular on the economy, putting together a budget that lays the groundwork for strong economic growth not just as we move forward in the year but out 2 years, 5 years and 10 years. We put together a budget that fully funded the worker protection act signed by the President earlier this year; extending unemployment benefits and giving businesses, large and small, incentives to invest in new technology, new productivity, accelerating the depreciation that they could take. We have got to remember that jobs are not created here in Washington by legislators. Jobs are created by entrepreneurs and risk-takers and investors.

In my home State of New Hampshire, over 60 percent of the jobs come from small businesses. By giving them that incentive to invest, we give them the opportunity to create jobs for others.

We made a commitment to implement a national energy strategy to reduce our dependence on oil imports.
from the Middle East and from overseas. We made a commitment to invest in roads and infrastructure, something that the chairman of the Committee on Transportation and Infrastructure spoke about with the gentleman from Iowa, during the debate earlier. We made a commitment to pass a strong farm bill and included that in the budget. We made a commitment to expand opportunities to export American-manufactured products overseas, expand trade and strengthen our economy.

We will hear and have heard a lot of criticism about this budget proposal, but let us remember a few things. If someone wants to change this bill, if someone is criticizing this bill, the spending levels and the priorities, you have got three choices: you can raise taxes to fund those priorities, and I do not think in this economy we should be raising taxes; you can cut defense and homeland security funding to put into a partial economic stimulation, I think that would be a grave mistake in this environment as we have made a commitment to win the war on terrorism; or you can increase the deficits. Those are your only three choices.

We deal with lot of scare tactics about Social Security, but let us step back a little bit. The budgets that were opposed by the other side of the aisle over each of the last 4 years, let us look at what they have done. We have paid down over $450 billion in debt. Never have we put public debt as a percentage of our economy at such a low level. And the scare tactics on Social Security, let us look at where the Social Security trust funds are, with and without the tax relief legislation passed last year. The balances in the Social Security trust funds have not been changed one penny.

Do we need to take up legislation to strengthen Social Security? I believe we do. Do we need to fund a prescription drug benefit for Medicare? Absolutely. And we have committed to doing just that. In this budget, there is $350 billion for a Medicare prescription drug benefit that is voluntary, that is affordable, that makes a difference for seniors around the country. We have increased special education funding, something very important to schools in New Hampshire, to a record level. And we have funded $2.6 billion in veterans health benefits and also funded concurrent receipt legislation.

This is a budget that sets good priorities, that I think sets the right priorities; but that does not mean we have not had to make some tough choices. But in not presenting a budget plan, the other side has defaulted on their willingness to make those choices or to set priorities. We heard some discussion about a potential substitute calling for a mid-session review and better CBO scoring. That is not an alternative. There is no difference in priorities. We need a budget and we need vision. That is what this committee has offered.

Mr. NUSSELE. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. HOEKSTRA), vice chairman of the Committee on the Budget.

Mr. HOEKSTRA. Mr. Chairman, I thank the chairman of the Committee on the Budget for yielding me this time and compliment him for his leadership in putting together a budget that is good for American families. All over America, families will ask, Is this a good budget for America's families? And it is. It is a balanced approach. It balances our national defense needs, our homeland security, economic needs, and the priorities for our families. It is a balanced approach. We have made the critical decisions and we have made the critical choices as to where we will invest the $2.1 trillion.

Again, this budget will be criticized; but our colleagues on the other side have no Democrat substitute. In the budget we have committed to an idea as to what a substitute might look like if it were proposed. There was $175 billion to $200 billion of new spending. Zero of it would be used to reduce the national debt. Zero would be used for Social Security. Zero would be used for homeland security. $175 billion of it, all of it, would be used to increase Washington spending. We do not necessarily believe that is the best approach for America's families, because to increase our national debt, what they would have had to have done is they would have had to have increased taxes. The last time they increased taxes on American families, let us take a look at what they did. They retroactively increased the death tax, they increased taxes on Social Security, they raised Medicare taxes, they raised the gas taxes, they raised personal income tax rates, and they raised the corporation tax rate. That is not a balanced approach for America. We have made the tough decisions that will secure the future for America's families.

Let us take a look at some of the choices that we have made. Let us take a look at what we have done in the area of education. In the last 6 years, we have doubled the investment in our children, the dollars that we have invested in education. This now will enable us to build on those results and continue on in this critical area. The one that perhaps makes the most difference to our local school districts is what we have done for our children with special education needs. Not only do we focus on a priority, but every time we invest in special education, we fund it in a way that we have made, that we made way back in the 1960s as to funding this and what the Washington commitment would be. Republican Congresses have tripled funding for IDEA funding in the last 6 years. We increase that by another $1 billion in this budget, and we put in place a plan so that within the next 10 years we will fully fund our commitment.

It is our commitment to these special students, and it is our commitment to local school districts which will free up a lot of education dollars at the local district that they can then drive. We maintain our commitment to education by continuing to fund Pell grants at $4,000. We increase funding for low-income school districts. We put an emphasis on reading first. We have committed to our families and to America that we will keep our focus on education.

We also will ensure that we improve health care. We have set aside $5.9 billion for bioterrorism. We have set aside $350 billion to develop a Medicare prescription drug plan. We have carried through, and this is the final installment, of doubling funding over 5 years for the National Institutes of Health. We improve veterans health care. We improve community health centers and health center programs for rural areas.

We have increased homeland security funding to put into our local school districts which will secure the future for America's families.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume. (Mr. SPRATT asked and was given permission to revise and extend his remarks.)

Mr. SPRATT. Mr. Chairman, a year ago I closed the debate on the budget by noting that it has taken us almost 20 years, $1 trillion in debt, to escape the fiscal mistakes that we made in the 1980s and to turn this budget around and actually move the United States out of surpluses and into deficits. But we did it. There is the record of the late 8 years of the Clinton administration: every year a better bottom line.

I went on to say that today, if I had one priority, a year ago, one overriding objective, it was simply this, to make sure that we did not backslide into the hole that we have just dug ourselves out of. That was my objective, I said. That is why I had a problem last year with the Republican position, because it left so little room for error. I went on to say I hoped that these blue sky projections that totaled some $5.6 trillion in surpluses over the next 10 years will materialize. It will be a great bounty for all of us. But if they do not and if we pass this resolution, we can find ourselves right back in the red again in the blink of an economist's eye. Mr. Chairman, here we are, back in that hole again. You listen to the other side talk, and you would not even think that we had a problem.

I just pulled two pages out of various economic studies of the budget situation we have got on our hands. Here is CBO's most recent estimate of the deficit in the President's budget. This year it will be $234 billion.

$234 billion. Next year, $297 billion in the red, in deficit. Over the next 10 years, 2003 to 2012, it will be $1.8 trillion in deficit, and that means $1.8 trillion into the Social Security Trust Fund.
Fund, because that is how you make up that deficit.

They act as if we do not have a problem. They talk about recovering surplus. Look at their own numbers. Next year, a deficit of $224 billion on budget excluding Social Security. Over 4 or 5 years, $830 billion.

Here we are, Mr. Chairman. We have witnessed the biggest fiscal reversal in the history of our country. $5 trillion has vanished, disappeared, it is gone. We had a trillion dollars last year. Looking at the President’s own numbers this year, we have $0.6 trillion if we implement his budget. Last year we had for 10 straight years nothing but black ink on the bottom line. 10 straight years we had on budget surpluses last year.

We talked last year about virtually paying off all of the Treasury’s debt held by the public, over $3 trillion worth. This year, this year we have got on budget deficits for 10 straight years. And what are we talking about now? Raising the ceiling on the national debt immediately. The Secretary of Treasury says he needs $750 billion of additional debt ceiling because the national debt is going up, it is not coming down.

Well, here we are, Mr. Chairman, and my problem with this Republican budget is that it presents no plan, no strategy, no way to get us out of this hole. It only leads to bigger deficits and greater debt.

The gentleman from Texas (Mr. STENHOLM) offered a process before the Committee on Rules and defended it on the floor. So did the gentleman from Virginia (Mr. MORAN). They at least the floor. So did the gentleman from Committee on Rules and defended it on.

Raising the ceiling on the national debt in modern times is a partial Clinton year. That too is a partial Clinton year. This is not the kind of budget that will put us back on the path we were on. We have had some fundamental changes since this time last year. We will be the first to acknowledge it, and I will be the first to say the debate today is not about national defense or homeland defense. We support both, on the same terms and in the same amount.

But we also support Social Security. We also thought we had a good thing going with our fiscal policy last year. We likewise like to get back. This budget does not lead us back. This leads to more debt, more deficits, more invasion of the Social Security Trust Fund, and it has no plan for resolution of any of those things.

Before we go out, I hope, earnestly hope, having been here 20 years and struggled and worked to put the budget on an even keel, I hope we will have some solution to this problem. But this is not a solution. This does not lead us in the right direction and this budget should be emphatically defeated.

Mr. Chairman, I yield 12 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this budget is deceptive in at least three respects, and I and a number of colleagues are going to try to point out that in the next few minutes.

First, it uses a 5-year forecasting window instead of the customary 10-year window; secondly, it bases the forecast on projections generated by the administration’s political appointees at OMB, rather than the non-partisan CBO; and, thirdly, it omits the cost of major initiatives that both parties agree must be enacted.

Since the 1997 Balanced Budget Act, it has been customary to employ 10-year projections in budgeting. Last year, when Republicans were pushing a major tax cut, they were eager to use 10-year projections that put the aggregate cost of their proposal in a more favorable light. Now, the Democrats do not work that way, when it does not suit their purposes, Republicans are providing only a 5-year budget outlook.

This budget further seeks to mask the effect of the Republicans’ failed fiscal policies by using OMB projections that are tailored to please the Congress, official nonpartisan scorekeeper, the CBO. During committee markup, our budget chairman characterized this hat trick
as a simple use of the remote control. “If you don’t like the weather report,” he said, “you might as well change the channel. That is what we are doing.”

Yes, indeed, they have changed the channel. Remember, though, that shutting off Federal Government in 1995 was undertaken by our Republican friends precisely to force a Democratic administration to use CBO estimates. Now House Republicans have decided that CBO’s figures are, well, inconvenient. And they are. Just using CBO’s baseline estimate of spending under current law exposes a $318 billion hole over 10 years.

It sounds like the bad old days of “rosy scenarios,” and it goes straight to the resolution’s bottom line and explains the majority’s sudden affec tantion for OMB figures.

Finally, this budget omits and understates the cost of things that the Republican leadership has already stated its intent to do. The administration is about to request supplemental appropriations for defense and homeland security. Congress will honor these requests.

The day after the committee markup of this budget, the Speaker himself announced his intention to bring to the floor in April larger tax cuts than this resolution permits. The budget resolution accommodates none of this, nor does it provide for a workable Medicare prescription drug benefit, nor for natural disaster relief, nor for critical investments in education, nor for a fix for the Alternative Minimum Tax.

Mr. Chairman, the real Republican budget creates a huge permanent deficit. It spends at least 86 percent of the Social Security surplus and all of the Medicare surplus over the next 6 years, and it heaps up public debt for years to come. Smoke and mirrors cannot hide the fact that the Republican budget spends the Social Security surplus as far as the eye can see, and it has no plan to bring the budget out of deficit and back into surplus.

Clearly, supporters of this budget do not want to reveal the ultimate consequences of their choices, and in the next few minutes my colleagues and I will further elaborate on the ways this budget cloaks its full cost.

Mr. Chairman, I yield to my colleague, the gentleman from Washington (Mr. McDermott).

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

Mr. McDermott. Mr. Chairman, we are here on a historic day. This is the first time in 19 years we have had a totally closed rule on the budget; no amendments, no alternatives, one shot, Republican, that is it.

Now, why is that? Well, you have come to the second annual meeting of the county fair where they play the three walnut shell con game. We are playing it again. We played it last year.

The fact is that the first shell here is the budget estimates. Are we going to use OMB or CBO? These people closed the government down in 1995 over whether or not we are going to use OMB or CBO. They said CBO is the only numbers. Now this year, it is OMB. Well, they moved that around.

Then there’s last year. They spent a lot of money, oh, heaven, we have a lot of money. Look at them 10-year projections. Then things went to pieces. So this year they said let us just look at 5 years. That is enough. That is sufficient enough. That is a second shell.

If you think about it, they have understated the cost of mandatory spending. They talk about the stimulus package we passed last week with $100 billion in it, and they ignore it, totally ignore it. And there is a budget coming within 2 weeks of our getting back here, we will have a supplemental budget out here for the military, and they act in this budget as though that does not even exist. It is like, well, it has to be that third shell. It is somewhere in there. I do not know.

They do not cut the tax cuts they plan to offer. The President put a budget out and said we are going to repeal those tax cuts. And he says no, I want to repeal the repealer. They voted no in the committee on that issue. They are not going to do that, they say.

Right now there are 3 million people paying the Alternative Minimum Tax. Within 5 years you are going to have 30 million people having to figure their income tax twice, and they are just closing their eyes to it. “Do not show me.” They just hide everything.

Now, this is the slam-bam-thank-you-ma’am budget. It is going to go through here. It means absolutely nothing. It is a total sham. But what it really is is a generational mugging. It is a mugging of our kids. This shell game is trying to hide from our kids what we are doing to them.

We are starting down the same thing we did in the Reagan years. It was 1983 with a crossed rule, and we started down like a rocket. And it took us 20 years to dig out of it. And here we are today, going down that same road.

Now, I hope the kids are watching, because they are playing a shell game on you. They are simply hiding what this costs. They do not want you to know. And they are taking it from Social Security. There is no plan in these shells for how you are going to get out of using Medicare and Social Security.

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Everyone here knows that 40 million people are coming down the road toward Social Security and Medicare, and there is nothing.

Mr. Price of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman for demonstrating that these arguments. They said last year, we have 10-year budget numbers and switching to OMB estimates are not just budget wokery. They have real consequences for our fiscal solvency and for the welfare of future generations.

Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. Hoyer).

Mr. Hoyer. Mr. Chairman, there is so much chicanery in this Republican budget resolution that it would make even an Enron auditor blush.

Our Republican friends are not happy with the estimates produced by the Congressional Budget Office. They say, we will just write a budget using the administration’s far rosier estimates. Did not House Republicans demand 7 years ago that the Clinton administration use CBO estimates? My, what a difference.

Nor is the GOP happy with what the 10-year budget projection would reveal: A stunning loss of $5 trillion in projected surpluses, largely due to last year’s tax cut. No problem, we will just write a budget with a 5-year projection. It just disappears like magic.

Everyone in this chamber knows that the shorter projection is an attempt to conceal the cost of making last year’s tax cuts permanent, an estimated $569 billion.

This resolution includes one purposeful evasion after another. But there is one thing our Republican friends cannot hide: The fact that their budget will raid the Social Security and Medicare trust funds every year for the next 10 years, for a total of $2 trillion.

Last year, the majority leader of fered these reassuring words: “We must understand that it is inviolate to in trude against either Social Security or Medicare, and if that means foregoing, or, as it were, paying for tax cuts, then we will do just that.” They did not. They are not. That promise has turned out to be as empty as the GOP’s lockbox.

This budget resolution, Mr. Chairman, is as irresponsible and as dishonest as were the Enron financial statements. And, tragically, the consequences of its adoption could be as negative. Let us reject this resolution.

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Last year, the majority leader offered these reassuring words:

“We must understand that it is inviolate to intrude against either Social Security or Medicare and if that means forgetting a promise to pay for tax cuts, then we’ll do that.”

That promise turned out to be as empty as the GOP’s lockbox stunt.

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Let us reject it.

Mr. PRICE of North Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, the reality behind this budget is that we are going to be spending Social Security cash on functions other than Social Security for the next decade.

The second reality is that most of that reflects budget choices that have nothing to do with the war in Afghanistan, the war our brave troops are fighting against the scourge of global terrorism, but which is a terrible disservice to our troops to try and hide behind their valor in selling budgets that raid Social Security.

The ultimate effect of the raid on Social Security will in all likelihood be higher taxes for the very men and women fighting this war as they are forced to support baby boomers in retirement years, because the baby boomers passed budgets that ran these terrible deficits.

Reject the majority budget and stop the raid on Social Security.

Mr. PRICE of North Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, when this debate started, the chairman referred to this as a wartime budget. We are united in the war on terrorism.

What exactly are we fighting for? We are fighting for a democracy. We are fighting, I believe the majority does not realize, to have open and honest debate on the floor of the House of Representatives about our Nation’s priorities. We are failing that standard miserably today, because there was absolutely no response whatsoever to the fact that we are using a faulty set of numbers to have this debate.

For years, there has been universal support for using the Congressional Budget Office, which has been widely referred to as a nonpartisan, apolitical office because it uses economic proposals and how tax cut proposals affect our ability to have a balanced budget and pay down the massive Federal debt, which influences interest rates and has a lot to do with the solvency of Social Security and Medicare.

Instead of using those numbers, we are left with the flippant comment, “If you do not like the weather, change the channel.” Also, we are using the President’s Office of Management and Budget numbers. No one disputes that fact. So we are not going to have an honest road map, an honest blueprint with which this body can judge how our spending and tax cut proposals will get back to a balanced, budget, to keep interest rates low, and to begin to prepare Social Security and Medicare for the solvency of the baby boomers.

We are failing one of the most fundamental tests of our democracy today. For that reason, we should reject the budget resolution.

Mr. SPRATT. Mr. Chairman, I reserve the balance of my time.

Mr. NUSSLE. Mr. Chairman, if I yield 3 minutes to the gentleman from Texas (Mr. DELAY), the distinguished majority leader.

Mr. DELAY. Mr. Chairman, this is a very important day because we are debating a budget that is a very important budget.

It is amazing to me that the other side is arguing, stop the raid on Social Security. When they were in the majority for 40 years, they took the surpluses of Social Security and spent them on the same types of programs. We are the ones that stopped the raid on Social Security and paid down over $150 billion on the debt on our children.

Mr. Chairman, we have a choice to make today. We can stand with the President in funding the war on terrorism, defending our homeland, and balancing the budget, or we can align ourselves with those who offer no budget for national defense, no budget for homeland security, and no budget for Social Security.

The other party has come here not to praise any budget but to bury it. They are demonstrating the height of fiscal irresponsibility because they offer no budget at all for our country.

These charts offer a very clear picture of the Democrats’ budget. This is the Democrats’ budget on national security. This is the Democrats’ budget on homeland security. This is the Democrats’ budget on Social Security. This is the Democrats’ budget on veterans spending, especially discretionary spending, for our veterans.

There is a $2.8 billion increase for health care in this budget. Let me just point out to my colleagues, it is needs-based. This is not something that was just “let us add it for the sake of adding.” It is needs-based and it is needed.

Next year, there will be about 700,000 new, unique veteran patients. Veterans are flocking to our outpatient clinics and our community-based outpatient clinics and the like because they are getting good health care, 700,000. The budget won’t even provide, like I said, about a $2.8 billion increase.

Let me also point out to my colleagues that other important programs will be funded as a result of this. Last year, we passed historic legislation to help the homeless veterans. That is accommodated by this budget.

We have passed an increase in the G.I. bill, a 46 percent increase in that...
college education benefit. That is accommodated by this budget.

I believe the gentleman from Iowa (Chairman NUSSELE) deserves our thanks. He sat down with my staff and I and we spent hours going line by line over what needed to be added to, and he met those needs. I hope that every veterans' service organization, and I have spoken to virtually every one of them, they are happy with what we are doing. It is real, and I would hope my friends on the Democratic side would look at this provision and realize that we are doing justice to our veterans.

It is a good bill and a good resolution. I urge strong support for this.

Mr. THORNBERY. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from California (Mr. HUNTER), the chairman of the Subcommittee on Military Research and Development of the Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding time to me.

If we look across the array of defense requirements, what our men and women in uniform need in terms of ammunition, spare parts, equipment, pay, this budget starts to turn the corner from what I call the Clinton era.

If we look specifically at modernization, at the idea that we need more new trucks, tanks, ships, planes, good equipment for our people, we are spending about $11.9 billion more than we were in the last year of the Clinton administration.

With respect to the ammo shortages, we are going to still have an ammo shortage, but we are cutting that shortage down. We are coming into it with about $2.2 billion extra.

With respect to operations and maintenance, we are coming in with an extra $3 billion or so.

Across-the-board, and we are coming in with a 4.1 percent pay raise, to follow the minimum 6 percent pay raise of last year.

So we are starting to rebuild national security with this budget. We have a long way to go. I would like to have an extra $50 billion or so in this defense budget, but on the other hand, at least we are starting to turn the corner from some very tragic days of the past 10 years or so, and I very strongly support this budget.

Mr. BILIRAKIS. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. BILIRAKIS), the distinguished chairman of the Subcommittee on Health of the Committee on Energy and Commerce, who has been a leader on the issue of concurrent receipt.

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

Mr. BILIRAKIS. Mr. Chairman, I rise in strong support of this budget. For over 17 years, I have been working to eliminate the offset between military retired pay and VA disability, which unfairly penalizes more than 500,000 military retirees nationwide.

The last Congress took the first steps towards addressing this inequity, and took an additional step towards eliminating the offset by authorizing my repeal legislation, H.R. 303.

I am very pleased, Mr. Chairman, that the bill includes over $500 million to fund concurrent receipt as a first step in fiscal year 2003, with increasing amounts over the next 5 years, providing a cumulative total of $5.8 billion.

While this falls short of the funding needed to completely eliminate the current offset, it will provide for a substantial concurrent receipt benefit. And I am very, very thankful, on behalf of all of our veterans out there, to the gentleman from Iowa (Chairman NUSSELE) and other members of the committee, especially the gentleman from New Hampshire, Mr. BASS and Mr. SUNUN, the gentleman from Texas (Mr. THORNBERY), the gentleman from Virginia (Mr. SCHROCK), and the gentleman from Arizona (Chairman STUMP) of the Committee on Armed Services.

The major veterans organizations support this. Let us vote for this budget so we can help our veterans and our military out there.

Mr. THORNBERY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Virginia (Mr. SCHROCK), a member of the Committee on Armed Services and the Committee on the Budget.

Mr. SCHROCK. Mr. Chairman, I thank the gentleman for yielding time to me, and I thank the gentleman from Iowa (Chairman NUSSELE) for this outstanding budget.

As we can see from the chart, this budget keeps the promises made to our military families. For so many years, promises have been made and remain unfulfilled, but the buck stops here.

We are funding a military pay raise. Our men and women in uniform are grossly underpaid for the services they provide to this country. We have a 4.1 percent pay increase in this budget.

We are delivering on our promise to improve living standards by increasing pay. In addition, we are improving the living standards for our military families by funding over $4 billion for improving current military family housing, as well as for building brand new housing.

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It is unacceptable that we require military families to live in substandard housing facilities. We must support military families by supporting the budget. Finally, we are fulfilling the century-old promise of funding concurrent receipt for our disabled retired veterans. As a retired Naval officer, I believe the delivery of this promise is long overdue. This budget funds concurrent receipt for our veterans, those who need it most. It will send home a real change to bring about financial benefits. This year we are providing over $500 million for this program and 5.8 billion over the next 5 years.

Our retired veterans desperately need our help. They dedicated their lives to the defense of our country, and it is time we show them how much we appreciate that.

This is a solid budget. It funds programs that improve the quality of life for our military families, and it keeps the promises to our veterans that were made long ago. I encourage my colleagues to support this budget. It is unacceptable for individuals to attack this budget when they do not offer a plan of their own.

Mr. THORNBERY. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. PUTNAM), a member of the Committee on the Budget.

Mr. PUTNAM. Mr. Chairman, the events of September 11 have certainly highlighted the challenges of border security. This budget makes a commitment to the Customs Service, increasing their budget by $619 million; substantially increases the Coast Guard as it meets the challenge of protecting our seaports; and takes a dramatic step toward reforming the INS, as has been so painfully clear that they are in need of reform in the past several days.

This budget keeps its commitment to veterans. It maintains our homeland security, and it reduces the burden of taxation on the American families. This budget is a responsible plan. Where is the other budget? It has been called chicanery. It has been called irresponsible. Where is your plan? Where is the alternative? If these things are so bad, if investing in defense, if investing in homeland security, if reducing the burden of taxation is so bad, where is the alternative? Where can the American people go to read your budget? They can get it online. They can call the Government Printing Office to get ours. Where might they go to read your budget? Where might they see what the alternative is to our plan? Where might they find those of our colleagues? Where is your plan? Where is your budget?

The Budget Resolution for FY2003 is a balanced, wartime budget that provides and prioritizes three fundamental securities of the United States: national security, economic security, and personal security.

Recently, there has been some discussion on the implications of using CBO’s numbers over OMB’s numbers. I believe that the use of OMB’s number is the right choice and that our wartime budget will secure the future of every American family by making America safer and our economy stronger.

The bulk of the difference between CBO and OMB arises from differences in the starting point. The OMB baseline underlying over the President’s budget projected a surplus of $51 billion for the FY2003, increasing to $109 billion in 2004, and totaling $764 billion over the 5-year period 2003–2007. The CBO baseline projects a surplus of $6 billion in 2003, and $61 billion in 2004 and $489 billion of the next 5 years.

There are two principal reasons for the baseline differences between CBO and OMB: (1) different treatment of emergency spending offset between CBO and OMB: (1) different treatment of emergency spending offset resulting in response to the September 11 terrorist attacks on New York and Washington, and (2) different expectations of the future state of the economy.
economy and their implications of tax collections and spending.

By adjusting CBO’s surplus estimates to treat emergency spending increases as a one-time occurrence affords us the opportunity to make CBO’s baseline estimates project $16 billion over the 2003–2004, and $18 billion over the 2003–2007 period. Thus, the difference in baseline projections amounts to $35 billion for 2003, $32 billion for 2004, and $18 billion over 5 years.

The principal difference between CBO and OMB is the proposed increase in discretionary spending is portrayed. CBO measures from a baseline that assumes that last year’s emergency spending will recur. CBO also asserts that nondefense discretionary budget authority will be $51 billion below baseline levels over the next five years. The President’s policies for nondefense spending would actually exceed the baseline by $34 billion over the next five years, under a baseline that treats the emergency response spending as a one-time event.

The difference in FY2003 between CBO and OMB is attributable to different revenue estimates. Over the next 5 years, slightly more than 60 percent ($110 billion) of the $180 billion difference is largely due to revenues. OMB expects that wages and salaries and corporate profits will constitute a larger share of GDP. In addition, CBO projects that the average tax rate on corporate profits will be higher than CBO.

CBO estimates the costs of the President's policy proposals are quite similar to those of OMB. The revenue policies are the same as OMB's for 2003 and 2004, and $1 billion lower than OMB over the next 5 years. Similarly, mandatory policies are estimated to have the same cost for 2003, but are $9 billion higher over the 2003–2007 period. Outlays for discretionary spending are slightly different because CBO assumes higher outlays from defense appropriations.

Our budget provides all the necessary resources to accomplish our three main national security goals: winning the war, strengthening homeland security, and modernizing the armed forces. This wartime budget resolution makes the tough choices that are necessary to meet the nation’s top priority of winning the war and strengthening our national defense, while continuing to invest in the modernization of the armed forces for 21st century combat. The top priority of the House budget is to provide all the resources necessary to ensure that Americans are free from terror. This budget resolution achieves this objective.

Mr. THORNBERRY. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire (Mr. Bass), the distinguished member of the Committee on the Budget, who has also been a leader on the issue of concurrent receipt.

Mr. BASS. Mr. Chairman, I thank the chairman, among the strong support of the House budget resolution and particularly for the provisions that it addresses in the issue of concurrent pay for veterans.

For over 100 years, soldiers disabled in the line of duty have had their retirement pay offset by disability payments. This is the only group of individuals that suffers from this tragic inequity, and now I am pleased to report that we have included in this budget provisions that have over half a billion dollars to start addressing this offset issue, a total funding over 5 years of over $5.8 billion.

In the 7 years that I have served on this committee, 8 now, we have never been able to do this and we do now for the first time in that period of time that I have been on the committee. I would also note that these provisions have the strong support of the American Legion, the VFW and these other groups.

Mr. Chairman, this is a groundbreaking provision in this budget. I urge that the Congress support the pending budget resolution.

Mr. THORNBERRY. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. Kirk), a distinguished member of the Committee on the Budget and the Committee on Armed Services.

Mr. KIRK. Mr. Chairman, this budget funds critical national security programs that will allow the United States to respond, not just to prosecute this war, but to respond to future threats. As this chart shows, the North Korean missile threat to the United States has grown enormously, originally from a small missile, now to the taepo dong missile, which is able to deliver a weapon of mass destruction against the United States.

More worryingly, North Korean missiles and other military hardware are not only aimed at U.S. Armed Forces in the Persian Gulf but also our allies in Israel which can now be well hit with the no dong and taepo dong systems. Likewise, the Syrian missile threat has grown, especially to our allies in Israel. If you are concerned about the security of U.S. allies, if you are concerned about responding to the threats of the global war on terrorism, support this budget. I wish the other side had produced a budget which would outline their program to respond to these threats to America and its allies. Our budget does that, and I urge its adoption.

Mr. THORNBERRY. Mr. Chairman, I yield myself the remaining time.

The CHAIRMAN. The gentleman has 1 1/2 minutes remaining.

Mr. THORNBERRY. Mr. Chairman, the other side has said repeatedly in committee and on the floor that they support the President and his efforts to prosecute the war and to defend the homeland. But the fact is, without the specific budget alternative to compare, we do not know what trade-offs they would make. We do not know how they would achieve it. So what we are left with some verbal assurances without any numbers to back them up.

Mr. Chairman, I think we all understand the political frustration which bubbles up to the fore, particularly when you are facing a very popular President prosecuting a war which touches every American and has the support of the American people. But I would suggest that that frustration is no excuse to fail back on the old tactics of trying to scare people on Social Security. It is no excuse to fail to put forth a budget and only try to take pot shots at the President and this committee's budget.

I would suggest that this is a good budget. It supports the President 100 percent in his efforts to prosecute the war and defend the homeland. And it does so with more hard dollar assurances. It puts hard dollars, hard numbers behind those promises. I think we can all safely support it, and I suggest that Members vote for the budget.

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

Mr. NUSSLE. Mr. Chairman, I re

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say there is no difference between us when it comes to national defense or homeland defense. Republicans are supporting $383.3 billion for national defense. So do we as Democrats. When it comes time to vote on appropriations bills that really put that money into play, we will be there. We will support it because we support the President in the war on terrorism.

Mr. Chairman, I ask unanimous consent to yield 8 1/2 minutes to the gentleman from North Carolina (Mrs. Clayton) for the purposes of control.

The CHAIRMAN. Is there objection to the request of the gentlemen from North Carolina?

There was no objection.

Mrs. CLAYTON. Mr. Chairman, I yield myself such time as I may consume.
Mr. Chairman, we are considering a budget resolution. A budget is a document where our Nation tells us what priorities are real to our Nation. It tells us who the winners and who the losers are. It is an area where we should consider our defense and our nondefense. It is an area where we should consider all people, and we should not put people who are vulnerable at risk.

Mr. Chairman, when we think about all this we who are getting their Social Security, we know they will now get their Social Security. So this issue is not about those who are getting their Social Security. No, this issue is about senior citizens who are fearful that they would not get their Social Security in the future. This issue is, indeed, putting those senior citizens at risk.

So when people are saying I am wondering, please, do not raid my Social Security, they are also talking perspective of this budget is a 5-year budget. Furthermore, when you consider our budget last year at April 2001, we had a surplus of $5.6 trillion. It was August, August, not September 11 that we had found that we had spent down to 3.1. The surplus had gone. Indeed, we are raiding the Social Security budget, and they say we are not? We are.

We have now spent all of the unified surplus that is available. The only surplus, I heard my colleague, the gentleman from New Hampshire (Mr. SUNUNU), say that we should do and we would challenge each other, the only thing we can do is to go to the surplus or raise taxes. Well, we are indeed spending a surplus. What surplus are we spending? We are spending the Social Security surplus.

Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Chairman, very simply, all day long we are going to hear a lot of talk about billions and trillions of dollars. I like to make things simple for myself and for my constituents at home. If you take an average worker or maybe a married couple together making $50,000 a year, over the 6 years this budget deals with, both this year and the 5 years projected, all will spend, they will pay $37,200 in Social Security taxes, $37,200. However, under this budget plan, $11,328 of that money will not go into the Social Security trust funds.

They think they are paying taxes for Social Security. It does not go there. What will they get in return for that $11,000? They will get an IOU put in. They will get a bill for interest to pay on the money that is been used to spend; and they might, I am not sure yet, they might get a promissory note sent to Congress. Some people are proposing to send them a little note saying, Trust us; your Social Security taxes are okay.

My constituents do not trust us. They should not trust us. We should leave their Social Security taxes alone in the trust fund that they wanted to have their money put into that they have been told. Working people desire the truth. They are not getting it today. They are not getting it with this budget. We should vote no.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, I was reading the committee report in the resolution, and there is a comment here about the real meaning of balance. It says, "The principle of a balanced budget is more than simply a numbers game in which spending and revenue match up. It reflects the sense that Members of Congress are controlling the budget, not being controlled by it."

Now all these Members on the other side got up and said, we increase spending for this and we increase spending for that. I am for most of the stuff that you got up and said. But the fact is you are acting like it is being done for free and it is balanced. But this is where it costs. We are having to pay for the Social Security trust fund money. That is not free money. That money costs today about 6.5 percent over a 20-year period. That money costs. Who is going to pay that back? Well, not the taxpayers today, but the taxpayers 20 years from now and the taxpayers 30 years from now. I hope to be around doing that. I know the chairman hopes to be around. Our kids will be paying for that as well. That is the real macroeconomic picture of this budget.

Now the Member will say, I think the mistake we made was last year when we said we bet the ranch on 10-year numbers and the numbers did not pan out, and they did not pan out because of the recession, and they did not pan out because of the war. Many of us said at the time that is why you could not trust 10-year numbers because we did not know what the economy was going to do, and God forbid we might have a war or a flood or something else, and I agree. That is why we are in this situation now. This money will have to be paid back before, before we do anything about fixing Social Security for the long run. And that is what is wrong with this budget because the other Members are saying we are going to put more money in this, more money in defense, more money for customs, more money for veterans. We are all for that, but we are acting like it is free money. And there is nothing free about that and the taxpayers. If it will not cost them today, it will cost them tomorrow; and we will be back in the hole that we were in for 20 years beginning in the 1980's. And the taxpayers, unfortunately, myself being one and every Member here being one, will have to dig out. And I think that is what is wrong with this budget.

Mr. CLAYTON. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Chairman, with today's vote on the Federal budget we have a clear choice. We can go back to deficit spending, raiding Social Security and increasing this Nation's debt or we can choose to travel down the path of fiscal responsibility, balancing the budget, saving Social Security and paying down our debt.

Our Republican friends suggests this is a wartime budget and it should be, but is it right to ask young men and women in uniform to fight this war and then come home and ask their generation to pay for it? I think not.

On at least four occasions since 1999 this House has voted overwhelmingly to put the Social Security Trust Fund in a lockbox, pledging never to use it again to cover the other expenses of government. If an officer in America raided his employee's retirement fund they would be guilty of a felony and locked up for a very long time, but here in Washington, after promising never to do it again, the Republican leadership has presented us a budget that, without apology and without remedy, raids the Social Security Trust Fund.

This is the wrong choice for America and I urge my colleagues to vote no on this irresponsible budget.

Mr. CLAYTON. Mr. Chairman, I yield myself such time as I may consume.

What we have seen, indeed we have no other choice, they say, other than to raid Social Security, and indeed we have a choice. We could have paid down the debt. Paying down the public debt would have allowed to us to protect Social Security and the Medicare Trust Fund.

Mr. NUSSLE. Mr. Chairman, I ask unanimous consent to yield 10 minutes of my time to the gentleman from New Hampshire (Mr. SUNUNU) for the purposes of control.

The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. SUNUNU. Mr. Chairman, I yield myself such time as I may consume.

We have worked in the Committee on the Budget to put together a budget that funds the priorities laid out by the President in his State of the Union address, funding the war against terrorism, funding homeland security and getting the economy moving again, and what we have heard over the last 10 minutes here are a lot of scare tactics. My constituents do not trust us. They should not trust us. We should leave their Social Security taxes alone in the trust fund that they wanted to have their money put into. We should vote no.
outrageous to scare the American people, let alone to scare someone who is on Social Security today, by suggesting otherwise.

We have heard a lot of discussion about the Social Security surplus. Well, let me tell you the facts. Most of the current Social Security surplus is an illusion. They have no budget to bring to us. They have no plan to save Social Security. All they can do is throw stones. Sit in the bleachers, sit on the other side and throw stones to us on this side. This is absolutely, I think, outrageous. It is below the dignity of this House of Representatives.

Mr. SUNUNU. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. COMBEST), the chairman of the Committee on Agriculture.

Mr. COMBEST. Mr. Chairman, I appreciate the gentleman yielding me the time.

Mr. Chairman, in early October of last year this House passed a new approach for farm legislation in a very strongly bipartisan manner and in a margin of over two to one. It was the intent of our committee at that time to have hopefully a conference report that we could bring back to this body and have signed into law a new farm bill sometime last year so that we would begin to be able to deal with the problems that have been confronting the agricultural economy for the last 4 plus years. Unfortunately, there was no item with which we could confer. However, in February, on Valentine’s Day, we finally had that item that we could confer. We are in conference. We are in conference to the standard of this Committee on Agriculture. It is this Member’s hope that early in April upon our return we will be able to provide to the body a conference report.

We, however, have lapped over into a new budget cycle. What made it possible for us to be able to write that farm bill last year was the strong commitment of the gentleman from Iowa (Mr. NUSSEL), the chairman of the Committee on the Budget, and the good work of the Committee on the Budget in providing $73.5 billion in last year’s budget and providing $73.5 billion in this year’s budget to allow us to continue.

While much of the focus may be on the Committee on Agriculture as those farm bills were written, the American farm family owes a great deal of gratitude to the gentleman from Iowa (Mr. NUSSEL) and to the Committee on the Budget for holding their commitment to provide a strong agriculture because where we are today, Mr. Chairman, would not have been possible without that support.

I appreciate it very much. I commend the committee for the work they have done.

Mr. SUNUNU. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, I thank the gentleman from New Hampshire (Mr. SUNUNU) for yielding this time to me.

Sitting here listening to this debate, I find it absolutely outrageous. Either the speakers that have been up talking about the budget have no clue as to how it works or the debate has been absolutely dishonest. Anyone who says that there are dollars in the Social Security Trust Fund that we are raiding, it is not true. It is absolutely not true.

The whole question with regard to the Social Security Trust Fund from 1970 right up through 1997, every bit of that surplus was being spent yet the dollars were in the trust fund exactly the way they were before. They go into the trust fund. They are replaced by Treasury bills that are put in the trust fund. There are no dollars in the trust fund. There is no way we can go in and raid the trust fund unless we are grabbing Treasury bills out of there.

To listen to the argument that anyone tries to use as a scare tactic I think is below the dignity of this House of Representatives, and I think that this scare tactic is absolutely the low point that I have ever seen in this House of Representatives.

We have a once great party that is now bankrupt of ideas. They have no budget to bring to us. They have no budget to bring to us.
presented were 40 amendments. Had we accepted the 40 amendments, we would have spent $225 billion more than we are spending. Yet my colleagues accuse us of wasting Social Security moneys. He said, it shows deficits as far as the eye can see. The economy is underspent $4.5 trillion surplus, gone in the flash of an eye.

My colleagues like CBO numbers. So let us see what they say. We should have had a $4 trillion surplus this year, but because of a recession and a bad economy we are down $197 billion. Because of 9/11 spending, we are down $54 billion, and yes, we gave the American people, hardworking families, $40 billion of their own money to keep, to prosper their own families. That is minus $9 billion.

He said, ‘Our prescription program is paltry.’ Actions speak louder than words. Where is my colleagues’ prescription? They drew up all kinds of bovine none. At the same time he comes out and he says, by saying it is paltry, he wants us to spend more money, but my colleagues accuse us of spending the Social Security Trust Fund. Then he gave us $100 billion over his lifetime, and she said what if I do not get my Social Security check next month or next year, what will I do, implying that somehow people are not going to get their Social Security check. That is cruel.

The other thing that came through as I watched this debate in my office on television, and I think it proves the kind of hypocrisy on this floor is outlandish.

Mr. SUNUNU. Mr. Chairman, I yield the balance of my time to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I have been listening to this debate and watching back in my office, and I have to say it has not been a very proud day for our friends on the left. Here they are, they are all kinds of bovine complaints about our budget, but they have no budget of their own.

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Mr. GUTKNECHT. Mr. Chairman, I have been listening to this debate and watching back in my office, and I have to say it has not been a very proud day for our friends on the left. Here they are, they are all kinds of bovine complaints about our budget, but they have no budget of their own.

The other thing that came through as I watched this debate in my office on television, and I think it proved the kind of hypocrisy on this floor is outlandish.
Mr. COLLINS. Mr. Chairman, I thank the gentleman for yielding me this time.

This budget is a cash-flow management plan for fiscal year 2003 and for 4 years beyond. It is a cash-flow plan that is, in many ways, similar to the cash-flow plans that individuals must manage for themselves, those which families plan while sitting around the kitchen table and small businesses establish when determining how many employees they will hire or how many equipment purchases they will make in the coming year.

In fact, there are over 1 million families today, due to the tragic events of last September, who are planning their finances to weather the emergency situation they are facing in their lives: loss of a job, slowing business revenues, and so forth. Many of these families will have borrowed against their savings or retirement, life insurance or home equity to ride out the storm.

Mr. Chairman, it is from the cash flow of the taxpayer all across the country that the Federal Government receives its income. When individual family and business budgets are healthy and strong enough to make the necessary and often the discretionary purchases when they are thriving enough that their job, their jobs in the workforce and expanding business opportunities, the Federal Government’s budget is the strongest. Today, we have a deficit cash flow. It is from the lack of consumer confidence caused by the lack of job confidence.

Mr. Chairman, we must examine what has eroded consumer and job confidence. The 7 o’clock news reports tally the market and the unemployable numbers. In February of 2000, the NASDAQ went up from almost a high of 4,700 points; “dot coms” were folding at a rapid pace. In February, the Dow Jones began to fluctuate and plunged in November of 2000. Unemployment numbers began to rise in November of 2000. With such numbers, is it no wonder that job confidence and consumer confidence were eroded?

This decline in confidence, coupled with the significant and unexpected expenditures of the last months, are the major reasons we find ourselves working to establish a responsible budget plan. How has this administration and Congress addressed this decline in confidence? The Congress passed the 2001 Economic Growth and Tax Relief Act for American workers, extended the taxpay er relief and increased tax credits. But whereas our cash flow comes from, by $74 billion in 2001, by over $60 billion in 2002, and over $90 billion in 2003, plus the stimulus package of $43 billion that we just passed.

In 3 years, Mr. Chairman, the Congress will Mr. Spratt. Mr. Chairman, I yield 3½ minutes to the gentleman from California (Ms. Pelosi), the minority whip.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time; and I want to recognize first off the excellence with which he has dealt on this budget, and commend him, the members of this committee, and the staff for their excellent work.

Mr. Chairman, today we should have had the opportunity to be engaged in a debate over our Federal budget. This budget debate should reflect the professional judgment and our most imaginative thinking to create a budget for America’s future. We do not all agree on every issue, but we should have been able to have a debate about those issues. Instead, we are faced with a closed rule which forecloses some of that debate; and we are, instead, faced with a budget from the Republican side which is a sham.

It is a sham because it hides from view the billions and billions of dollars that the country may drain from the Social Security trust fund. It is a sham because it disguises the inadequate prescription drug benefit for seniors as it drains the Medicare trust fund. It is a sham because it ignores the cost of the supplemental appropriations that we know President Bush will be sending to the Congress.

When we review the Republican budget, we have to wonder what happened to all of the budget deficits on the Republican side. The strategy is an endangered species? Indeed, I think they have become extinct. For such a long time they fought so fiercely to reduce the Federal deficit and eliminate the national debt, and now they are extinct.

And where did all the Republicans go who voted five times, five times, for a lock box to prohibit using Social Security trust funds for anything but Social Security? Those same Republicans have broken promises to the American people by an all-out raid in this budget on the Social Security trust fund.

In addition to being a sham, this Republican budget is a shame, because it misses an opportunity to create a fiscally sound balanced budget which invests in America’s future and grows our economy by creating jobs and lowering interest rates.

I believe, Mr. Chairman, that our Federal budget should reflect the priorities of our nation’s values. I ask my colleagues if it is a statement of their values to raid the Social Security trust fund and decimate the Medicare trust fund; is it a statement of their national values to undermine the ability of Americans to rely on Social Security as a safety net; is it a statement of their values to put our children into oppressive debt to bolster a failed Republican economic plan?

The Republican leadership’s budget is a desperate attempt to cover up the total failure of their economic plan. In an attempt to cook the books, the Republicans used the more optimistic OMB estimates, even though they shut down the government in 1995-96, if my colleagues remember that, to insist on OMB estimates.

One year ago, the Republicans promised to protect Social Security, provide a Medicare prescription drug benefit, and pay down the Federal debt. But their budget fails to balance the budget by $750 billion to finance the debt limit by $750 billion to finance the government past the 2004 election is an ultimate symbol of the failure of the Republican economic plan.

I urge my colleagues to vote “no,” a billion, billion, billion times no, on the Republican sham budget.

Mr. NUSSLE. Mr. Chairman, I yield myself 2 minutes to engage in a colloquy with the gentleman from Oklahoma (Mr. Sullivan) involving Social Security.

Mr. SULLIVAN. Well, Mr. Chairman, will the gentleman yield?

Mr. NUSSLE. I yield to the gentleman from Oklahoma.

Mr. SULLIVAN. Mr. Chairman, I thank the gentleman from Iowa for yielding to me.

Social Security is one of our Nation’s most successful anti-poverty and retirement programs. Currently, 45 million seniors, their spouses, and their dependents receive Social Security benefits. The objective of this program is to protect Social Security and erode the ability of the Social Security trust fund to pay benefits.

Mr. Chairman, it is my understanding that this budget will not have any impact on the status of the Social Security trust funds whatsoever; is that correct?

Mr. NUSSLE. Reclaiming my time, Mr. Chairman, that is totally correct; and I want to thank my colleague for...
not only his concern but his leadership in the brief time he has been here in the House. I would also like to reiterate my own personal commitment to the strength and stability of the Social Security program. Social Security is a promise that we make to our seniors who have fought hard, lived through a depression, won a war, raised their families and created the strongest economy in the world. They deserve access to the affordable drugs that they need to stay healthy. I urge my colleagues to vote against this flawed budget.

Mr. Chairman, I rise to join my Democratic colleagues in opposition to the budget on the floor today. I would like to talk about how unfair this budget treats the senior citizens in our country.

Last year the President and House Republicans went on record saying that the Social Security and Medicare surpluses should be protected and pushed several “lockbox” bills. However, this year their budget spends more than 86 percent of the Social Security surplus in the next five years and spends the entire Medicare surplus for the foreseeable future.

While the Republicans want to send “certificates” to seniors guaranteeing that Social Security checks will keep arriving, they are raiding the Social Security and Medicare surpluses. Then they try to hid the extent of their invasion of these funds by using Office of Management and Budget numbers and obscuring from view the effects of their tax policies after 5 years. Seniors are not going to be swayed by this sham budget, especially when it puts their future and their health at risk. When I’m home in Wisconsin, one of the issues I hear about most (whether in the grocery store on main street or in listening sessions) is that middle class seniors cannot afford to pay for their prescription drugs. It is clear that this is a major source of worry and distress for seniors and their families.

It is time for Congress to listen to our greatest generation and make affordable prescription drug coverage a priority. Unfortunately, a prescription drug benefit that is affordable for all seniors and their loved ones is not a priority in this Republican budget.

This budget replaces the President’s inadequate proposal with its own inadequate proposal. What they are calling a Medicare reserve fund, using numbers from the OMB, this budget claims to increase Medicare spending about $89 billion over 5 years, and $350 billion over 10 years. However, if we use the CBO numbers rather than OMB, this is drastically reduced. Like the rest of the budget, using OMB numbers makes their increase in Medicare spending appear higher than it actually is.

But if this were not enough, this budget also replaces the President’s inadequate proposal with its own inadequate proposal: What they’re calling a Medicare reserve fund. Using numbers from the OMB, this budget claims to increase Medicare spending by $89 billion over 5 years, and $350 billion over 10 years. However, if we use the Congressional Budget Office (CBO) rather than OMB numbers, this increase is drastically reduced. Like the rest of the budget, using OMB numbers makes Medicare increase Medicare spending appear higher than it actually is.

Mr. SPRATT. Mr. Chairman, I ask unanimous consent to yield 5 minutes to the gentleman from Wisconsin (Ms. BALDWIN).
say they are refusing Medicare patients because they are not being paid enough. Out of that $300 billion, we are going to pay for drug benefits, and we are going to pay for provider reimbursement. We are going to give more money to doctors and hospitals.

If we use the Congressional Budget Office figures, we have only $124 billion. So the reason the other side uses the OMB figures is because it is $350 billion. Which number would Members take? Of course the other side would take the $350 billion.

If we look at this chart, we can see if we pay back the providers what we said we are going to give them, it costs $174 billion out of that $350 billion. If we are using the $124 billion, we cannot even cover the providers. The doctors alone cost $128 billion. So there is not enough money under this one to provide even for the doctors.

Now, let us say we take the $350 billion and we say we are going to do only the doctors, so we are going to do $125 billion out of what, 225, 222. Now, is that enough for a drug benefit? Remember, I said it was $400 billion to do a decent benefit? That is a benefit where seniors pay 50 percent and the government pays 50 percent. Do Members think that is an adequate benefit?

There are 9 million widows in this country who live on Social Security. They make less than $10,000 a year off Social Security. They are supposed to come up with half the drug benefits. If they just have a few things, that is fine. But where are they going to get $1,000 or $2,000 to pay while the government pays the other $2,000?

This simply is an inadequate benefit that they are talking about. Yet the other side tells the people, the President said in the campaign, we will have a prescription drug benefit. The President stood in this well twice and said the gentleman from Iowa has done as our chairman on the Committee on the Budget. I left Congress in 1990, and one of the things that always bothered me was the fact that it seemed like when I sat on the other side, we could never come close to the budget. I would like to say that it is great that we have not only balanced the budget since I have returned, but with the economy growing, we have reduced over $450 billion in debt that was on the backs of our children. I would like to think that has done a great deal to help us in the future.

Yesterday Chairman Alan Greenspan and the Feds decided not to increase interest rates. They realized that there is still some softness out in the economy. I am told what we passed the tax relief package nearly a year ago, and also last week, the job creation and work protection bill in a bipartisan vote. That vote was 417-3. Yes, even with the economic indicators that were soft and started downward in September, the last quarter of 2000 before the Bush administration took office, but really took a downward spiral after September 11, creating a loss of about a million jobs. Let me say, with this job creation work protection bill, not only are we allowing the uninsured to have 13 extra weeks of unemployment insurance, we want to make sure that those who are unemployed have a check and are meeting their obligations.

Also we have done some things with 30 percent expensing which is accelerating activity. Tractor implement dealers in my area, they are out buying. Farmers and ranchers are buying equipment. That is going to help us a great deal more, not only in just the facts, but if the 18,000 things in moving this economy forward.

This budget is a compassionate budget because in it we have dealt with unemployment insurance. Yes, we have helped business, and we have helped a lot of individuals. There are work tax credits for welfare to work. It also deals with Native Americans, trying to work with them with accelerated depreciation, and letting them have jobs instead of relying on just gaming and some other activities. Native Americans have the worst economic conditions of any group in the United States.

We have a budget here that gives us an opportunity to move this country forward. I encourage a bipartisan vote on it.

Mr. SPRATT. Mr. Chairman, I ask unanimous consent to yield 9 minutes to the gentleman from Oregon (Ms. HOOLEY) for purposes of control.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Ms. HOOLEY of Oregon. Mr. Chairman, we will not find a Member on this side of the aisle who not 100 percent approves of withdrawing this war against terrorism and bolstering our homeland security. However, we cannot forget our domestic priorities. Over the next 5 years, we will cut over $96 billion below what it costs to maintain these programs at their current levels.

For the next few minutes what I would like to do is put a human face on some of these funding cuts, and maybe people watching this debate back home will have a better understanding of what this budget does. For example, everybody knows that health care costs are skyrocketing on an annual basis. As a result, 40 million Americans cannot afford health insurance. That includes 9 million children. This budget pretends that these people do not exist.

Compounding that situation is the fact that there are some programs that provide some minimal health care. For example, the rural health care program, it is out by 41 percent. Tele-health programs are cut by 84 percent. Another problem is the freezing of funding for the Healthy Start program. It is for expectant mothers for prenatal care. I cannot think of any Member here who thinks that depriving mothers of prenatal care is something that we should be doing.

Then there is the matter of our homeland security. The people on the front line are police officers. Yet this budget completely eliminates, not cuts, eliminates the Department of Justice local law enforcement block grant, which is designed to put more cops on our streets. As a result, hundreds of communities across the United States, large and small, will see less police on the streets. We can expect an increase in crime because this budget, as I just stated, eliminates this program.

Then there are our public schools. Every State is having problems with revenues and high enrollments. Just a little over 2 months ago, we had the No Child Left Behind Act signed into law. Most people voted for it. If Members will recall, President Bush made this a pillar of his State of the Union address and rightly so, ensuring that every child has a right to a first-rate education. So what happened to this program? You can sum this up, this authorization, that is what we enacted last year, and this is what we are proposing, a $100 million cut just from last year.

As a former teacher, I have also talked to educators in Oregon. One of the things they begged me not to do was any other federal program and another Federal mandate without the funds. We are not giving them the funds. Then there is special education.
We are funding that at 18 percent. What did the Federal Government promise to do? Twenty-seven years ago we said we would fund it at 40 percent. Are we doing that now? No.

We are now starting down the same path as the No Child Left Behind Act. Again we make a promise we are not going to keep.

Mr. Chairman, to talk further about education, I yield 2 minutes to the gentleman from California (Mr. HONDA), a former teacher and principal.

Mr. HONDA. Mr. Chairman, as a former teacher and principal, I rise in opposition to the Republican budget, a budget that claims to leave no child behind, but in reality leaves many children behind.

Just a few months ago, the President and the Congress heralded the enactment of H.R. 1, the Leave No Child Behind Act. Yet as we all know, a bill is more than just the necessary funding and many of us wondered if the White House and the House Republicans would put our Nation’s money where their mouths were for H.R. 1 when it came time to pass the budget. After looking at the House Republican budget offered today, it has become clear to me that the Republicans have no intention of making good on their promise to improve educational opportunities for our Nation’s young people.

The Republican budget cuts funding for H.R. 1 by $90 million. It cuts education programs by $1.8 billion, including programs for teacher quality and after-school centers. The Republican budget also eliminates 29 education programs, including dropout prevention and technology training.

The Republicans say we on the other side of the aisle have no right to voice our beliefs on their plan because we have none of the necessary funding and many of us wished if the White House and the House Republicans would put our Nation’s money where their mouths were for H.R. 1 when it came time to pass the budget. After looking at the House Republican budget offered today, it has become clear to me that the Republicans have no intention of making good on their promise to improve educational opportunities for our Nation’s young people.

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Mr. NUSSLE. Mr. Chairman, I wish to reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. HILL).

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

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Mr. HILL. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. NUSSLE. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

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

Mr. NUSSLE. Mr. Chairman, I wish to reserve the balance of the majority's time. We would be prepared then to move to the Joint Economic Committee's time under the rule.

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

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. HILL).

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

Mr. HILL. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, as a Member of the House Committee on Armed Services, I have a special appreciation for the work our military does in defending our great country. There should be no doubt, absolutely none, that my colleagues and I stand behind the President as he prosecutes the war on terrorism.

However, in a genuine attempt to work with both parties and the President, I join the gentleman from Texas (Mr. STEINHOLM), the gentleman from Tennessee (Mr. TANNER), the gentleman from Kansas (Mr. MOORE) and the gentleman from Utah (Mr. Matheson) in substituting that was denied fair consideration by the Committee on Rules, even though it included the President's own priorities and spending levels and simply adjusted them to reflect the CBO's nonpartisan numbers; fully funded the war on terrorism and homeland security initiatives; held the line on spending; provided for a clean debt limit increase; and required the administration to make it right, but the bottom line is $10 billion does not come anywhere near the $25.4 billion shortfall that the service chiefs have testified this year they need beyond the President's budget request. I believe we must keep careful watch of the public resources that we are given. Balancing the Federal budget must be a priority.

Because of the work of the House Committee on the Budget and Chairman NUSSLE, but for our recent effort to help hurting families with an unemployment benefits package, this is a balanced budget. During war and recession, that is an astonishing accomplishment. We do fund our national defense and our homeland security as America's priorities.

And this budget demonstrates fiscal discipline. We just heard from the gentlewoman from Oregon some of what our friends on the other side of the aisle would like us to be spending more in this budget. The truth is, of the 17 amendments that the Democrats offered, it totaled $205 billion in new spending and $175 billion in tax increases to pay for it. Funding national defense, helping hurting families, cutting spending rather than raising taxes, are all good reasons to support this budget.

Mr. NUSSLE. Mr. Chairman, I wish to reserve the balance of the majority's time. We would be prepared then to move to the Joint Economic Committee's time under the rule.

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

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. HILL).

(Mr. HILL asked and was given permission to revise and extend his remarks.)
am perfectly well satisfied that those monies can be well spent and invested in our national security through this mechanism.

So let me turn now to my real reason for being here today, and that is to try to put context what was going on currently with the economy and how this budget proposal fits into that scenario. The budget policies under debate today should be considered, I believe, in the context of the current economic situation and the recent economic history. In that spirit, I would like to say a few words about where the economy has been and where it is going.

My remarks will center on five or six areas. First, where we have been; second, why we got in trouble; third, how the stage was set for recovery; fourth, how the events of September 11 affected our economy in the context of setting the stage for recovery; fifth, where I believe we are now; and, finally, what policies do we need to address to provide for healthy economic growth in the future, and all that in the context of this budget.

Where we have been. In the eighties and nineties we had a phenomenon that many of us recognize in our own history. We had almost two complete decades of continuous economic growth.

Beginning in 1984, the economy started to grow, and it grew right on through 2000, the first half of 2000, and did not begin to slow until the latter half of 2000. What I said is almost precisely true. There was a very short and mild recession in the second half of 1990 and the first half of 1991. It was 8 months long. But aside from that very short period of interruption in economic growth, that is, and that is very unusual, the longest period of economic growth in our history, the most robust period of economic growth in our history, and we ought to recognize it as such.

In the middle of 2000 we began to experience a significant slowdown in economic growth. More specifically, the growth of real Gross Domestic Product, consumption, investment, manufacturing activity and employment all began to slow down substantially around mid-2000.

There were several reasons to explain this sharp slowdown. First, the Federal Reserve raised interest rates six times, 175 basis points in total, that put a drag on the economy, and it was intended to slow the economy, because there were certain members of the Federal Reserve Board who believed that the economy was going to overheat, and so a conscious effort was made to increase interest rates.

Second, substantial energy costs, particularly oil prices, increased from early 1999 through 2000, and that additionally created a drag on the economy.

Third, higher interest rates and higher energy prices worked together to produce enough drag on the economy that it weakened the somewhat overvalued stock market, and in turn the downturn in the stock market had a broad effect on the economy.

Finally, fourth, the tax burden or fiscal drag which was present in 1999 and 2000 also added to its weakening effect on the economy.

These factors were all influencing the economy by mid-2000, thus the seeds for the slowdown were sown prior to mid-2000. Because of job losses, these factors continued to influence the economy for quite a long time. I would also like to talk for a minute about how the stage then in 2001 was set for recovery. As the economy re- mains sluggish or continued to weaken, however, these casual factors moderated or unwound themselves during much of 2001.

For example, the Federal Reserve began to lower interest rates, and, over the next period of time, lowered short-term interest rates by 475 basis points, a very significant thing in terms of our monetary policy.

Second, energy prices retreated. Har- rely, as people watched the pump price, when they went to the gas station prices dropped dramatically, having a positive effect on the economy or setting the stage for a recovery.

Then stock prices stopped falling and the stock market stabilized, again unwinding one of the factors that produced a drag on the economy the year before.

Finally, the Bush tax cut plan was passed and signed into law in June, setting the stage for a rejuvenation of consumer and business rebound. As a consequence, by late summer of 2001, many economists were expecting a near-term rebound in activity, which began to occur.

The economic impact, however, of the terrorist attacks of September 11 changed this economic outlook in a number of ways. This is very important. We were set to begin a recovery in the summer of 2001 and had it not been, I believe, for the terrorist attacks, that recovery would have proceeded forward.

In the short term, after the attacks, the attacks increased apprehension in the financial markets and adversely affected consumption and investment as confidence waned. So, over the long term, as people looked at the decision process of what they were going to do over the long term, uncertainty cre- ated a pessimistic attitude on the part of business people and others which affected our economy. Consumption was down, investment was down, and that acted as a new drag on the economy.

Second, the attacks had a direct adverse effect on particularly oil intensive industries most notably the airlines, the travel industry, insurance, hotels, and, of course, activities that are related to those businesses.

Also in the long term, increased secu- rity costs had become clear, would raise the cost of running a business and adversely affect productivity and earnings.

If you believe, as I do, that an economy has just so much value, and if, as was true during the eighties and nine- ties, we were making investments to increase productivity which in turn helped to build our economy, and if we now have to divert some of those investment dollars for security purposes, obviously those purposes, while neces- sary, do not create the productivity that investment in technology does. So, this was a factor which we believe was very important.

Third,ley, spending on unnecessary military and security buildup to some extent crowds out more productive private investment. Consequently, the terrorist attacks may adversely impact productivity growth and the economy’s long-term potential for growth.

In sum, as a consequence of the terror- istic attack the economy was tipped into recession, as certified by the National Bureau of Economic Research, which now the recession is said to have begun in March.

Where are we now? Currently the pre- ponderance of evidence suggests that the economy is finally coming out of the recession. If so, this recession will be one of the mildest on record. There are reasons for the rebound, which in- clude the Federal Reserve’s lower in- terest rates policies, lower energy prices and tax cuts which were put in place.

Recently, for example, most data are being reported as stronger than expected. For example, real GDP for the fourth quarter was up 1.4 percent, due to particularly strong consumption.

Second, leading indicators are up for the fourth month in a row, another positive sign.

Third, monthly consumption in retail, in auto sales and personal income are improving and holding up extremely well.

Fourth, housing continues to hold up very well.

Sixth, payroll employment gains were registered in February for the first time since last summer. That is right, we gained 60,000 jobs in February.

Finally, there are even some signs of improvement in manufacturing activity, which has been the hardest hit sector. The purchasing managers survey is above 50 and durable goods orders are up, all positive signs.

Further, prices remain behaved and inflation is currently not a problem.

The most likely outcome for the economy is to continue to rebound for at least several more quarters, due in part to inventory rebuilding and continued low interest rates.

Let me move now to the future and why this budget and the policies surrounding it are important.

We should have learned some things from the last 20 years in the economic growth that we had, and we should have learned some things based on what went wrong in 1999 and the first half of 2000.
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Policies. The policies that we need to keep the economy moving are important, particularly important now, as we consider this budget. Given these developments, the question is, what types of economic policies are appropriate, to keep the economy moving forward at a healthy pace without inflation? I believe there are several policies that foster the favorable set of circumstances that we need to create.

Policies that are devoted to recognize that not all of this has to do with the Congress of the United States; not directly, anyway. The Federal Reserve, as I noted earlier, had a lot to do with both the period of economic growth that we had and something to do with the recession that began or the slowdown that began in 2000.

The Federal Reserve policy of gradually pursuing price stability can foster growth in a number of ways. Such policies lower interest rates, reduces unnecessary inventory in the economy, enables the price system to work better, and acts like a tax cut because it provides for less cost in doing business.

The second factor that I would point out is that, just as was pointed out by John Kasich and just as was pointed out by Ronald Reagan in 1980, low marginal tax rates promote incentives to work, save, and invest, and to innovate. Entrepreneurial activity is fostered, and individuals are encouraged to start new activity. All of this promotes growth without inflation.

So the policies that we put in place early in the Bush administration are extremely important, and that is why we have advocated for additional stimulus packages by using tax cuts.

Third, and of particular interest in the context of this budget, government spending constraint had a lot to do with where we were during particularly the last decade. Keeping government spending as a share of GDP enables more economic resources to be allotted and utilized more efficiently and with productivity in the private sector, so tax policy remains an extremely important factor, as well as restraint in government spending.

Fourth, investment in technological innovations, which I alluded to a few minutes ago, is also extremely important. I will not go into a long explanation of this, but there is something that is related to what I want to talk about. I call it the Phillips curve, which says that essentially we cannot have long-term economic growth without inflation. That is because when the economy reaches full employment, because there is a continued demand for labor and a very high speed output, it produces upward wage pressures. Those upward wage pressures are inflationary.

We proved that not to be true in the 1980s and 1990s. It is not true, it did not happen, and the reason we believe it did not happen is because we were successful, as entrepreneurs and as members of society, with introducing new forms of technology that helped productivity, which relieved the pressure on labor costs.

So investment in technology and promoting investment in these things, and innovation, can add productive capacity, thereby allowing for sustained economic growth without inflation. That is because when the economy reaches full employment, because there is a continued demand for labor and a very high speed output, it produces upward wage pressures. Those upward wage pressures are inflationary.

The economic outlook looks positive, and with appropriate economic policies in place, longer term prospects for an extended, sustained expansion look promising. The budget resolution sustains the Bush tax cuts and provides for restraint in Federal domestic spending.

Policies that will enhance the prospect for economic growth are present in this budget. I hope in the future we can also agree to make the tax incentives enacted in 2001 permanent, and maximize their positive effect on economic growth.

Mr. Chairman, I ask unanimous consent that the gentleman from Iowa (Mr. Nussle) be permitted to control the balance of my time.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. STARK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Joint Economic Committee is the one that debates the budget message since the passage of the Full Employment and Balanced Growth Act of 1978 authored by Senator Hubert Humphrey and Congressman Gus Hawkins, and it is our duty to present the views on the current state of the U.S. economy and provide input into the budget debate before us.

Members have just heard the distinguished gentleman from New Jersey (Mr. Saxton) give us a tremendous amount of economic data and explain very succinctly his opinion of what it will take to get the country growing again.

I am proud to be here today to continue the tradition begun by Senator Humphrey and Congressman Hawkins. However, the budget before us is not one of which either of those gentlemen would be proud.

Rather than leading us down an economic path of balanced growth and full employment, the budget before us today is nothing more than a political document seeking to hide the fact that the House Republicans’ fiscal irresponsibility has put us into a predicament that will last for years to come, and endangers the future of Medicare, Social Security, and our children’s education because the trust funds for the two programs for the elderly are used to finance the repayment of obsolete priorities of the Whig Party and their fat cat contributors, and the Leave No Child Behind Act has not been left with enough money for a bus ticket to bring the children along.

Last year’s budget is a document that outlines the Republicans’ philosophy, and that is to reduce government and pay no attention to the poor or the disadvantaged among us.

It is interesting that the louder they talk about free enterprise, the more we find that very few of my Republican colleagues have ever had a job in a company they did not inherit, except at the public trough. And the louder they scream about free enterprise, the more we will find that they previously turned their money at the expense of taxpayers, and probably we will benefit very little from these $1.5 trillion tax cuts they passed out but it will go to their rich contributors, for whom they never spend all the money but are able to continue the tradition begun by Senator Humphrey and Congressman Hawkins.

Mr. Chairman, last year, for example, the House passed the Social Security Lockbox Act by a vote of 407 to 2. The gentleman from Florida (Mr. Shaw) voted for the bill, and said on the House floor, “This legislation prevents Congress from using Social Security and Medicare surpluses to cut taxes or increase spending.” My goodness.

And the gentlewoman from Connecticut (Mrs. Johnson) during last year’s budget debate on the floor said, “The bottom line is that the HI trust fund is part of the larger fund, and it can be only used for Medicare. And it can be used for Medicare reform, but the Democrats voted for a lockbox, as did we, by a vote of 407 to 2. Everybody voted for it, and they were gambling that the $1 trillion fund in the trust fund and it will only be used for Medicare and Medicare reform, so that is just that,” said the gentlewoman from Connecticut (Mrs. Johnson).

Apparently the gentlewoman from Connecticut (Mrs. Johnson) and the gentleman from Florida (Mr. Shaw) were wrong about the effects of that legislation, and apparently they no longer care about protecting Social Security and the Medicare trust funds.

I hope the voters in their districts in Connecticut and Florida will ask them,
because I am sure that they will both support this Republican budget today: I challenge them not to. And the budget today will decimate the Medicare and Social Security trust funds.

So here we have the Republicans talking about the lockbox, and they are voting and they are going to vote tonight, Mr. Chairman, to destroy Medicare and Social Security.

Mr. Chairman, the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Florida (Mr. SHAW) opposed this and are not going to vote tonight.

We had an amendment to extend an increase of employment benefits for displaced workers. The gentleman from Florida (Mr. SHAW) voted no and the gentlewoman from Connecticut (Mrs. JOHNSON) voted no.

We had a bill or an amendment to extend COBRA coverage with a 75 percent subsidy. Both of these stalwart Republicans voted no on that.

We had an amendment to make tax cuts contingent upon not breaking into the Social Security and Medicare surpluses. The gentleman from Florida (Mr. SHAW) and the gentlewoman from Connecticut (Mrs. JOHNSON) both voted no.

Mr. Chairman, the budget here tonight is a farce; it is a sham; it is a joke. The Republicans are here to undermine critical Federal programs so they can give tax cuts to their rich fat cat friends. Who are the losers? Seniors, children, women, working families, poor people, immigrants, the homeless, the environment. The list goes on.

Last year we added we had a $5.6 trillion surplus, and now, after a faltering economy and an enormous tax cut, the surplus is gone. This budget eats up 86 percent of the Social Security surplus over the next 5 years, the entire Medicare trust fund is obliterated for the next 10 years. Last year, the Republicans were passing Social Security and Medicare lockboxes to protect these trust funds.

Well, Mr. Chairman, the lockboxes are gone. They not only threw away the key, they gave a duplicate to every one of the rich fat cats who have been supporting their campaigns. There is no drug benefit, there is no education benefit, we are leaving a lot of children behind.

Do Members know what they are going to do? They are going to say, let us have everybody get married. That will resolve the problem of poverty among the poor. What I would like to say, Mr. Chairman, is that poor people, having them get married just gives us a poor couple.

Mr. Chairman, we have education gone, special education funds gone, TANF money increases gone.

Housing? The Republicans think that the homeless, when the weather is nice, are campers, so they would offer them youth hostels, not money for housing. We have here an example of the arrogance of the people who care only for a few rich people in this country turning their backs on the people that the Democrats are trying to help and protect.

Would I raise taxes? In a New York minute. Would I do away with the inheritance tax repeal that the Republicans care to give a few thousand people $40 billion while they will not give the rest of the people drug benefits? You bet.

It is time we start seeing what the American people want. Do they want a prescription drug benefit? They are going to say, let us have a drug benefit. We had a prescription drug benefit and funding highway projects while adequately funding our national defense. It keeps outside a growth path by preserving tax cuts. We have heard them abominated here today, but the fact is that we have to have a commitment to tax relief in order to provide economic opportunities for millions of Americans. As this country entered into the recession, American working families were suffering under the largest tax burden in history. And I do not doubt that some on the other side would raise taxes in a New York minute.

According to the Joint Economic Committee study: "Delaying, reducing or rescinding the tax cuts for working families would only reduce economic growth." This budget spends money responsibly while not punishing working Americans with back-door tax hikes.

Now today we have heard a lot of very unrealistic figures being thrown around by the other side, but that does not change the fact that this budget reflects the priorities of America and the priorities of the Bush administration. It is virtually unprecedented. Mr. Chairman, that the minority lacks the unit and focus and leadership to offer its own budget blueprint. The majority had the courage and leadership to stand up and offer a workable budget blueprint. We met the needs of working families and workers facing the challenge of finding good-paying jobs.

By contrast, the other party finds itself unable to be all things to all people, and accordingly, has recoiled from offering its own budget. We must support critical homeland security initiatives, fully fund highway and safety programs, and provide for the needs of our military. This budget does it, and I hope all of my colleagues will join us in supporting this difficult, but important, compromise.

Mr. STARK. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKKEL). Mr. MARKKEL. Mr. Chairman, it is March madness like I have never seen it before. But I am not talking about college basketball. No, I am talking about the budget free-fall off the deficit deep end that the Republicans are creating for our country. This creates a $46 billion 1-year deficit. President Bush still has an $800 billion tax break, mostly for the wealthy, still pending in his budget. What is sacrificed? Well, the Social Security trust fund is sacrificed. It is not put in a lock box. It is allowed to be looted. Prescription drugs, it underfunds the promise the Republicans made to seniors on prescription drug benefits. Education, it reduces the already low percent the money that was supposed to have been spent on the poor children in our country.
And where did the March madness begin? It began a year ago when the Republicans said we can have a $1.7 trillion tax cut and it will not effect the Social Security trust fund; it will not effect the Medicare trust fund. But what is happening now? They are using the same hemorrhaging. This is Enronomics. It takes from the poor, from their pension funds, from their health care funds while the wealthy walk off with the vast bulk of the wealth that was being created by everyone.

The greatest generation in nursing homes, the greatest generation with health care bills. And what are we telling them? We are going to loot their Social security trust funds, their Medicare trust fund.

March madness. I will tell you who will be mad. The seniors will be mad, they will be angry, they will be outraged when they find out that the Republicans rather than shoring up Medicare, Medicaid. Medicare, half of all the seniors in nursing homes are on Medicaid because they have Alzheimer's. Where is the money 10 years from now for those seniors with Alzheimer's, for those seniors with Parkinsons? Where is the money? Where is the budgeting?

Mr. NUSSLE. Mr. Chairman, I yield myself half a minute.

Where is your plan? Where is your budget? This is a terrible crisis, it sounds like the gentleman from Massachusetts (Mr. MARKEY) just laid out, and you would think the great Democratic Party would come forward with a plan to take us out of this crisis. What do they do? They run to the floor and play politics, they run to the floor and scare seniors, they run to the floor and what do they propose? Absolutely nothing. If we are in a crisis, where is your plan? If we need solutions, where is your budget? If Americans want answers, where are your answers? You have none.

Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Chairman, I thank the chairman for yielding me time.

Mr. Chairman, and I came back to the floor when my friend, the gentleman from Massachusetts (Mr. MARKY), was talking about seniors; and he made me very concerned because he was talking about seniors; and he made me very concerned because he was talking about seniors; and he made me very concerned because he was talking about seniors.

There is nothing in this budget that reduces funding for Medicaid. In fact, Medicaid increases. There is nothing in this budget that reduces funding for Social Security. In fact, the trust fund is totally protected. All that has happened since I have been in Congress in the last years with regard to Social Security is two things: one, the Republican-led Congress increased the earnings limit to let people who want to work who are seniors keep their Social Security money. So it increased benefits. The second is in 1993 Bill Clinton proposed reducing benefits by increasing taxes on Social Security beneficiaries. That is all we have done. Otherwise, we have retained the guarantee in law that the social security trust fund is sacrosanct, and it is.

The tax cut last year had nothing to do with the Social Security trust fund. It did not touch the Social Security trust fund. The question is very simply, Are we going to use a surplus to pay down more debt, which is what we have been doing? And we paid down almost a half trillion dollars worth of debt.

I think the seniors out there deserve to get a little truth and honesty in budgeting. What we have done over the last 4 or 5 years is we have reduced the national debt by using the surplus to pay down the debt, and I am all for that. Now we are in a situation where because of the recession and a lowering of receipts and because of the need for us to fund the war on terrorism and protect this country, we are, instead of using more money to pay down the debt, we have some money to defend this country and increase our economic performance in the future. That is the facts. None of this relates to the Social Security trust fund.

I am on the Committee on Ways and Means. I work on these issues, as does the gentleman from California (Mr. STARK); and he knows as I know, as does the gentleman from Iowa (Mr. NUSSLE), that the trust fund is sacrosanct. We cannot and will not touch the Social Security trust fund. The question is what we do with the surplus. In this budget we in a very responsible way deal with the three issues we have facing this Congress. One is national security, increasing defense, the biggest increase in 20 years. Second is homeland defense, we more than double what we need for homeland defense. And the third is economic security, including retirement security.

And that same tax relief bill that the gentleman from Massachusetts (Mr. MARKY) talked about as hurting retirement security, helped retirement security. It provided substantial resources for all of our seniors to be able to save more for their own retirement by letting them save more in their IRAs, 401(k)s, defined benefit plans. It increased economic security. It did not risk our seniors' economic security. This is a sound budget.

I urge my colleagues to support it because it is a sound budget. It is not Social Security. It does not touch Medicare except for an unprecedented $350 billion increase in Medicare funding. More than the United States Senate, with almost every Democrat voting for it, proposed to increase just a year ago. This is something that is unprecedented, to allow our seniors to have prescription drug coverage and to modernize Medicare. This will increase the kind of retirement security we want to provide for all our seniors.

I urge my colleagues to strongly support this budget. Do what is right by our seniors and vote "yes" today.

The CHAIRMAN. The gentleman from California (Mr. STARK) has 20 minutes remaining of this hour. The gentleman from Iowa (Mr. NUSSLE) has 3½ minutes remaining.

Mr. STARK. Mr. Chairman, I yield myself such very as I may consume. I am about to yield a few seconds to the gentleman from Massachusetts (Mr. MARKEY), who realizes that the Democrats had a plan that they took to the Committee. It was not made in order. They had several amendments, none of which were made in order. So we are operating under a gag rule. Our plan and amendments were not allowed. This is kind of the fascism of democracy that operates in a Republican-controlled Committee on Rules. The gentleman from Massachusetts also understands that it is a good thing that lawyers do not teach economics.

Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I thank the gentleman for yielding me time. We are operating under an economic plan, the Republican plan of last June. It is only 8 months ago. They said we have plenty of money for a $1.7 trillion tax break. It would not affect our ability to deal with Social Security or Medicare or Medicaid. Eight months later with the wealthy taking the bulk of the $1.7 trillion, the greatest generation are now looking out 5 and 10 years from now with our nursing homes flooded with 91 percent of all nursing home patients, to cut care, and no additional funding in order to deal with that long term. That is not right.

Mr. STARK. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HINCHEN)

Mr. HINCHEN. Mr. Chairman, the chairman of the Committee on the Budget said a couple of minutes ago that we had no plan, but we do have a plan. It is a very simple one. The plan is to defeat this budget resolution which is oppressing the American people and bring to the floor of this House a budget resolution that makes sense; one that does not do what this budget resolution does, which is to invade the Social Security trust fund every year over the course of the next decade.

A decade from now under this plan the Social Security trust fund will have $1.5 trillion less than it has today. This budget resolution weakens the social security trust fund every year over the course of the next decade.

This year it spends every dime of the surplus in the Medicare budget. So our principal objection to this budget, first of all, is it does not play straight. It does not play fair. It is not honest with the numbers. And it jeopardizes Social Security and Medicare at a time when we are going to be calling upon those numbers because the numbers of retirees that are coming into play. Furthermore, this budget resolution does not live up to its promises. It
So vote against fiscal irresponsibility. Vote against red ink and deficits. Vote against looting the Social Security and Medicare, and vote against this budget resolution.

Mr. NUSSELE. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, I think the plan is starting to materialize. I have been saying the Democrats do not have a plan, but what they are against was the tax cut. Okay. Their plan is to raise taxes. We are starting to see the plan. Starting to see the plan. Raise taxes on the American people. If it is not that, one would think they would come forward with an alternative.

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

Mr. STARK. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from North Carolina (Mr. WATT), who understands that our plan would only raise taxes on the 1 or 2 percent of the very richest people in this country. We raised the lowest millionaires tax by the $1.4 billion tax cut to. It would help low income people for whom the Republicans do not really care.

Mr. WATT of North Carolina. Mr. Chairman, I appreciate both of these gentlemen for their efforts to be humble for me because the comments I have to make play right into this. I did, during the debate, try to prepare my constituents for this possibility. The problem is that nobody believed what I was saying, and I guess even had trouble believing it myself. How could over $5 trillion in surpluses, projected surpluses disappear within 1 year? I mean, it was impossible for anybody to comprehend that.

Mr. Chairman, if the gentleman from Iowa would allow me to control my time, that would be helpful to me.

The problem is nobody would believe that this was even possible, but I want to just go through the facts.

This administration has been in office just over 1 year. We had $3.12 trillion, not even including the Social Security surplus projected as a surplus for the next 10 years, and 1 year later it is gone.

Despite the administration’s claims that this is all about September 11 or some economic downturn, over 40 percent of that vanishing surplus is due to the tax cut, and the commitment to hold Social Security in a lockbox has vanished. There is no commitment anymore.

A year and a half ago, we were out there worrying about whether or not we were going to pay the debt down too fast in this country and whether that would be detrimental. What are we doing now? We are talking about another trillion dollars or more in additional interest on debt over the next 10 years.

This is all in 1 year. So why could not anybody see it? Nobody could believe that this could happen in 1 year. What is the plan? We played out the plan over the last 8 years, and you have done away with it within 1 year.

You have done away with it. So if you want to know the plan, the plan is to get you all out of office so that we can have some responsibility in this place again. That is the plan, and I think the American people will understand that this is the plan.

The seniors, the children, the people who care about the environment, they will understand what the plan is when we worked so hard to put this country back on sound economic footing, and you have not allowed a proposed amendment to come to the floor, and you have got the nerve to come in here and say where is your plan. Where is the rule that allows anybody to offer a plan? The Blue Dogs cannot offer a plan. The Democratic Caucus cannot offer a plan because your rule does not allow any plan other than the demise of this country. That is what your plan is, and the American people know what your plan is. They will vote against you.

Now, do you want to give more tax cuts to wealthy people? This is about priorities. This is about priorities. We can either give more tax cuts to wealthy people or we can give better education. We can give more tax cuts or we can give more assistance to prevent AIDS from spreading around the world. We can give more tax cuts to wealthy people or we can do more employment training so people who have been laid off by this recession, so that they can get some jobs. That is what this is all about, and our plan is to get rid of this administration and bring some responsibility back to government.

Mr. NUSSELE. Mr. Chairman, I yield myself 10 seconds.

I rest my case. We are seeing the plan develop before our very eyes. The gentleman said it. Get out of office, raise taxes and then increase spending. Increase taxes, increase spending; increase taxes, increase spending. Here we go again. Do not tell me my colleagues do not have a plan. They have a plan. It is called tax and spend. We are seeing the plan. It is called tax and spend.

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

Mr. STARK. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. TANNER), who had a plan to offer and was denied in a rather fascist manner his right to offer amendments here and led by the example by our new Attorney General who feels trampling on the Constitution is the way that fascist governments do. I guess the way we are going under the Republican leadership, but we will let the gentleman from Tennessee (Mr. TANNER) tell us what his plan was and what the Republicans refused to allow him.

PARLIAMENTARY INQUIRY

Mr. NUSSELE. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman may inquire.

Mr. NUSSELE. Mr. Chairman, could the RECORD be read back? Did the gentleman just call our government a fascist government? I am just wondering...
Mr. STARK. Mr. Chairman, I yield 30 seconds to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Chairman, we submitted a budget proposal, concurrent resolution on the budget for the fiscal year 2003, using my colleagues’ numbers and they were denied. How can my colleagues say there is no plan. At least four of us had a plan, and now they come here and say our plan is to raise taxes. Our plan was not to raise taxes. Their plan was. All we asked was to review the numbers to see if what they say today is coming true, and we were not even allowed to do that, and naked partisanship is going to get my colleagues in trouble eventually.

Mr. STARK. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington (Mr. McDERMOTT), who understands democracy and the right of debate and free speech.

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

Mr. McDERMOTT. Mr. Chairman, here we are for round three of the shell game. This is Humphrey-Hawkins, and we are supposed to be talking about employment. We have got people who are getting off welfare, right? We have got all these women, we want them to go out there, and we are increasing the number of hours they have to work. So we are getting them out there, staying away from their kids even longer.

HHS says under this shell are 15 million children who need day care. Under this shell we find out what the Republicans take care of, 2.7 million children. One would think that if there were 15 million who needed it and they were only covering 2.7 million that they would put in some additional money. I mean they are not going to leave any child behind certainly. They really do care about children. I have heard them come out here and get almost weepy-eyed over children, but there is only 2.7 million.

What is under this shell? Nothing. They flat-lined it. They said the money we gave last year is exactly what we are going to do and they keep flat-lining it. Give me a fiscal plan to grow the economy, what is the Democrats plan to grow the economy? What do you want to do to secure the homeland; we do things to protect the homeland security; we do things to try to get some growth in the economy.

Again I ask the question, What do you want to do to protect America’s homeland? Are you going to raise taxes? Are you going to put your programs on the back burner? What are you going to do?

Give me a fiscal break. What are you going to do to protect America’s homeland? Are you going to raise taxes? Are you going to put your programs on the back burner? What are you going to do?

Mr. STARK. Mr. Chairman, I yield myself 10 seconds.

The very distinguished gentleman who just spoke, his plan does not raise taxes. I thought the plan was to raise taxes. That is what the last four gentlemen just said, to raise taxes. The gentleman basically came to the Committee on Rules with my budget and a trigger.

Mr. Chairman, I reserve the balance of my time.
that you have submitted. I have seen no vision you have provided. Again, do you want to raise taxes? Do you want to cut programs? Do you want to take care of workers? What do you do to take care of workers? No vision. No budget.

What are you going to do for prescription drugs? We have money in our budget to take care of that need. Again, are you going to raise taxes; cut programs somewhere? Are you going to cut national defense? Give me a fiscal break. If you are going to beat us up, give us your plan.

Nothing for prescription drugs. Again I ask, Where is your plan for health care? No plan. Are you going to raise taxes; cut programs somewhere? Are you going to cut homeland security? Are you going to cut national security, the defense budget? What are you going to do to take care of the health care needs?


Give me a fiscal break. If you are going to beat us up over our budget, surely somebody's got a budget of their own; surely somebody's got some vision in that party; the great party that once said 'All we have to fear is fear itself.' Now all you have to offer is fear itself.

Give me a fiscal break. Offer your plan. No budget. No vision. Case closed.

The CHAIRMAN. The gentleman from California (Mr. STARK) has 6 minutes remaining on the subject of economic goals and policies.

Mr. STARK. Mr. Chairman, I am happy to yield 2 minutes to the gentleman from California (Mr. BECERRA), who understands that gagging people and preventing them the right to speech is not incumbent in our democracy, and remembers a time when not all people in this country were allowed to speak out. The Republicans obviously are reverting to those times because they are afraid to hear another plan.

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding me this floor time.

I wish the gentleman from Oklahoma had been here 3 hours ago when we were asking for a chance to speak, to present a budget, to not be gagged, to have a chance under the rules of the House of Representatives, the people's House, to be heard. But under the Republican rule, which manages and controls all the time, we do not have an opportunity to present any plan because my colleagues will not give us a chance to present any plan. So what we have to deal with is what you give us.

I remember 2 years ago we had a President who said, and this was during harder times, he said we are going to save Social Security first. It seems now we have a President and colleagues on the other side who say because we have hard economic times, and because we have to pass a budget, we have to take from Social Security first; take their tax cuts, that will go to the rich and the large corporations, like Enron; take from Social Security first to fund programs like Star Wars, and you are going to take from education.

Mr. President, please explain to me why you will not fund drug-free school programs. Mr. President, please explain to me why you will not fund dropout prevention programs in our schools. Mr. President, please explain why you and my colleagues on the other side of the aisle will not fund school construction monies so we can build more schools in our overcrowded systems. Mr. President, please explain to me why we gutted the monies for classroom size reduction so our kids would not have to be 30 in a classroom to learn.

Take from Social Security first? I intend to try to save Social Security first. And if I had a chance to present a budget, I would show you how we would save Social Security first. But you do not. Instead, we have a security blanket that is thrown around this budget. Everything is security.

Well, by your raiding Social Security and Medicare by about $1 trillion, we could fund almost $100 billion to the principle. Instead, we are giving money to the well-to-do and corporations like Enron. Vote against this budget because it does not deserve our vote and the American people do not want it.

The CHAIRMAN. The Chair would remind Members to address their remarks to the Chair and not to the President.

Mr. STARK. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Mrs. DAVIS).

(Mrs. DAVIS of California asked and was given permission to revise and extend her remarks.)

Mrs. DAVIS of California, Mr. Chairman, I rise in opposition to this budget.

The budget before us today reflects a failure to meet the promises made to members of the House Education and the Workforce Committee as we needed to make the compromises needed to write a bipartisan education reauthorization bill known as The No Child Left Behind Act.

One of the key issues was that if we voted to require extensive testing by all schools in the country in order to achieve accountability, we would also supply funding to support the improved teaching that may be needed to help school districts achieve their required goals and avoid expensive penalties. However, this budget cuts The No Child Left Behind Act by $90 million.

It is unconscionable that programs that have been cut that were integral to members agreeing to the compromises that led to passage of the Act. Yet, forty programs would be terminated. These include such critical support for children as funding for elementary and secondary school counseling. A second area of support called for in the Act is to place qualified teachers in every classroom; however, the budget eliminates teacher technology training.

The list of terminated programs includes the National Writing Project that has gained experience in improving their writing and models best practices. It also cuts funding for another program that sets the standard for identifying accomplished teaching, the National Board for Professional Teaching Standards.

This budget eliminates a highly lauded national process for identifying the highest-quality teachers.

I have selected just these few examples of eliminated programs that would improve teaching quality so that indeed no child would be left behind. But this budget decreases resources for teachers by 4 percent and eliminates high-quality training for 18,000 teachers.

Many members of the House wanted the opportunity to vote to provide funding for a much older federal mandate which has been shamelessly under-supported since 1975, special education. Yet, we were not even allowed to show our support for phasing in this commitment over a period of years. The modest increase in funding contained in this budget is only a third of the amount that real commitment would offer. Although the Education and Workforce Committee will be working on the reauthorization of the Individuals with Disabilities Education Act in the next Congress, there is no justification for holding this funding commitment hostage in order to implement whatever needed reforms may be agreed to by Congress at that time.

The list of other gaping holes in this budget for education is long—freezing funding rather than providing the $500 million called for in the No Child Left Behind Act to support the 21st Century Community Learning Centers, which provide safe, healthy places for children to learn after school.

While the bill is targeted at the lowest income, lowest performing children, the key portions of that effort contained in Title I are woefully under-funded while the number of poor children mushroomed.

There are no funds to subsidize interest on school modernization bonds needed to address the $127 billion backlog in school repairs, again a program that many members supported.

Finally, high quality child care must be available to enable more children to be ready to learn when they reach kindergarten. Yet, this budget freezes child care funding. What will be the value in reauthorizing the child care block grant this year, when we are told in advance that long overdue reforms cannot be made because there are no additional funds?

As members should be aware, virtually every national education support organization—such as the Parent Teachers Association, the National School Boards Association, and the 100-member consortium of education organizations called the Committee for Education Funding—have expressed their outrage at the inadequate funding for education in this budget.

Is this what our constituents want? Clearly not. A study released yesterday, conducted by the Ipsos-Reid polling and research organization, reported that education was, by a wide
margin, the highest national priority for spend-
ing on non-military or homeland security pro-
grams. An astonishing 85 percent agreed that a
good reason to increase federal spending on
education was that “our national security de-
pend on our ability to successfully equip our
children with the skills and knowledge they will
need to function in today’s increasing complex
world.”

The public supports a substantial increase in
spending. Their commitment to our children
must start with this budget so that no longer
will so many be left behind.

Mr. STARK. Mr. Chairman, may I
ask how much time is remaining?

The CHAIRMAN. The gentleman
from South Carolina has 4 minutes remain-
ing.

Mr. STARK. Mr. Chairman, I yield
myself 2½ minutes.

Mr. Chairman, there are some of us
who remember this world in the 1930s, when
Hitler suspended the Bundestag to promulgate
conservative ideology and not let people speak.
It is a shame that the Republicans in the House, Mr.
Chairman, have taken up that same ideology and are
denying a chance for debate and open discussion of
our national security decisions.

It does smack of fascism; and it is too
bad, because the American people will
recognize that and understand that in a
free economy, and in a free country
that created programs like Social Secu-
ritv, Medicare, and special edu-
cation and aid for dependent children
and aid for people who are unable to care
for themselves, for the disabled,
that to deny them care is obscene.

I think it will be quite clear that, for
whatever reason, whether it is deficits or
anything else, that the over-
whelming desire of the Republican
Party is to destroy programs in the
Federal Government, except those few
intended for the very wealthy.

Most of the colleagues who are
screaming about the war never wore a
uniform other than the Boy Scout uni-
form. And I would like to suggest, as I
said before, none of them have worked in
a manufacturing job, which they tout so
loudly. And yet, because that is where
the campaign contributions come from,
in the hundreds of millions of dollars,
that is where their allegiance is. They
are forsaking the seniors who need
health care and who need an economic
safety net. They are forsaking our chil-
dren by denying them the chance to
come along and get an education.

I am sure the American public is
going to recognize this, and I am sure they will recognize it when they see wasteful money spent on
things like Star Wars, which will not
work, and programs which do nothing
except to pay for large defense contrac-
tors, who are related to former Repub-
licans and I think they are going to
see that this is an obscene,
corrupt, and undemocratic attempt to
harm those people who are most fragile
in this country only to benefit the 1 or
2 percent of the very wealthiest. And I
hope my colleagues will vote down this
budget.

Mr. Chairman, I yield the balance of
my time to the gentleman from South
Carolina (Mr. SPRATT), and I ask unan-
ymous consent that he be allowed to
control that time.

The CHAIRMAN. Is there objection
to the request of the gentleman from
California?

There was no objection.

The CHAIRMAN. The gentleman
from South Carolina (Mr. SPRATT) is
recognized for ½ minutes.

The gentleman from Iowa (Mr.
NUSSELE) has 2 minutes remaining
and the gentleman from South Carolina
(Mr. SPRATT) has ½ minutes remain-
ing on the debate on the congressional
budget.

The CHAIRMAN recognizes the
gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I yield
1½ minutes to the gentleman from
Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Chair-
man, I want to thank my friend and
colleague for yielding me this time.

Mr. Chairman, the Republican budget
is irresponsible, irrational, and just
plain wrong. It is a sham, it is a shame,
and it is a disgrace.

The Republican budget buries us in
a pile of debt and puts us in a much deep-
ner financial hole; and it is the obliga-
tion of the Republicans, the majority
party, to dig us out.

The Republicans have destroyed the
lock box and thrown away the key. Mr.
Chairman, Social Security is a sacred
trust, a covenant with the American
people. It is a promise that should
never, ever be broken. But the Repub-
lican budget spends $225 billion of the
Social Security trust fund on other
government programs.

Social Security is a safety net for
many Americans, allowing them to live
with dignity. But the Republican bud-
get takes away that safety net. Repub-
licans are stealing the Social Security
trust fund. The Republicans are taking
the security out of Social Security.

Mr. Chairman, I urge all of my col-
leagues tonight to vote for the people,
vote for the poor, vote for the dis-
abled, and vote against the Republican
budget.

Mr. NUSSELE. Mr. Chairman, I yield
2½ minutes to the gentleman from
Kentucky (Mr. FLETCHER), a member
of the Committee on the Budget.

Mr. FLETCHER. Mr. Chairman, we
have heard a lot of strong words, I
think even sometimes inappropriate
words, disturbing, extreme words this
evening, as we have been discussing
this budget, particularly from the
other side.

All of us agree that these are unusual
times. It is a time for tough decisions,
a time that defines people. Do they rise
to the occasion, or do they cower when
the going gets tough? Do they sit
cretically when they should speak? Do
they freeze when they should lead?

I am amazed this evening that at a
time like this the Democrats have not
stood, they have not spoken, and they have
don’t led. At a time when your country
needs vision, they have none.

This year’s budget reflects the tough
decisions of those willing to lead when
events call for a clear vision and clear
priorities. Our budget meets the de-
mands of these historic times and pro-
vides for our national defense, it pro-
vides for homeland security, and it pro-
vides for personal security.

The Republican budget just briefly.
Our plan provides $550 billion to expand and enhance Medicare; to
provide a prescription drug plan for our
seniors, which is needed; to provide for
the reform of Medicare. Would we like
to add more? Yes.

But we have added a very reasonable
amount. If Members look at prescrip-
tion drugs, approximately 72 percent
of our seniors are covered by prescription
drugs. Yet the only thing that we have
heard from the other side of the aisle is
a plan that would control everything in
the medicine box of our seniors, and
would displace this money that already
pays for prescription drugs with an in-
crease in taxes or an increase in def-
icit.

We also have expanded and enhanced
our community health centers, which
provide health care for those who fall
through the cracks in our expanded health
care for the poor, the children, and
the uninsured. We have increased
funding for research by doubling the
funding for NIH, and we have provided
fiscal responsibility.

The other night in the Committee on
the Budget when Democrats offered a
string of amendments, the sum of those
amendments would have increased our
deficit by $200 billion. That is why we
do not see them offering a budget. That
is why we did not see them offering a
budget when we marked it up during
the committee. If we combined all of
those amendments, it would require us
to increase taxes by $150 billion to pay
for the additional amendments they
wanted.

We have not cowered. We have taken
a stand, a tough stand in these days
that require tough stands. We have
provided a budget which establishes
the needed priorities, and yet it is re-
markable to me that we hear chilling
silence when it comes to offering a
budget of responsibility.

Mr. SPRATT. Mr. Chairman, I yield
1 minute to the gentlewoman from the
District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, there
has been a lot of talk today, and to me
this is such a sad day. It is total reversal of all our former
self-congratulation. The last adminis-
tration took credit for beginning our
deficit reduction course to save Social
Security and Medicare. The majority
said oh, no, we are doing it, and the
country gave us both the credit. There
will be no question where the blame
lies for dynamiting the lockbox. The
Social Security and Medicare lockbox
will be remembered as the most fraud-
ulent metaphor the majority has ever
used on this floor.

The majority has taken us back to
the dark budget ages of using budget
estimates by political appointees rather than by the professionals of the Congressional Budget Office. The American people are always willing to take domestic cuts in time of war. Members will never convince them. They are too smart, too convinced by a budget bill that tells them we cannot afford a war, and defeat a recession at the same time. The seniors and the baby boomers deserve a lot better.

Mr. NUSSLE. Mr. Speaker, I yield 1 minute to myself to engage in a colloquy with the gentleman from Ohio.

Mr. LAtourette. Mr. Chairman, will the gentlewoman yield?

Mr. NUSSLE. I yield to the gentleman from Ohio.

Mr. LAtourette. Mr. Chairman, in an earlier colloquy today on transportation spending, I understood a couple of things. One is that although the budget provides for $1.8 billion in outlays, I understood the colloquy to indicate that if the Committee on Appropriations was to appropriate $23 billion for 2003, and not the $27 billion, a little over $27 billion, we on the Committee on Transportation and the Infrastructure expected.

Secondly, I would query the chairman about the TEA-21 dollars, and I am wondering where that will come and what the commitment is.

Thirdly, today the Senate marked up their budget and provided for an additional $5.7 billion of Federal highway spending in 2003. I would solicit an opinion from the chairman.

Mr. NUSSLE. Number one, we have a reserve fund for the extra transportation dollars so it would only be released to the Committee on Transportation and Infrastructure if in fact they marked it at that higher level, 4.4 of contract authority, 1.3 in outlays.

Secondly, on the firewall that was discussed, that is for a future potential budget enforcement act reform bill that we intend to move on the floor.

The third question was whether or not we would try for a higher number with the Senate. We are working to try to get as much money to stimulate the economy as possible. We agree transportation is one of the ways. We will work for as high a number as we can.

Mr. LAtourette. Mr. Chairman, I thank the gentleman.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman, I rise to express my disappointment and discouragement with respect to the Republican budget proposal. We are failing the working men and women, children and seniors. My constituents elected me to come here to talk about issues that we are not having a fair chance at discussing. That is why the other side of the aisle hears our loud tone of voice and our cry. There are thousands of people in our districts who are unemployed who were affected long before September 11, who had some hope, who thought that our leadership, that our President, was going to leave no child behind.

The President has decimated our budget with respect to education. He has increased the burden on them. People will have their energy bills cut. The LIHEAP program is going to be slashed. People will have to make a decision whether to buy food or pay the light bill. This is a harsh reality of the Republican proposal, and I stand here to say to the President and that my constituents in the 31st Congressional District want their voices heard. We want to be able to have our amendments in our presentations in our committees. I ask for a “no” vote on the Republican budget proposal.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have heard often on this floor today for a call of calm and reconciliation. I have also heard the discussion about the Democrats having no plan, let me say, these four volumes indicate why Democrats cannot have a plan because the Republicans and the administration have squandered the surplus. There is no surplus. This plan invades Social Security. This plan blows up the lockbox.

In fact, my constituents will be asking me why over the last 3 years, when the Democrats had a plan for a prescription drug benefit, why there was no response from the Republicans. Why Social Security is at the point it is when we had a trillion dollar surplus. No plan? We do not need a plan. Those who have destroyed the plan destroyed the surplus, and need to present us with something that Americans can be proud of.

It is interesting that Republicans would talk about homeland security and the war against terrorism. A minuscule amount in this budget is for homeland security. Most of it is squandered away by invading of Social Security. I ask my colleagues to vote a resounding “no” for this budget because this is not a budget that Americans can stand on. It is a budget that is nothing but smoke and mirrors and walls that will not stand. This is a budget that does not work.

Mr. NUSSLE. Mr. Chairman, I yield 4 minutes to myself.

Mr. Chairman, well, we are coming to the end of this very important debate. We have heard a lot of discussion and debate today about plans and who has got a plan and who does not have a plan. Let us review the bidding very quickly.

The President in response to September 11, the national emergency, the war against terrorism and a recession in our economy put a plan on the table in February. It was not a perfect plan. There has never been in the United States history a perfect budget plan, but he has one.

What did we do in committee last week? We took that plan and we made it better. How? We said special education is going to get extra. Veterans are going to get a little bit extra. Science is going to get a little bit extra. Homeland security can get extra. We are going to treat defense, and all sorts of things that we thought were important priorities with a little extra. Mr. Chairman, today I said the Republican plan is better.

We have taken the President’s plan and we have made a better plan. So the President has a plan and the Republicans have a plan. During the last 6 months of the most crucial time in American history, what have the Democrats been doing? Well, three very important things that we did together in a bipartisan way. We said we are going to respond to the national emergency that we did dip into that surplus, and we took some money out and we said New York needs some help. We did that in a bipartisan way. Every Member voted for it.

Then we said we are not going to let people who have come into this country and do what they did to the people of America ever again. We will find them. We will beat them. We will win this war, and we will do whatever it takes. In a bipartisan way, we stood together and we funded that war. Every Member voted for it.

Just last week, finally, we all said the economy is just too important for us to allow it to languish or for it to possibly falter. In a bipartisan way, we dipped in there again and took some of that money and said that is what we are going to do. All of this hand wringing about where did the surplus go, my gosh, it just vanished. Members, it did not vanish. Have Members forgotten Osama bin Laden? Have my colleagues forgotten what happened on September 11?

Members are saying the seniors are not going to understand. The seniors won World War II. Our kids understand. Our parents understand. The nurses understand. Our veterans, by God, understand. Our teachers understand. The nurses understand. Our veterans, by God, understand. So for the other side to run in and tell us now that nobody understands where the surplus went is a bunch of malarky.

What did the other side do over the weekend? Instead of writing their own plan, 96 pages of criticism. That is fair. We are living in America. We will fight to the death anybody who disagrees. That is what America stands for, but at some point in time the other side does not just get to disagree. They have to lead. The great party on the other side of the aisle has led many times in American history, what have the Democrats been doing? Well, three very important priorities. Members are saying the seniors are not going to understand. The seniors won World War II. Our kids understand. Our parents understand. The nurses understand. Our veterans, by God, understand. So for the other side to run in and tell us now that nobody understands where the surplus went is a bunch of malarky.

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The minority leader said, “I do think the Republican budget in the House is a failure, an absolute, total failure in dealing with the big problems in America,” and he let his voice drop.
Mr. NUSSLE. Mr. Chairman, I yield myself the balance of my time.

Here is one reason that we have not produced a plan. It is because the plan that we are confronted with, the budget, so-called, before us, is not a real budget. If I said earlier, it is a tip of an iceberg.

Here are just a few of the things that it does not include. It uses OMB scoring, and therefore it picks up $225 billion because OMB estimates the cost of Medicare by that much less than CBO. It对未来做了一项影响投票的重要决定。如果他们做了同样的决定，他们可能会被指控成本更高。这将使我们陷入一个困境，使我们不得不增加债务。我们不会这样做。我们将不增加债务。我们将保持我们的承诺，偿还债务。

So everyone voting for this budget tonight should understand this is the bottom line that you are voting for, an invasion of the Social Security surplus for the next 10 years. This is the bottom line. What it means is that we will be incurring more debt. We will not be achieving our promise of paying off the debt so that we can alleviate the burden on the Treasury and make it able to meet its Social Security obligations.

This Congress has a responsibility to the American people to make tough decisions, some would rather complain from the sidelines. I hope that we had recovered from that long time ago, but it does not appear that we have.

Mr. NUSSLE. Mr. Chairman, I yield myself the balance of my time to the very distinguished gentleman from Illinois (Mr. NUSSLE), the Speaker of the House.

Mr. HASTERT. I thank the gentleman for yielding me this time.

Mr. NUSSLE. Mr. Chairman, I rise in support of the President’s budget, and I urge my colleagues on both sides of the aisle to support this budget as well. The budget process helps the Congress to decide the spending priorities of this Nation. I am disappointed that some folks on the other side of the aisle have decided not to use a real yardstick of making tough decisions, some would rather complain from the sidelines.

This Congress has a responsibility to govern. I believe that this budget fulfills our responsibilities to our constituents and to our Nation. I want to congratulate our budget chairman for a job well done. I thank the gentleman from Iowa (Mr. NUSSLE).

Our first responsibility is to defend our Nation. Folks, we are at war. We have a responsibility to win the war. This budget contains a historic increase in defense spending. Our troops need this money so that they have the
We need to take care of our veterans. This budget does exactly that.

I ask you tonight, put politics aside, put demagoguery aside, and vote for this budget so that we can move forward and this Congress can get its work done.

Mr. SHOWS. Mr. Chairman, I am having this statement placed in the CONGRESSIONAL RECORD today, although I am not physically present. As you know, I have been granted a leave of absence with my family in Mississippi to attend the funeral of a close relative. For this reason, I was away from the House floor yesterday, March 19, 2002, and am away today, March 20, 2002. I want this statement placed in the RECORD today so that I can be on record on today's most important proceedings pertaining to the Federal budget for Fiscal Year 2003.

Today the House is considering the Federal budget for Fiscal Year 2003. I stand by my President as he leads us in the war against terrorism.

This proposed Budget fails to address pressing health care needs but includes new unspecified tax cuts—tax cuts that have not even been proposed by anyone or considered by Congress. According to the Congressional Budget Office (CBO), Congress’ own accounting agency, there is no budget surplus. Therefore, funding for these tax cuts could only come from cutting or delaying health care entitlements such as Social Security and Military Retiree Health Care. I cannot support a budget that threatens the well being of our nation’s seniors and veterans, or those who will soon be part of those venerable segments of our society.

A particular matter affecting military retirees is Concurrent Receipt. Certain military personnel qualify for both military retired pay and veterans disability compensation. Current law requires that military pensions be reduced, dollar for dollar, by the amount of VA disability compensation received.

This is an injustice that should have been corrected long ago. The United States government promises certain benefits when young Americans are recruited to serve a career of military service, including health care and pensions upon retirement. Veterans who become disabled in the line of service also earn and deserve their health care benefits. The proposed FY2003 Budget calls for concurrent receipt for veterans who are not disabled retirees, but his Budget is woefully inadequate because it would continue to deny earned benefits to many other disabled retirees. Yesterday, Congressmen Gene Taylor and I attempted to introduce an amendment to the Budget proposal, to fund concurrent receipt for military retirees who are also service-connected disabled. Funds for this proposal would have come from funds allotted in the budget for unspecified tax cuts that have not even been proposed or considered by this House. Unfortunately, on a party line vote, the House Rules Committee refused to allow the full House of Representatives to even consider the Show-Taylor Amendment. Reducing these promised and earned benefits—to disabled war heroes, of all people—is wrong. The FY2003 Budget Resolution that is being considered is called a “wartime budget.” How can we recruit soldiers to fight the War on Terrorism if we continue our legacy of breaking promises? Too many service members are telling their children and grandchildren not to join the service because the government does not keep its promises. This is precisely why we must keep our promises to our military heroes this year.

Mr. BENTSEN, Mr. Chairman, I rise in opposition to H. Con. Res. 353. As a senior member of the House Budget Committee, I am profoundly disappointed with this measure which unrepentantly retreats from the fiscal policies and practices that fostered enormous federal budget surpluses. In the Majority’s push to craft a “nominally balanced budget,” they have failed to put forth a plan to get our budget on the path to recovery. Further, Mr. Speaker, this budget blatantly ignores what everyone knows: what all the major economic forecasters, including CBO, OMB and GAO, told us well before September 11th—the federal budget will be overtaken by escalating budget deficits as the Baby Boom generations begin to retire in just a short seven years. This budget, which calls for cumulative non-Social Security deficits of $1.052 over the next five years, spending all of the Medicare trust fund surplus and 86 percent of the Social Security surplus, actually worsens our long-term fiscal picture.

Mr. Chairman, last year, I stood on the floor of the House and cautioned against betting the ranch on ten-year estimates that the CBO itself has stressed are highly uncertain. Based on its own track record, CBO concludes that its estimated surpluses could be off in one direction or the other, on average, by about $52 billion in 2001, $120 billion in 2002, and $412 billion in 2006. This year, the Majority seems to have come around to my view—why else would they put forth a budget based on five year numbers? Why else? It couldn’t be because ten-year numbers would reveal just how much of the Social Security and Medicare surpluses this budget will really consume, could it? It wouldn’t be to cloak the fact that over ten years, or half of the Bush plan, almost $3 trillion in Social Security surplus will have to be diverted to cover other government functions, according to both the CBO and OMB, would it? Mr. Chairman, to arrive at a “nominally balanced budget,” my colleagues on the other side of the aisle not only ignore the impending budgetary pressures out past 2007 but, for the first time since 1988, discard CBO’s projections, now that they have become inconvenient, in favor of rosier OMB estimates. Have they learned nothing from the dramatic reversals in policy that have taken place over the last decade? As you know, last year, the Majority was more than willing to accept the CBO’s estimate of a $5.6 trillion surplus. Now that applying CBO’s baseline to their budget resolution will result in a worsening of the non-Social Security deficit, to the tune of $2.9 trillion over the decade, the Chairman of the House Budget Committee, my colleague, Mr. Nussle, has decided that since he does not like the “weather report” as prepared by CBO, he will simply “turn the channel.” Well, Mr. Speaker, while I remain an optimist that things will work out for the best, it does not erase our affirmative duty to prepare for the worst. The hallmark of responsible budgeting is leaving room for error.
year's budget left no room for error. In fact, by August, we were projecting that for the next seven years, virtually all of the non-Social Security, non-Medicare surplus would be spent, not to improve the programs, not to create a prescription drug benefit under Medicare or even to enhance the solvency of the Social Security programs, but to cover other government expenditures. And, Mr. Chairman, that was well before September 11th and the resulting war on terrorism.

Additionally, Mr. Chairman I would note that to arrive at their “nominal balanced budget” for 2003 the Majority has put the blinders on with respect to the supplemental defense request that we all know is coming next week and has blocked out the memory of their much acclaimed, not all that was just over a week ago and has a five-year cost of $94 billion, when the stimulus bill is included, this budget has a deficit of $324 billion in 2003 and $930 billion between 2003 and 2007, excluding the Social Security surplus.

Finally, Mr. Chairman, and I might add, the result of injury is the Majority’s proposal for a national prescription drug program for seniors. H. Con. Res. 353 claims to create a $350 billion reserve to be spent, over ten years, for not only a drug benefit but also the Medicare “modernization” bill and provider payment adjustments. During the week, during the House Budget Committee’s mark up of this bill, I offered a reasonable, budget neutral amendment that I offered to create a meaningful voluntary prescription drug benefit within Medicare for all Medicare beneficiaries. Regrettably, it was summarily rejected by party line. Under my amendment, $69 billion would be added over three years to the Medicare service, raising the total commitment to $158 billion by 2007 and $500 billion over ten years. These additional Medicare prescription drug benefit is to be available to and affordable for the majority of those receiving Medicare benefits.

Mr. Chairman, I urge my colleagues to join me in rejecting this “spend today, borrow tomorrow, turn it back to last year’s learned fiscal of the passed decade and underpinning longstanding domestic priorities, such as strengthening Social Security and Medicare, providing a universal prescription drug benefit. Mr. Chairman, I urge my colleagues to make the right choice today and reject this sham budget.

Mr. KIND. Mr. Chairman, I rise today in opposition to H. Con. Res. 353, the FY 2003 Congressional Budget Resolution. The budget resolution is fiscally irresponsible. It spends more than the Annual percent of the Social Security surplus and uses up the entire Medicare surplus. There are only six years left before the baby-boom generation begins to retire, and now is the time to deplete the Social Security surplus.

Over the past eight years we have had budgets culminating in real debt reduction, and a growing surplus that did not rely on Social Security or Medicare. The budget resolution before us today, quickly creates an on-budget deficit of $974 billion over five years according to the Congressional Budget Office.

The tragic attacks on September 11, 2001, the short and shallow recession, and the continuing war on terrorism taken all together did not precipitate the budget deficit. Mr. Chairman, while I support the war on terrorism, and increased homeland security, I did not support the irresponsible tax cut passed last year. The fact is, it consumed approximately 43 percent of the base surplus and led to our current poor fiscal health. This budget does not lead to debt reduction or Social Security and Medicare solvency and it does not ensure that our other national priorities are met. Last year, the leadership went down the primrose path by enacting a tax cut that cost our country nearly 2 trillion dollars. Before this year is out we must get the budget back on track.

Further, for the first time in years, the budget resolution is only a five-year budget instead of a ten-year budget. It remains in deficit throughout the next five years, which leaves us to infer the damage that will result in the second five years. In effect, this budget cloaks the large amount of Social Security and Medicare surpluses that will be spent after FY2007 and it allows the Leadership to avoid deciding whether to sustain the sunset provision of the tax cut passed last spring or extend the tax cuts at an additional cost. This lack of a ten-year plan leads me to believe that either this House Leadership has no long-term plan of recovery or they have a plan that will not stand scrutiny under the public eye. Regardless, this resolution offers no targets, no objectives, and no strategies to return to budget surpluses.

In addition, this budget resolution attempts to make the deficit appear smaller by authorizing non-defense, and non-homeland security discretionary spending at almost five percent below the level necessary to maintain current levels of services. Perhaps, even more disappointing, the resolution cuts funding for the bipartisan No Child Left Behind Act recently signed into law, as well as other cuts in education, health care, and environmental protection.

Mr. Chairman, I am saddened that we are being forced to vote on this irresponsible budget resolution without any opportunity to create a bipartisan fiscally responsible budget. As Members of this great institution, we often deliberate important issues that effect our own futures. During debates of this nature, I frequently ask myself one simple question: will the vote I am about to cast make the nation and our society better and safer for my two sons, Johnny and Matt, as they live, learn and grow in the 21st Century. For once, lets put their future first, ahead of Washington politics.

Mr. Chairman, I urge my colleagues to oppose the budget resolution for the fiscal year 2003.

Mr. BOEHLEERT. Mr. Chairman, I rise in support of this resolution and I want to thank Chairman Nussle for the hard work he and his staff did pulling it together.

I just want to point out one feature of the Budget Resolution that may go unnoticed as we continue to debate the tax policy and other macroeconomic issues. This budget provides a healthy and needed boost for scientific research—a boost that goes significantly beyond what the Administration called for. I am especially pleased with the funding for Function 290, the General Science function, which is based on an 11.1 percent increase for Research and Related Activities at the National Science Foundation (NSF).

Our nation’s long-range future depends in no small measure on the investments we make today in research and development, and in science and math education. NSF spending is critical to ensuring a health R&D and education enterprise. The Budget Resolution recognizes that.

I want to thank Chairman Nussle for working so cooperatively with me and with other Members of the House Science Committee to ensure that the Budget paid proper attention to science funding and to balancing the federal research portfolio. We obviously haven’t solved all our science funding problems, but this Budget Resolution is an important step in doing so, especially given how tight overall domestic discretionary spending.

I urge my colleagues to support this Resolution.
Had my amendment been ruled in order, I would have been able to make the case to have the Secretary of HHS undertake research, in collaboration with other relevant agencies, to help address and eliminate racial health disparities in birth outcomes. This is one of our Government’s Healthy People 2010 targets.

Finally, I offered an amendment that would reduce the proposed $28 billion in new tax cuts in order to pay for the additional highway spending. This amendment adds $1.3 billion to the highway program for 2003 with similar increases in the following years, adjusted for inflation. This would put the total add-back from the President’s budget to $5.7 billion, since the budget committee has already added back $4.4 billion.

Continued investment in highway infrastructure will contribute to job creation and protection as the economy recovers from recession. We simply cannot afford to shortsight our infrastructure needs.

Mr. Chairman, these are just some of the shortcomings of the budget being offered today. As our nation’s history, we can ill-afford to withdraw our important legacy of social and health services.

Too many Americans are in need and feeling the impact of September 11th. Our Government’s support is more vitally required than ever before.

Mr. LEVIN. Mr. Chairman, I rise in opposition to the budget offered by the Republican Majority.

Today’s Washington Post contained a remarkable report that an Antarctic ice shelf the size of Rhode Island just shattered and collapsed into the sea. Scientists say that they have never seen as large a loss of ice mass and that the disintegration was all the more remarkable because of the extraordinary rapidity of the collapse. An ice mass 1,200 square miles in area and 650 feet thick that had existed for 12,000 years disintegrated in 35 days.

I bring this to my colleagues’ attention because the disintegration of the Federal Government’s commitment to this vital shelf has been nearly as staggering. Eight years of hard-won budgetary gains and fiscal discipline were thrown out the window in a single year. Last year’s projected ten-year budget surplus of $5.4 trillion dollars collapsed literally before our eyes, sacrificed to the irresponsible tax cuts and budget requests of the Administration and the Republican Majority in Congress.

Just nine months ago, the Chairman of the Budget Committee said, “This Congress will protect 100 percent of the Social Security and Medicare Trust Funds. Period. No speculation. No opposition. No projection.” This promise echoed similar pledges by the Speaker, the Majority Leader, and the Majority Whip to place the Social Security and Medicare surpluses in a lockbox and build a firewall between the Social Security and Medicare trust funds and the rest of the budget.

Well, here we are twelve months later and $4 trillion poorer. The lockbox has been smashed open. The firewall has been breached. The promises of the Republican Majority have been broken. The budget before the House today raids Social Security and Medicare this year. It raids Social Security and Medicare next year. It raids Social Security and Medicare the year after that. It raids Social Security and Medicare for as far as the eye can see.

Last year’s budget resolution placed our nation’s finances in a deep hole. The budget before the House today digs the hole deeper. It rob us of a chance to address critical needs, like a real prescription drug benefit for seniors and adequate funding to modernize our kids’ schools and reduce class size. The return of large, multi-year budget deficits will also make it much more difficult to strengthen the Social Security and Medicare programs in advance of the Baby Boom generation’s retirement, which begins in 2008 on the leading edge of the Baby Boom enters their retirement years.

I urge the House to vote down this budget so we can begin work on a bipartisan budget resolution that meets our responsibilities, restores our fiscal health, and keeps faith with the promises all of us have made to the American people.

Mrs. MEEK of Florida. Mr. Chairman, I rise in strong opposition to the Republican’s fatally flawed budget resolution. Here we go again. The Republican resolution is simply smoke and mirrors, this “pretend” and “pretend” budget so deceptive that if it were an ad, the public would sue for violations of the truth in advertising laws and they would win!

Not even the transparent ploy of using five-year budget estimates from the President’s Office of Management and Budget rather than the usual ten-year budget estimates from the non-partisan Congressional Budget Office can hide the fact that the Republican budget resolution would raid virtually all of the Social Security and Medicare surpluses over the next five years in order to pay for fiscal chaos caused by last year’s irresponsible tax bill.

Five times last year, here in the House, we voted almost unanimously for a Social Security “lockbox.” The President and the Republican leadership repeatedly pledged their commitment to that Social Security lockbox. In this budget, the Republicans don’t just pick the lockbox. They shatter it with a sledge hammer! Don’t be fooled. When you get rid of the accounting smoke and mirrors in the President’s budget, the non-defense domestic spending is more than 86 percent of the budget. This budget is replete with severe program cuts. Cuts that low income Americans simply cannot take. We are left with much less than we had to begin with. Where is the money for a real prescription drug benefit? For affordable housing? For Head Start? For Education? For Job training? For health and safety?

The deceptive “pretend” Republican budget ignores the cost of the Supplemental that will be offered as soon as this budget resolution leaves the House. It ignores the cost of providing relief to millions of middle class taxpayers who were projected to the alternative minimum tax. It ignores the cost of the Republican proposal to make permanent the tax cuts from last year’s bill. It provides woefully inadequate resources for a prescription drug benefit and makes any prescription drug benefit compete with both the cost of provider “givebacks” and the costs of unspecified Medicare “modernization.”

Mr. Chairman, we need a budget that provides a real prescription drug benefit, improves Medicare, pays down the national debt—that’s the American agenda, not continuing to squander our resources on overly large tax cuts tilted toward those who need it least. We can and must do better. Reject the Republican budget.

Mr. SMITH of Washington. Mr. Chairman, like all Americans, I believe that we must meet our most pressing priorities of protecting our country against terrorism, improving our international relations, and growing our economy. I agree with the president that these current challenges warrant small, short-term deficit spending.

However, I am concerned about the lack of sound budgeting practices in the Republican Budget Offered today. Under their plan we cannot both address our most pressing current needs, and establish a framework for a long-term, sustainable revenue and spending plan without relying on massive borrowing.

The Republican Budget spends most of the Social Security surplus and all of the Medicare surplus, putting us in terrible position to deal with the impending entitlement crises when the baby boomers retire. Despite promises last year from both the White House and Congress to save every single dollar of the Social Security surplus and Medicare surplus, and Congress’ votes for a Social Security “lockbox” five times in the past few years, this budget uses nearly all the Medicare and Social Security surpluses—more than 86 percent of the Social Security surplus and every penny of the Medicare surplus.

The Republican budget also just isn’t honest—it doesn’t take into account the tax and spending programs that both Republicans and Democrats know Congress is going to pass. For example, the individual Alternative Minimum Tax will balloon twenty-fold by 2012, affecting 39 million households (34 percent of all taxpayers), but fixing that problem isn’t in the budget. Republicans also support making permanent tax cuts in the past few years, this budget cost nearly $569 billion and Speaker Dennis Hastert plans to bring up an additional tax cut bill this spring. None of these items are in the budget.

And in terms of spending, the White House has said that it will submit a supplemental appropriation request for defense and homeland security that will certainly be approved by Congress—but that isn’t in the budget either. They are assuming non-defense, non-home-land security discretionary spending will be kept at only five percent of the levels necessary to maintain current levels of services in 2003. We all know that’s an unrealistic projection—even under Republican control of Congress, spending has always increased on these programs.
Another problem with the Republican Budget is that it uses the optimistic, rosy projections from the Office of Management and Budget (OMB) rather than the more conservative Congressional Budget Office (CBO) projections. Over the next five years, the difference between OMB and CBO revenue projections is $110.4 billion. OMB also projected that the government spending $48 billion less over the same five year period on mandatory spending programs like Medicare and veterans' benefits. That's a lot of its.

To be perfectly honest, I don't really care whether the numbers we use are labeled CBO, OMB or UFO, but I do believe that it's sound budgeting practice to use more conservative numbers when you're balancing your checkbook.

The bottom line is that even with all of these budget tricks and gimmicks that make it look like we can have everything we want, the budget is still in deficit and our debt is still climbing. The budget deficit for next year is projected to be $46 billion, and we'll be in deficit every year for ten years. By 2007, when the budget is due to retire, the government will owe more debt to the public—nearly $3.5 trillion—that it does today.

Our federal budget needs to be more balanced and fiscally responsible than today's Republicans proposal. I hope that House Republicans would recognize the need and the real possibility for bipartisan cooperation on developing a proposal for the federal budget. If the House leadership is willing to invite more people to the table, to go to an economic conference as we've suggested, I am confident that we can have a federal budget that will protect the country against terrorism, lend needed support to our military, take care of workers at home, and pay for needed programs like education, healthcare and social security as well as ensuring a strong economic foundation for the future.

Mr. Camp. Mr. Chairman, I rise today in support of the Fiscal Year 2003 Budget Resolution and to commend my colleagues on the Budget Committee for their hard work and efforts to produce a strong wartime budget that meets the needs of our nation. This budget directly addresses America's security needs—fighting the war on terrorism and protecting American citizens—without neglecting our domestic priorities.

I am especially proud of the way this budget addresses the needs of our nation's 25 million veterans. First of all, discretionary spending for veterans totals $26.8 billion for 2003. That is a 12 percent increase over 2002 levels. VA medical care funding is increased to $23.9 billion and another $1.145 billion is included to prevent nurses from earning a $100 deductible for Priority 7 veterans.

In addition, this budget provides the funds necessary to correct the concurrent receipt restriction for veterans with 60 percent or higher disability ratings. Current law requires that a veteran may be awarded benefits by the amount of disability benefits he or she receives. This is an unfair practice and I am proud to support a budget that will end this restriction.

The FY03 budget has the support of the American Legion, the Veterans of Foreign Wars, the AMVETS and many others. Their support further indicates that we are on the right track to meet the critical needs of veterans. I would like to thank Chairman Nussle and the Budget Committee for putting this sound resolution together and urge all of my colleagues to support this measure and ensure adequate funding for our nation and our veterans.

Mrs. Schakowsky. Mr. Chairman, on July 11, 2001, Republican House Majority Leader Dick Armey said, "We must understand that it is invidious to intrude against either Social Security or Medicare and if that means foregoing or, as it were, paying for tax cuts, then we'll do that." Unfortunately, the Republican Budget Resolution explicitly reflects that sentiment in the least. The House Republicans are offering a budget that virtually spends almost the entire Social Security surplus to pay for last year's tax breaks that mostly benefit the wealthy.

I urge all my colleagues to oppose this Budget Resolution and here is why:

First, the Republican Budget Resolution would take over $1 trillion from the Social Security Trust Funds and eliminate the Medicare surplus over the next five years.

The President and every House Republican leader promised last year that every single dollar of the Social Security and Medicare surpluses would be saved for Social Security and Medicare. With this Republican budget, virtually no dollar of the Social Security and Medicare surpluses will be saved for Social Security or Medicare.

The Congressional Budget Office reports that the single biggest factor in the disappearing surplus is the Bush tax cut, not the war on terrorism or the recession.

Second, the Republican Budget Resolution abandons domestic priorities.

The Budget Resolution: cuts $90 million from last year's bipartisan legislation that funds our nation's main elementary and secondary education programs; eliminates the Community Access Programs (CAP) and Health Professions Training program, freezes funding for the Ryan White AIDS Programs, and slashes funding for Rural Health Activities by $54 million; cuts the Violence Against Women Act Grants, and funds the Legal Services Corporations well below needed levels; cuts state and local law enforcement grants by $1.7 billion; funds the Community Development Block Grant program at $379 million below what is needed to maintain current levels; does not include an additional $1.3 billion in federal highway funding requested by the Democrats.

Third, the Republican Budget Resolution does not offer seniors a comprehensive, affordable, and voluntary prescription drug benefit under Medicare.

Finally, the Republican Budget does not take into account future impending costs like additional funding for homeland security, response to natural disasters, which will require more funds for FEMA and other federal agencies. None of these or other certain or likely contingencies are accommodated in the resolution, making its projections highly suspect.

Mr. Boehner. Mr. Chairman, this year's budget provides the resources for education reform while funding a nation at war.

As one of the authors of the bipartisan education bill signed by the President in January, I'm proud to support this budget. It's a commitment that reflects our nation's priorities and helps states and local schools meet the promise of education reform.

It's a clear statement that this Congress and this President will not turn its back on our children and their future, even in a time of war. This budget builds on the significant increases provided for education in recent years—an average annual increase of 14.3 percent over the past four years. [TEACHERS.] I'm particularly proud of the support this budget provides for school teachers. President Bush and Congress have provided a 35 percent increase in federal teacher quality funds to help states and local schools put a quality teacher in every classroom by 2005. The President's budget request this year maintains this historic level of support. We're asking a lot of teachers, and they deserve our support.

SPECIAL EDUCATION.] The budget provides a $1 billion increase for special education, putting us on track for full-funding of the Individuals with Disabilities Education Act within 10 years. It also paves the way for us to make long-overdue changes to IDEA to ensure that children with special needs are not left behind. I'm especially grateful that our Budget Committee colleagues have taken this step.

Building on last year's reforms, the budget also provides:

LOW-INCOME SCHOOLS.] Provides a $1 billion increase in Title I grants to low-income schools—on top of last year's $1.6 billion increase—focusing resources on the highest-poverty school districts. [READING FIRST.] Provides a $100 million increase for the President's plan to improve reading instruction by addressing reading difficulties at an early age through proven scientific methods.

HEAD START.] Increases Head Start by $130 million to increase children's preparedness for learning when they enter school.

CHARTER SCHOOLS.] Provides $100 million in new funding for charter school facility financing.

EXPANDED PARENTAL CHOICE.] Funds new tax relief measures, such as education tax credits, to assist parents transferring their children from chronically-failing or dangerous schools.

HISTORICALLY-BLACK COLLEGES & HISPANIC SERVING INSTITUTIONS.] Provides a 3.6 percent increase for assisting historically black colleges, universities and graduate institutions, as well as Hispanic-serving institutions.

PELL GRANTS.] Maintains the maximum Pell Grant at a historic high of $4,000.

The budget also paves the way for other priorities such as welfare reform and child care. Funding for the Child Care Development Block Grant (CCDBG) has more than doubled in the last five years to $2.1 billion. This budget builds on that commitment to help move more Americans toward independence and self-reliance.

I also want to commend the committee for providing significant increases in funding for two key Department of Labor offices that help safeguard the pension assets and retirement security of American workers. The budget provides a $3 million increase for the Office of Labor Management Statistics, and a $7 million increase for the Office of Inspector General.

Budgets are about tough choices. But there are some who don't want to make choices. There are some who dare to suggest that this budget somehow shortchanges our children.
They say they want more funding for education, but they won’t put forth their own budget to tell us how they’d get to that goal. Students, teachers, and parents deserve to know: Which tax would they raise? Which program would they eliminate?

Last week’s action in the Budget Committee offered up this. Last week, Democrats offered 17 amendments to the proposed budget. Taken together, the amendments totaled $205 billion in new spending and $175 billion in new taxes over five years.

Mr. Chairman, in this time of national emergency, what Americans want is leadership—not gamesmanship.

I’m proud to support this budget, which responds to our nation’s challenges without forgetting the promise to the children who are our future.

Mr. BLUMENAUER. Mr. Chairman, last year, when the Republican leadership brought their budget resolution to the floor I commented that they were “leading us down a fiscally dangerous path.” Now that we are debating the fiscal year 2003 budget resolution, it is clear that the Republican leadership has no intention of exiting that treacherous route.

This 2003 budget resolution, like its 2002 predecessor proposed by the same Republican majority, is fiscally irresponsible and puts at risk Congress’s ability to live up to our commitments to a secure and healthy environment, and important infrastructure projects.

The Social Security trust fund is being invaded for more than $1 trillion over the five-year budget window. In addition the entire Medicare surplus will be sacrificed. At the same time the purchasing power of our domestic programs is being reduced by more than $20 billion in fiscal 2003 alone. Instead of providing necessary funding for critical domestic needs, the Republican leadership is taking Social Security and Medicare funds paid from the wages of working people and returning it through tax cuts to the corporations and individuals who are least in need.

The public deserves an honest, long-term budget, but Congress is not able to provide one when there is such a broad disconnect between what the Republican leadership promises and what they deliver. The opportunity for an honest debate with alternatives and amendments has been stifled by the closed rule the Republicans have put into place for the debate of this resolution.

In addition to funding the war on terrorism and ensuring homeland security, my constituents in Oregon want the federal government to fulfill its commitment to domestic priorities, which includes Social Security, the environment, education, and necessary infrastructure projects. This budget resolution fails our domestic priorities and, therefore, I oppose its passage.

Mr. EVANS. Mr. Chairman, this is truly an Enron budget. The Republican Budget Committee has cooked the books and produced the most seriously flawed budget in my career. The accounting gimmicks are spectacular. We have a 5-year budget instead of the customary 10-year budget. This is because it hides dwindling revenue from the gradually implemented Bush tax cut. If refashioned, a 10-year budget would show much larger deficits. Republicans also chose to use the politically crafted OMB numbers, instead of the non-partisan CBO numbers. Whether we insert political or non-partisan numbers into this resolution, the story is no different at the end of the day. Because all of the accounting tricks in the world cannot hide that we are still raiding Social Security and Medicare. And we are still growing the national debt. The Republican Party is trying to hide a budget deficit of $257 billion next year and that is just plain wrong.

In this budget, providing a Medicare prescription drug benefit and increasing provider payments do not reflect half of what is necessary according to reasonable forecasts. And this budget does not even take into account the additional spending and further tax cuts proposed by the President. This time next year it is very likely we will have a budget deficit double or triple what is reflected in this resolution.

Mr. Chairman, we need an honest budget, one that provides a prescription drug benefit to our seniors, keeps Social Security solvent for the baby boomers, and does not further saddle the national debt we are leaving to our children. We can provide a budget that does all this by simply ending the greed. So much of our revenue surplus was squandered on a tax cut that benefited 1 percent of Americans. And last week, the President invited them back to the feeding trough. We must not pay for this giveaway on the backs of our seniors, children, and all those looking to Social Security for their retirement needs.

Mr. Chairman, our colleagues on both sides of the aisle have kept their promises to you constituents and vote down this budget. Mr. SERRANO. Mr. Chairman, I rise in opposition to the Republican budget resolution for fiscal year 2003.

I understand that the nation is engaged in a vital enterprise in response to the vicious attacks of September 11th. I know that fighting to break up terrorist organizations and protecting our country and our people, which I support, are expensive undertakings and the highest national priorities.

But, Mr. Chairman, they are not our only priorities. From September 11th on, the President has excoriated the American people to continue our normal activities—perhaps being more aware of our security. Perhaps putting up with more security hassles and delays—but starving the domestic budget is not going to keep us moving forward as I thought the President meant we should.

We still need to invest adequately in health care, education, job training, law enforcement, clean air and water, energy efficiency, economic development, housing, science and technology. We particularly need to address the impending retirement of the baby boom generation, strengthening Medicare and Social Security, not diverting their contributions to general government operations.

At bottom, Mr. Chairman, what we need to do in this budget resolution is identify and provide the resources needed to do both of these things—defend and protect ourselves, and invest in the future—which means we must take another look at the huge, irresponsible tax cuts for the wealthy that were enacted last year.

Some people thought we could make the tax cuts and have plenty of money left over to meet the Nation’s needs. They were wrong. This budget misses or avoids opportunities as it promises years of deficit spending. This demonstrates that we must revisit the revenue side and, at a minimum, suspend further cuts until we can afford them.

Mr. Chairman. I am certain we can do better than this budget resolution. I urge my colleagues to vote against it and commit to working together to fashion a new budget resolution that provides the resources to provide both for our security and for our Nation’s domestic needs.

Mr. OTTER. Mr. Chairman, I rise today to address the issue of funding veterans military compensation in conjunction with disability compensation. I am pleased that the House fiscal year 2003 budget resolution includes funding to eliminate the veterans retirement and disability concurrent receipt offset. The $6 billion over the next 6 years to gradually provide full benefits to all disabled retirees is long overdue.

I firmly believe veterans should not have money taken out of their military retirement to pay for their disability compensation because these are two separate entities that serve two lives and property of others. I am grateful that co-sponsor legislation to repeal this offset, and I am pleased that by providing funding for concurrent receipt, Congress has finally recognized the importance of keeping its promises to those men and women who have risked their lives, and have suffered injuries in preserving our freedom.

Mr. HILLEARY. Mr. Chairman, I rise in support of the Budget Resolution. This is a good budget that will serve our Nation well during this time we are at war with terrorists. It funds our national security as well as addressing our homeland security needs while ensuring that many other problems are addressed.

To touch upon just a few of the many worthy items in this budget, I want to highlight the support in this budget for local firefighters, disabled military retirees, home healthcare and IDEA funding.

Firefighters often provide the backbone of both rural and urban communities in our Nation. They risk their lives in order to save the lives and property of others. I am grateful that the Budget Committee was able to recognize their important contributions by encouraging this Congress to continue to provide grants directly to local firefighters.

I am also pleased that this resolution provides funding to address the concurrent receipt problem facing our military retirees who are disabled. This budget puts us on a path to eliminate the concurrent receipt problem within 5 years for our military retirees who are the most severely disabled.

I also want to applaud the Committee for continuing its commitment to ensure that home healthcare remains available to our elderly. A 15 percent cut in reimbursements to home health providers scheduled for October 1, 2002 will devastate and ultimately force many of our elderly out of their own homes and into hospitals and nursing home facilities.

Finally, this budget continues the commitment of this Congress to work hard toward funding schools in educating students with special education needs. We include $1 billion over last year or a 12 percent increase. Further, we commit to providing 12 percent increases every year over the next 10 years so that we fully fund this commitment made by Congress on IDEA funding.

This budget also does so much more to protect the American people. I commend it to all.
of my colleagues and urge you to support H. Con. Res. 355, the Budget Resolution for Fiscal Year 2003.

Mr. PASTOR, Mr. Chairman, I rise today in opposition to this misguided budget resolution. After 28 years of deficit spending and digging deeper into deeper and deeper debt, in 1998, we finally balanced the budget and experienced budget surpluses. This lasted for only 5 years, and then a misguided $1.4 trillion tax cut threw us into fiscal irresponsibility once more. Now, this budget sends us into deficit spending as far as the eyes can see.

As bad as deficit spending may be, it is worse, we are once again raiding Social Security and Medicare.

We have taken endless votes in this House to ensure that we protected Social Security. We voted time and time again to place the Social Security trust fund into a lockbox. We voted time and time again to place the Social Security trust fund into a lockbox. We voted time and time again to place the Social Security trust fund into a lockbox. Unfortunately, the $350 billion that the Republicans have proposed in their budget for Medicare reform and prescription drugs would barely make a dent in helping seniors and the disabled. The Republican plan will require a major increase in prescription drug coverage they need—and deserve. We have all made a pledge with our words—the test is to show it with the numbers laid out in the budget resolution. The Republican resolution fails miserably at this test.

Their budget also fails to adequately fund other key priorities so important to Americans and our future, such as education, child care, and environmental protections.

The Republicans budget aims to hide the truth and the real costs over the years. I oppose this budget resolution and urge my colleagues to vote against this resolution.

Mr. Chairman, I regretfully oppose this budget. Let this lockbox has been smashed open and Social Security has been raided so that we can give the wealthiest among us a huge tax cut.

Mr. PASTOR, Mr. Chairman, I rise today in support of the President's efforts to stop terrorism. We must fund our military and homeland security. We must ensure that we are safe to travel our country and the world. We must support our President in this effort.

But, we cannot neglect the other needs of our people. We should fully fund education programs for all ages. We should ensure that our Nation's infrastructure is modern and safe. We must find a way to provide health care for those millions who have no health care options. We must find a way to provide prescription drug coverage for our elderly. And we must do whatever it takes to protect Social Security.

It is my contention that this budget is broken. We might be better served to start over, to sit down with the President and come up with a new plan, a plan that protects us from those who wish to do us harm, a plan to protect our children from ignorance, a plan to protect our elderly from sickness, a plan to protect our children from added fiscal irresponsibility, and a plan to protect Social Security.

Mr. Chairman, I regrettably oppose this budget. Let's start over with the President. If we work together we can do all these things.

Ms. KILPATRICK. Mr. Chairman, the budget resolution we are considering today is more of a campaign pamphlet than it is a deliberative piece of legislation. As a member of the Appropriations Committee, I'm pleased to say that the work of the Budget Committee is no longer grounded in fiscal reality but more apt described as a campaign pamphlet than it is a deliberative piece of legislation.
On rollcall 72, I would have voted “yea” on the Motion to Suspend the Rules and Agree to H. Res. 371, expressing the sense of the House of Representatives regarding Women’s History Month.

On rollcall 73, I would have voted “nay” on the Motion to Adjourn.

On rollcall 74, I would have voted “nay” on the Motion to Adjourn.

On rollcall 75, I would have voted “nay” on Ordering the Previous Question on H. Res. 372, for providing for consideration of H. Res. 353, the Budget Resolution for Fiscal Year 2003.

On rollcall 76, I would have voted “yea” on the Motion to Table Motion to Reconsider H. Res. 372.

On rollcall 77, I would have voted “nay” on Agreeing to H. Res. 372.

On rollcall 78, I would have voted “nay” on the Motion to Table the Motion to Reconsider H. Res. 372.

On rollcall 79, I would have voted “nay” on Agreeing to H. Res. 353, the Budget Resolution for Fiscal Year 2003.

REMOVAL OF NAME OF MEMBER

As COSPONSOR OF H.R. 3694

Ms. DELAURO. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3694, the Highway Funding Restoration Act.

The SPEAKER pro tempore (Mr. LA TOURETTE). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce do an excellent, professional job.

Mr. SPRATT. Mr. Speaker, will the gentleman yield?

Mr. NUSSLE. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, throughout this year, the gentleman from Iowa (Chairman NUSSLE) and I have tried to maintain an amicability and civility in the committee, which has worked between us because there is a natural relationship of friendship between us to start with.

I commend him for the manner in which he has handled this on the floor. We have deep disagreements, but nevertheless, we have been able to disagree yet not be disagreeable. It is partly because of the manner with which the gentleman has tackled this whole thing, and I commend him for that.

Let me also say to the House staff, they have worked, on both sides, long hours, hard hours. If Members want to see some evidence of the output, look at the walls of this place, at all of the posters they have presented, only a fraction of which ever made it in the well of the House; but nevertheless, they will be seen between now and the next several weeks.

They won, but we will revisit this, I assure you, many times in the future. In any event, I thank the gentleman for the manner in which he has worked.

Mr. NUSSLE. Probably much to the chagrin of many Members who had to listen to this part of the debate.

PERMISSION FOR COMMITTEE ON EDUCATION AND THE WORKFORCE TO HAVE UNTIL MID-NIGHT THURSDAY, APRIL 4, 2002, TO FILE REPORT ON H.R. 3762

Mr. GOSS. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 360) providing for an adjournment or recess of the two Houses, and ask for its immediate consideration.
The Clerk read the concurrent resolution, as follows:

H. CON. RES. 360

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, March 20, 2002, the Speaker shall notify the Members of the House and the Senate, respectively, to reassemble at the close of business on Thursday, March 21, 2002, or Saturday, March 23, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, if stand adjourned pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate reassembles or adjourns at the close of business on Thursday, March 21, 2002, or Saturday, March 23, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned or adjourned until noon on Monday, April 8, 2002, or at such other time on that day as may be specified in the motion to reassemble or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate by agreement, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 10, 2002

Mr. GOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Friday, March 22, 2002, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 360, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore (Mr. LAADERETTE). Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3994.

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

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON AGRICULTURE, COMMITTEE ON BUDGET, AND COMMITTEE ON EDUCATION AND THE WORKFORCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Agriculture, the Committee on the Budget, and the Committee on Education and the Workforce:

H. Res. 435

Mr. GOSS. Mr. Speaker, I offer a resolution, H. Res. 435, in accordance with section 2 of the Ethics in Campaign Financing Act of 2002 (P.L. 107-155), to resign as a member of the Committee on Agriculture, the Committee on the Budget, and the Committee on Education and the Workforce.

The Clerk read as follows:

H. Res. 435

Resolved, That the following Member be and is hereby elected to the following standing committee of the House of Representatives:

Energy and Commerce: Mr. Fletcher.

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

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON ENERGY AND COMMERCE

Mr. GOSS. Mr. Speaker, I offer a resolution (H. Res. 375) and I ask unanimous consent for its immediate consideration in the House.

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

The Clerk read as follows:

H. Res. 375

Resolved, That the following Member be and is hereby elected to the following standing committee of the House of Representatives:

Energy and Commerce: Mr. Fletcher.

DIRECTING THE CLERK TO MAKE CORRECTIONS IN ENROLLMENT OF H.R. 2356, BIPARTISAN CAMPAIGN REFORM ACT OF 2001

Mr. NEY. Mr. Speaker, I ask unanimous consent that when the House adjourns pursuant to this concurrent resolution (H. Con. Res. 361) and ask unanimous consent for its immediate consideration.

The Clerk will report the concurrent resolution.

The Clerk read as follows:

H. CON. RES. 361

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform, the Clerk of the House of Representatives shall make the following corrections:

(1) Amend section 103(b) to read as follows:

(b) BUILDING FUND EXCEPTION TO THE DEFINITION OF CONTRIBUTION.

(1) IN GENERAL.—Section 301(b)(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441(b)(8)(B)) is amended—

(A) by striking clause (vi); and

(B) by redesignating clauses (viii) through (xvi) as clauses (viii) through (xiv), respectively.

(2) NONPREEMPTION OF STATE LAW.—Section 463 of such Act (2 U.S.C. 463) is amended—

(A) by striking "the provisions of this Act" and inserting "this Act";

and (B) by adding at the end the following:

"(b) STATE AND LOCAL COMMITTEES OF POLITICAL PARTIES.—Notwithstanding any other provision of this Act, a State or local committee of a political party may, subject to State law, use exclusively funds that are not subject to the prohibitions, limitations, and reporting requirements of the Act for the purchase or construction of an office building for such State or local committee.".

(2) In section 309(c)(2) of the Federal Election Campaign Act of 1971 as added by section 201(a) of the bill, strike "as defined in section 1101(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(2))" and insert "as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))."

(3) In section 316(c)(2) of the Federal Election Campaign Act of 1971 as added by section 202(b) of the bill, strike "as defined in section 1101(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))."

(4) Amend section 212(b) to read as follows:

(b) TIME OF FILING OF CERTAIN STATEMENTS.

(1) IN GENERAL.—Section 304(g) of such Act, as added by subsection (a), is amended by adding at the end the following:

"(4) TIME OF FILING FOR EXPENDITURES AGREGATING $1,000.—Notwithstanding subsection (a)(5), the time at which the statement under paragraph (1) is received by the Commission or any other recipient to whom the notification is required to be sent shall be considered the time of filing of the statement with the recipient.".

(2) CONFORMING AMENDMENTS.—(A) Section 304(a)(5) of such Act (2 U.S.C. 304(a)(5)) is amended by striking "the second sentence of subsection (c)(2)" and inserting "subsection (g)(1)".
(B) Section 304(d)(1) of such Act (2 U.S.C. 434(d)(1)) is amended by inserting “or (g)” after “section (c).”

(5) In section 214(b), strike “the second sentence of section 402(c)” and insert “section 402(c)(1).”

(6) In section 313(a)(4) of the Federal Election Campaign Act of 1971 (as amended by sections 3 and 4 of the bill), insert “without limitation,” after “for transfers.”

(7) In section 607(a)(2) of title 18, United States Code (as amended by section 302 of the bill), insert “imprisoned” after “imprisonment.”

(8) In section 301(25) of the Federal Election Campaign Act of 1971 (as added by section 351(a)), strike “The term” and insert “As purposes of sections 315(i) and 315A and paragraph (25), the term.”

(9) Amend section 402 to read as follows:

SEC. 402. EFFECTIVE DATES AND REGULATIONS.

(a) General Effective Date.—

(1) In general.—Except as provided in the succeeding provisions of this section, the effective date of this Act, and the amendments made by this Act, is November 6, 2002.

(2) Modification of contribution limits.—The amendments made by—

(A) section 301 shall apply with respect to contributions made on or after January 1, 2003; and

(B) section 307 shall take effect as provided in subsection (c) of such section.

(3) Severability; effective dates and regulations; judicial review.—Title IV shall take effect on the date of enactment of this Act.

(4) Provisions not to apply to runoff elections.—Section 325(b) of the Federal Election Campaign Act of 1971 (as added by section 101(a)), section 108(a), title II, sections 304 (including section 315(i)) of the Federal Election Campaign Act of 1971, as added by section 304(b)(2), 305, notwithstanding subsection (c) of such section, 311, 316, 318, and 319, and title V (and the amendments made by such sections and titles) shall take effect on November 6, 2002, but shall not apply with respect to runoff elections, recounts, or election contests resulting from elections held prior to such date.

(b) Soft Money of National Political Parties.—

(1) In general.—Except for subsection (b) of such section, section 323 of the Federal Election Campaign Act of 1971 (as added by section 101(a)) shall take effect on November 6, 2002.

(2) Transitional rules for the spending of soft money of national political parties.—

(A) In general.—Notwithstanding section 322(a) of the Federal Election Campaign Act of 1971 (as added by section 101(a)), if a national committee of a political party described in such section (including any person who is subject to such section under paragraph (2) of such section), has received funds described in such section prior to November 6, 2002, the rules described in subparagraph (B) shall apply with respect to the spending of the amount of such funds in the possession of such committee as of such date.

(B) Use of excess soft money funds.—

(i) In general.—Subject to clauses (ii) and (iii), the national committee of a political party may use the amount described in subparagraph (A) prior to January 1, 2003, solely for the purposes:

(I) retiring outstanding debts or obligations that were incurred solely in connection with an election held prior to November 6, 2002; or

(II) paying expenses or retiring outstanding debts or paying for obligations that were incurred solely in connection with any runoff election, recount, or election contest resulting from an election held prior to November 6, 2002.

(ii) Prohibition on using soft money for hard money expenses, debts, and obligations.—A national committee of a political party may not use the amount described in subparagraph (A) for any expenditure as defined in section 301(9) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)) or for retiring outstanding debts or obligations that were incurred solely in connection with such an expenditure.

(iii) Prohibition of building fund uses.—A national committee of a political party may not use the amount described in subparagraph (A) for activities to defray the costs of the construction or purchase of any office building or facility.

(c) Regulations.—

(1) In general.—Except as provided in paragraph (2), the Federal Election Commission shall promulgate regulations to carry out this Act and the amendments made by this Act that are under the Commission’s jurisdiction not later than 270 days after the date of enactment of this Act.

(2) Soft money of political parties.—Not later than 90 days after the date of enactment of this Act, the Federal Election Commission shall promulgate regulations to carry out title I of this Act and the amendments made by such title.

(3) Initial claims.—With respect to any action initially filed on or before December 31, 2006, the provisions of subsection (a) shall apply with respect to each action described in such section.

(4) Subsequent actions.—With respect to any action initially filed after December 31, 2006, the provisions of subsection (a) shall not apply to any action described in such section unless the person filing such action

(A) carries out title I of this Act and the amendments made by this Act;

(B) section 307 shall take effect as provided in subsection (c) of such section;

(C) the rules described in subparagraph (B) shall apply with respect to the spending of the amount of such funds in the possession of such committee as of such date;

(D) use of excess soft money funds shall be limited to the purpose set forth in clause (i);

(E) impose the conditions applicable to such funds; and

(F) otherwise conform to the requirements of paragraph (1) of this subsection.

(5) Initial claims and related actions.—With respect to any action initially filed before December 31, 2006, the provisions of subsection (a) shall apply to such action unless the person filing such action

(A) carries out title I of this Act and the amendments made by this Act;

(B) section 307 shall take effect as provided in subsection (c) of such section;

(C) the rules described in subparagraph (B) shall apply with respect to the spending of the amount of such funds in the possession of such committee as of such date;

(D) use of excess soft money funds shall be limited to the purpose set forth in clause (i);

(E) impose the conditions applicable to such funds; and

(F) otherwise conform to the requirements of paragraph (1) of this subsection.

(6) Application.—The provisions of this subsection apply to

(I) retiring outstanding debts or obligations that were incurred solely in connection with an election held prior to November 6, 2002; or

(II) paying expenses or retiring outstanding debts or paying for obligations that were incurred solely in connection with any runoff election, recount, or election contest resulting from an election held prior to November 6, 2002.

(7) Exceptions.—The provisions of this subsection do not apply to any action described in such section unless the person filing such action

(A) carries out title I of this Act and the amendments made by this Act;

(B) section 307 shall take effect as provided in subsection (c) of such section;

(C) the rules described in subparagraph (B) shall apply with respect to the spending of the amount of such funds in the possession of such committee as of such date;

(D) use of excess soft money funds shall be limited to the purpose set forth in clause (i);

(E) impose the conditions applicable to such funds; and

(F) otherwise conform to the requirements of paragraph (1) of this subsection.

(8) In section 607(a)(2) of title 18, United States Code, the prohibition shall cease to apply.

(9) In section 607(a)(2) of title 18, United States Code, the rules described in subparagraph (B) shall not apply to any action described in such section unless the person filing such action

(A) carries out title I of this Act and the amendments made by this Act;

(B) section 307 shall take effect as provided in subsection (c) of such section;

(C) the rules described in subparagraph (B) shall apply with respect to the spending of the amount of such funds in the possession of such committee as of such date;

(D) use of excess soft money funds shall be limited to the purpose set forth in clause (i);

(E) impose the conditions applicable to such funds; and

(F) otherwise conform to the requirements of paragraph (1) of this subsection.

(10) In section 607(a)(2) of title 18, United States Code, the rules described in subparagraph (B) shall not apply to any action described in such section unless the person filing such action

(A) carries out title I of this Act and the amendments made by this Act;

(B) section 307 shall take effect as provided in subsection (c) of such section;

(C) the rules described in subparagraph (B) shall apply with respect to the spending of the amount of such funds in the possession of such committee as of such date;

(D) use of excess soft money funds shall be limited to the purpose set forth in clause (i);

(E) impose the conditions applicable to such funds; and

(F) otherwise conform to the requirements of paragraph (1) of this subsection.
Mr. Lerone Bennett, Jr., Clarksdale, Mississippi.
As nonvoting members:
Mr. J.C. Watts, Jr., Norman, Oklahoma.
Mr. John Lewis, Atlanta, Georgia.
There was no objection.

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.

WE MUST PASS HATES CRIMES BILL
The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. Woolsey) is recognized for 5 minutes.

Ms. Woolsey. Mr. Speaker, tomorrow is the United Nations International Day for the Elimination of Racial Discrimination. What better way to honor this day than to act upon legislation that will help law enforcement investigate and prevent crimes based on discrimination?

That is why I ask my colleagues to join me to encourage the Republican leadership to bring the gentleman from Michigan's (Mr. Conyers) bill, H.R. 1343, the Local Law Enforcement Hate Crimes Prevention Act. And Mr. Speaker, I am joined as a co-sponsor by 203 of my colleagues and a growing chorus that wants the Republican leadership to bring H.R. 1343 to the House floor. This bill would offer a real solution by strengthening existing Federal hate crimes laws. H.R. 1343 allows the United States Department of Justice to assist in local investigations as well as investigate and prosecute cases in which violence occurs because of the victim's sexual orientation, disability, or gender. It would also eliminate obstacles to Federal involvement in many cases of assaults or murder based on race or religion.

This legislation is too important to ignore, especially during a week the United Nations is reminding the world to end racial discrimination.

The Republican leadership must bring this bill before the House to show our Nation and the world that hate will not be tolerated in the United States. This Congress has a responsibility to fight against hate. And the Conyers bill will prove that commitment.

DO NOT INITIATE WAR ON IRAQ
The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Paul) is recognized for 5 minutes.

Mr. Paul. Madam Speaker, I was recently asked why I thought it was a bad idea for the President to initiate a war against Iraq. I answered saying that I could easily give a half a dozen reasons why; and if I took a minute, I could give a full dozen. For starters, here is a half a dozen.

Number one, Congress has not given the President the legal authority to wage war against Iraq as directed by the Constitution, nor does he have U.N. authority to do so. Even if he did, it would not satisfy the rule of law laid down by the Framers of the Constitution.

Number two, Iraq has not initiated aggression against the United States. Invading Iraq and deporting Saddam Hussein, no matter how evil a dictator he may be, has nothing to do with our national security. Iraq does not have a single airplane in its air force and is a poverty-ridden Third World nation, hardly a threat to U.S. security. Stirring up a major conflict in this region will actually jeopardize our security.

Number three, a war against Iraq initiated by the United States cannot be morally justified. Arguing that some day in the future Saddam Hussein may pose a threat that any nation any place in the world is subject to an American invasion without cause. This would be comparable to the impossibility of proving a negative.

Number four, initiating a war against Iraq will surely antagonize all neighboring Arab and Muslim nations as well as the Russians, the Chinese and the European Union, if not the whole world. Even the English people are reluctant to support Tony Blair's prodigious expenses. Our national debt is growing at a rate greater than $250 billion per year. This will certainly escalate. The dollar cost will be the least of our concerns compared to the potential loss of innocent lives, both theirs and ours. The systematic attack on civil liberties that accompanies all wars cannot be ignored. Already we hear cries for resurrecting the authoritarian program of constriction in the name of patriotism, of course.

Could any benefit come from all this war mongering? Possibly. Let us hope and pray so. It should be evident that big government is anathema to individual liberty. In a free society, the role of government is the Individual's right to life and liberty. The biggest government of all, the U.N. consistently threatens personal liberties and U.S. sovereignty. But our recent move toward unilateralism hopefully will inadvertently strengthen the United Nations. Our participation more often than not is lated conditioned on following the international rules and courts and trade agreements only when they please us, flaunting the consensus without rejecting internationalism on principle, as we should.

The way these international events will eventually play out is unknown,
and in the process we expose ourselves to great danger. Instead of replacing today's international government, the United Nations, the IMF, the World Bank, the WTO, the international criminal court, with free and independent republics, it is more likely that we will end up with a world of military nationalism with a penchant for solving problems with arms and protectionism rather than free trade and peaceful negotiations.

The last thing this world needs is the development of more nuclear weapons, as is now being planned in a pretense for ensuring the peace. We would need more than an office of strategic information to convince the world of that.

What do we need? We need a clear understanding and belief in a free society, a true republic that protects individual liberty, private property, free markets, voluntary exchange and private solutions to social problems, placing strict restraints on government meddling in the internal affairs of others.

Indeed, we live in challenging and dangerous times.

The SPEAKER pro tempore (Mrs. Jo Ann Davis of Virginia). Under a previous order of the House, the gentleman from Texas (Mr. Hinojosa) is recognized for 5 minutes.

(Mr. HINOJOSA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. KERNS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. RODRIGUEZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. GOSS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

RECOGNIZING MS. DIANE S. ROARK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. Roark) is recognized for 5 minutes.

Ms. ROARK. Madam Speaker, in the past, usually during consideration of the Intelligence budget, I have risen before this body and mentioned the superb and thoroughly knowledgeable staff that resides in the Permanent Select Committee on Intelligence, of which we are very proud. These individuals are specially selected because of their knowledge and their understanding of the Intelligence world, a world that is actually very arcane and confusing to people who do not spend time in it.

We do not talk a lot about these folks and they do not seek recognition. They are not that kind. They understand that much of the work must be done in secret so as not to betray the sensitive information they handle, but let me assure my colleagues and the American people that this group of dedicated people works very hard, and they dig very deeply into the operations of the Intelligence Community in order to ensure that there is oversight of Intelligence activity and that our Nation's Intelligence Community is playing by the rules.

I want to specifically recognize one of these dedicated people who has served the committee and our country diligently for almost 2 decades. Her name is Diane Roark, and I am sorry to say that when this body reconvenes in April Diane will no longer be on our staff. She is retiring from the House and from government service.

Madam Speaker. Diane first joined the committee in April 1985, having previously served in the Department of Energy, the Department of Defense, and just prior to joining us, on the National Security Council, where she was Deputy Director of Intelligence Programs. Since joining the committee, Diane has excelled in the very difficult, technical areas of our oversight. She was the program monitor for the National Reconnaissance Office where she not only challenged the embedded bureaucracy and made it become more innovative in approaches to future election, but she also forced the office to restructure and reform their fiscal accountability system so that oversight was assured.

Most recently, Diane has been our program manager for the National Security Agency, a vital agency for us. This agency has many, severe challenges, Madam Speaker, and if it were not for the efforts of Ms. Roark, I do believe that our committee's efforts to oversee and advocate for NSA would have been much less effective, and for that she has my personal thanks.

Diane is known as a very dedicated, tough-minded program monitor who digs into the issues and forces agencies to see and understand what they sometimes miss themselves. She is also known as a very knowledgeable task master, and her arrival at an agency is often anticipated with apprehension. Those managing the community know that she is usually on the mark with her assessments and that she takes the public's trust very well to heart. Recently, one of the senior management within the community commented on her performance by saying that our staff "is very aggressive in their oversight and has a very serious and in-depth knowledge of our programs, sometimes a better understanding than some of the senior management."

I think that this is the type of oversight capability that the American people are entitled to and should demand. I cannot think of any greater tribute for Diane than knowing that agency leaders throughout the community recognize that her instincts and assessments are sound.

So, Madam Speaker, it is with some sadness that I rise today to say farewell to a public servant who has dedicated a career to ensuring our security, each and every one of us. Diane's departure is truly our loss, although I know that her younger son, Bryce, will enjoy having Mom around home more. We are going to miss her.

On behalf of the committee I thank Diane for her professionalism, her dedication, her unfailing commitment to our Nation and its security. We wish her well in her future endeavors, whatever they be. Know that she has served her country well and she will be missed. Job well done.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. Schakowsky) is recognized for 5 minutes.

(Ms. SCHAKOWSKY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

COMMENDING LOCAL UNITED WAY CHAPTERS FOR CONTINUING SUPPORT OF THE BOY SCOUTS OF AMERICA

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

Mr. ROHRABACHER. Madam Speaker, today I commend the 97 percent of all local United Way chapters which continue to support the Boy Scouts of America despite the national campaign to demonize this wonderful organization.

The pressure to abandon the Boy Scouts has been just as intense as the pressure on the scouts themselves to abandon their moral standards and to take God out of the scout oath. Powerful business interests and Hollywood moguls like Steven Spielberg have severed their links with the scouts, and the taxpayer-funded public broadcasting system have attacked them as well. However, an overwhelming majority of the United Way chapters and the American people themselves have not caved into the pressure and have stood tall against this disgraceful campaign of intimidation.

In my own constituency, for instance, the Orange County United Way Chapter has given local scout troops and organizations $1.3 million over the last 3 years and has no sign of letting up. Just recently, the City of Huntington Beach, for example, has named itself the Tree City USA for its greenery. Many of those trees in Huntington Beach were planted by local boy scout troops performing their good deeds and community service.

The United Way chapters that did cave into the pressure were mostly...
from liberal university towns where ordinary decency is often treated with scorn and derision, but in the American heartland, in communities where families jealously guard virtues like loyalty and bravery and reverence, the support for the Boy Scouts by ordinary Americans has now stepped up and stepped into the breach to support the scouts when the United Way has pulled its support. This overwhelming backing for the scouts has exposed the opposition for what it is, marginal and well financed and vocal but a vitriolic minority nonetheless.

Mainstream America obviously believes that the Boy Scouts have the right to set their own moral standards and to include God in the scout oath. By the way, the Girl Scouts of America, which have many wonderful programs and are celebrating an anniversary this year, gave in to political correctness when it came to God and their scout oath. It is extraordinarily ironical that the Girl Scouts to acknowledge God in the scout oath. This is especially sad when young girls need a spiritual foundation to cope with the challenges and the temptations faced by today’s young people.

The argument of those attacking the scouts has been that the scouts are being discriminatory. Well, yes, but they have a right to base their organization on certain beliefs like in God or certain standards of behavior, sexual or otherwise. It is called freedom of association, and to those who call this discrimination, I ask, is this not what gay groups and even AIDS organizations do, discriminate? Some ask what do I mean?

Well, does anyone doubt that Christian fundamentalists are being excluded from these organizations, from homosexual and AIDS organizations because these religious fundamentalists might want to preach at these people? Is this not a discrimination against those people’s religion? Well, of course, it is a discrimination against their religion, but those groups, just like the scouts, have a right to have organizations based on shared values.

What has gone wrong is the targeting of the police for personal abuse and victimized by hatemongers, their rights were obviously being violated, and good people stood up. They united to end this injustice.

Today, it is the right of people with more traditional values, like the scouts, who are being under attack simply for trying to live their own lives with their own moral standards. The scouts in Orange County, for example, have spent hundreds of thousands of dollars in legal fees in order to protect their right to have God in the scout oath. This is intolerable and the scouts are not the only ones facing this stupid political correctness.

Recently the Red Cross in Orange County canceled an appearance of a local school chorus before one of their meetings because the songs that were planned to be sung at that meeting mentioned God, like America the Beautiful. Well, later on the Red Cross apologized but only after a hailstorm of criticism.

What is going on here? Americans have a right not to be forced to participate in what they do not believe, but do not people with religious persuasions have a right to have their own standards? Wake up, America. It can get worse and it will get worse unless we stand tall and we stand together again against this kind of nonsense.

NUCLEAR POSTURE REVIEW

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

Mr. DeFazio. Madam Speaker, there has been a lot of discussion within the Bush administration about where to take the military campaign against terrorism next. The President has already sent military advisers to the Philippines and the Republic of Georgia. His axis of evil ramped up Iran, Iraq, and North Korea together as potential targets for future U.S. military action. He also indicated he wants to get the United States more deeply involved in Colombia’s civil war by pillaging the right guerrilla armies rather than targeting the drug trafficking done by all parties in the war in Colombia.

Article I, section 8 of the United States Constitution grants Congress the exclusive authority to declare war. As commander-in-chief, the President conducts or would conduct day-to-day operations of our U.S. military. The Constitution and the War Powers Resolution of 1973 grants Congress the prerogative to decide whether or not to send U.S. troops into hostility.

The use of force resolution approved by Congress specifically safeguarded Congress’ war powers by noting nothing in the resolution supersedes any requirement of the War Powers Resolution.

While Congress overwhelmingly authorized the President to use military force to respond to the September 11 terrorist attack, congressional authorization was limited in scope. Specifically, the joint resolution stated the President is authorized to use all necessary and appropriate force against those nations, organizations or persons he determines planned, authorized, committed or aided the terrorist attack that occurred on September 11, 2001, or harbored such organizations or persons in order to prevent any future acts of international terrorism against the United States or such nations, organizations or persons.

Thus far, the United States intelligence agencies with their secret $32 billion a year budget could not predict the attacks and cannot uncover any links between Iraq and the attackers. Now, many in the administration are latching on to a magazine article written by Seymour Hirsch in the New Yorker who does not get $32 billion a year. The article uncovered purported links between some Kurds and the al Qaeda as a potential excuse to attack Iraq.

In December, I sent a letter along with a group of other Members of Congress to the President pointing out the limitations on the use of force authorization and reminding him that he would have to come, as his father did, to the United States Congress for authorization if he desired and felt there was a case to be made to attack Iraq. I have as yet to have a substantive response to that letter.

We at this point, I believe, have sort of a budding imperial presidency, the likes of which we have not seen since Richard Nixon.

There are other areas that are very troubling with this presidency. The nuclear posture review. According to a leaked version of the classified nuclear posture review, the Bush administration is contemplating nuclear weapons as offensive weapons rather than merely to deter an attack against the United States. They now say they would target seven countries, Russia, China, Libya, Syria, Iraq, Iran and North Korea. This with countries who are not known to have nuclear weapons, an extraordinary change in U.S. policy. They want to develop small, more friendly nuclear weapons that could be used, they believe, in limited instances.

Of course, this would blur the line between conventional nuclear arms, would undermine the nonproliferation treaty which 187 countries have signed, including the United States of America and what is a very precedent.

As Ronald Reagan once said, a nuclear war cannot be won and must never be fought.

We have the Anti-Ballistic Missile Treaty, the most successful treaty on arms limitations in the history of the world, which the President wishes to unilaterally abrogate, calling it a relic of the Cold War. The Constitution is more than 200 years old. I would hope that the President would not find that to be relevant. It is relevant today, as is the Anti-Ballistic Missile Treaty. If it is scrapped as the President wishes, if he can legally do that, that is in question, it is likely that China, Russia and other countries would engage in a new crash program to expand nuclear weapons against our potential defenses which, of course, as we all know, the Star Wars fantasy does not work in any place, but it is a great place in which to dump two or three or $400 billion of hard earned taxpayer money.

Finally, in the defense budget we have seen an extraordinary proposal that we should have a 1-year increase
that far exceeds any increases at the height of the Cold War, the Vietnam War, anything since World War II, to build Cold War weapons against enemies that no longer exist. Hopefully this Congress will act soon to rein in this administration, reexert its authority and bring some sanity to these policies.

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The SPEAKER pro tempore (Mrs. Jo Ann Davis of Virginia). Under a previous order of the House, the gentleman from Pennsylvania (Mr. Platts) is recognized for 5 minutes.

(Mr. Platts addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. Davis of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HATE CRIMES LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. Clayton) is recognized for 5 minutes.

(Ms. Clayton of North Carolina addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

KIDNAPPING OF LUDWIG KOONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. Watson) is recognized for 5 minutes.

(Ms. Watson of California addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

KIDNAPPING OF LUDWIG KOONS

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

(Mr. Lampson of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

Yesterday, the Minors’ Tribunal in Italy held a so-called hearing on the emergency order to keep Ms. Staller from taking Ludwig to another country, Hungary. And it is a so-called hearing because this hearing was nothing more than a show. Ms. Staller was questioned for 15 minutes about her lawbreaking, about her intention to once again take Ludwig to another country. The judge questioned Ludwig, a scared, manipulated and almost 5-year-old boy, about his wishes, alone, in the judge’s chambers, with no witnesses, with no attorneys, with no video. And then the judge comes back in and says he is fine with his life as is.

The best psychologists in both countries, Italy and the United States, and doctors, say that Ludwig is on the brink of no return. Unless he is removed now, there is no telling what will happen to him physically and mentally. Yet these experts, the top Italian experts, were not allowed to testify at this so-called hearing.

In the end, the emergency request was denied and Mr. Koons was given 30 days to go prepare briefs and another 20 days to respond. Another 2 months of delay. It is contrary to all applicable principles of public international law and procedure to preclude an American citizen minor, who was kidnapped from his habitual residence in Italy, any access to his country of birth, even the temporary visits with his father and paternal family in their country of residence.

Ludwig, who is now approaching adolescence, finds himself in a dire situation that places him in imminent danger of grave and irreparable damage. His critical condition is directly related to his mother’s continued physical and neglect of the minor over the years, combined with her willful and systematic breach of Mr. Koons’s visitation rights.

I stand here tonight because I am concerned that Mr. Koons may be subjected to further discrimination and inequitable treatment by the Italian judiciary in these impending proceedings. I stand here a part of the United States Government, and I have to say that I am ashamed. Where are our priorities? Where are our values?

I sit and listen to the politicians sound off about family values in this Chamber every day; yet every day our government lets this little boy remain captive against his will. Where is our State Department? Where is our Justice Department advocating for U.S. citizens? Ludwig Koons is a U.S. citizen.

We saw Blackhawk helicopters recently go in to rescue missionaries in Afghanistan, people who had been there of their own will. Yet our government will not send a letter or make a phone call demanding that this kid be sent back to our country. Do we only go to bat for citizens being held by those who are not our allies? Should we not go to bat for everyone?
Eight years ago, Jeff Koons put his faith in the law. He put his faith in the United States of America. We have not returned that faith. I am asking my colleagues if they will please take the time to ask every constituent of theirs in this country, and that they do the same as I do, and I have, write the Attorney General of this country, write the Secretary of State of this country and plead for the return of this child to the United States of America now.

Bring our children home.

WOMEN’S HISTORY MONTH

The SPEAKER pro tempore, under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Madam Speaker, before I take my 5 minutes, I just want to commend my good friend, the gentleman from Wisconsin (Mr. LAMPSON), for the leadership he has provided on behalf of missing children in our country and the focus that he has given the United States Congress on this very important issue. I know, from observing him work and the passion he brings to the subject, that I would not be here, for the focus that there is in the United States Congress if it were not for him and the hard work that he is doing in elevating this issue and educating the rest of us, as well as our administration and the rest of Congress, with what a child’s problem it is. So I thank the gentleman and ask him to continue the good work. I want him to know that there are many of us who are with him every step of the way.

Madam Speaker, tonight I rise in honor of Women’s History Month. In 1987, Congress passed a resolution designating the month of March as Women’s History Month, and a time to honor, and I quote, “American women of every race, class and ethnic background who have made historic contributions to the growth and strength of our nation in countless recorded and unrecorded ways.”

For 2002, the theme of Women’s History Month has been “Women Sustaining the American Spirit.” To celebrate this month, I would like to honor four of the numerous women from Wisconsin’s history that have sustained the American spirit.

First, I would like to recognize Ada Deer. Ms. Deer, a Native American activist, was born in Keshena, Wisconsin. Nationally known as a social worker, scholar, teacher, and political leader. Ms. Deer was the first female Chair of the Menominee Nation and the first woman to serve as head of the Bureau of Indian Affairs. She continues her work today as a professor at the University of Wisconsin at Madison.

Next, I honor a woman if not well-known to my colleagues is certainly well-known to all of us, Laura Ingalls Wilder. Ms. Wilder was born in a small town on the banks of the Mississippi, Pepin, Wisconsin, which is in my congressional district. Her early years in this area became the basis for her first book, “Little House in the Big Woods,” written when she was 65 years old. This was the first of many successful books that comprised the “Little House” series, which is still read by many children.

Belle Case LaFollette is another woman whose contributions to Wisconsin’s history cannot be overstated. Though it was her husband, Fighting Bob LaFollette, who held office, Belle was a partner in every right. Born in Juneau County, Wisconsin, she was the first female graduate of the University of Wisconsin Law School. Throughout her life she was a tireless advocate on behalf of women’s rights and human rights in general.

Finally, I would like to highlight the work of Georgia O’Keeffe, born in Sun Prairie, Wisconsin. Ms. O’Keeffe was one of the first nationally recognized female American artists. After attending the Art Institute of Chicago, where she studied in New York City, then left the city to become supervisor of art in the Amarillo, Texas, school system. It was in the natural floral landscapes of the Southwest that she discovered the subjects of her most famous paintings.

Each of these women has had an impact not only on Wisconsin’s history, but also on the history of our Nation as a whole. Whether in art or literature, activism or teaching, they deserve our recognition as the true leaders of their century, the subject of artworks, poetry, and literature.

The budget

The SPEAKER pro tempore, under the Speaker’s announced policy of January 3, 2001, the gentleman from Florida (Mr. DAVIS) is recognized for 60 minutes as the designee of the minority leader.

Mr. DAVIS of Florida. Madam Speaker, tonight several of us are gathered to talk about the budget resolution we passed today, how we got to where we are, and where we need to go in order to protect our Nation’s priorities.

I will start by yielding to the gentleman from Wisconsin (Mr. KIND), as soon as he is set up; but we also have joining us tonight the gentleman from South Carolina (Mr. SPRATT), the ranking Republican on the Committee on the Budget, to talk both about how we got to where we are, and where we need to go in order to protect our Nation’s priorities.

It was very important and very constructive, because it not only affects the Nation’s priorities, but it will affect our seniors who are currently in the Social Security and Medicare programs, the baby boomers, 77 million of whom are rapidly approaching that retirement age in just a few short years and will start entering senior years in a time where spending is going to occur and how we are going to pay for these budget priorities.

That is why the debate we had, I felt, was very important and very constructive, because it not only affects the Nation’s priorities, but it will affect our seniors who are currently in the Social Security and Medicare programs, and also the younger generations, our children and grandchildren, who will be asked to clean up, so to speak, the various mistakes that I feel we are making as a Nation and as a body in the budgets and the economic policies that are then pursued over the next couple of years.
reasons, because the OMB numbers coming out of the administration are much more rosy and optimistic than what the CBO numbers show. The Director of the CBO is appointed by the majority party. Why they would reject their own CBO numbers, can only be explained from the fact that the numbers are based on more realistic economic growth scenarios and the impact of the policy decisions contained in the budget resolution.

Interest enough, it was in 1995 when the Republicans came into the majority for the first time in a while that they shut the country down by demanding that the Clinton administration use Congressional Budget Office numbers rather than their own OMB numbers. A few years later, they flippantly walked on that issue out of political expediency. Medicare spending in the next decade, they are underestimating the true impact of the baby boom. Yogi Berra was fond of saying, this is deja vu all over again. The budget resolution that we just debated is really a throwback to the economic policies and the budgets that were passed back in the 1980s and early 1990s. My constituents are surprised to learn when I tell them that the $7.5 trillion national debt that we now hold as a Nation, that 86 percent of that national debt was accumulated during the 1980s and 1990s which led the country down the road of annual structural deficits, and using the money that is contained in the Social Security and Medicare trust fund for other measures.

Unfortunately, the budget that passed last year, after 1 year when virtually every Member of the House of Representatives is on record as saying we will not touch those trust fund monies, in fact, dips into those trust funds for other government expenditures.

Just to remind Members who voted for that budget resolution today what they said as recently as last year in regards to the sanctity of the trust fund, which I happen to agree with, and as a member of the New Democratic Coalition, we have been working hard to establish fiscal responsibility and keeping hands off these trust funds, placing IOUs that are 5 and 3. It is their generation that is going to be asked to clean up the fiscal mess that is being created in today’s Congress, by postponing these long-term decisions, by dying into these trust funds, placing IOUs that will have to be paid back virtually simultaneously when the IOUs with the rest of the national debt have to be paid back.

Madam Speaker, I do not think there is any fiscal possibility or way for them to do it when it is time for them to assume the reins of leadership in this country, for their generation to deal with the aging population, and this massive population that will be exiting the drawing from the Social Security and Medicare programs for many years to come. This is really a generational argument that we are having.

Whether we are going to be thinking long term, thinking about the future of our children and grandchildren, helping them to be able to assume the leadership and make the policy decisions that they will be asked to make in the years to come, rather than continuing this black hole of fiscal irresponsibility and adding to their obligations and their burdens when they reach the age of responsibility.

Those are just a couple of issues that I wanted to raise here tonight with my colleagues. I think it is extremely important for us to emphasize and talk about. I think it is important for the American people to tune in for this debate and weigh in to this debate. This is not about whether Democrats support the war against terrorism. We are united on that front. This is about how we can still do that and maintain fiscal discipline and the promises for our aging population, but also the promises we should be making to our children and to future generations.

On that front we are falling them miserably unless we can engage the administration on a budget summit which has been proposed by the leadership of our party, getting the President to the table in order to negotiate a bipartisan agreement of how we can turn this down and get back onto the road to fiscal solvency, walling off the trust fund monies, and downloading the national debt, because we still have time to turn this around. If the baby boom begins to hit our country, which is the greatest fiscal challenge which the country will face for many years to come.

House majority whip, the gentleman from Texas (Mr. DeLay), again during last year’s debate, “Trust must be put back into the Social Security Trust Fund. The Republican lockbox legislation lacks the entire Social Security surplus and prevents the funds from being spent on other government programs.”

House majority leader, the gentleman from Texas (Mr. Armey), during last year’s debate, “I think it is very important to remember that the first thing this Congress did was to continue to keep a firewall between our Social Security and our Medicare Trust Funds and the rest of the American budget so no dime’s worth of Social Security or Medicare money will be spent on anything other than Social Security and Medicare.”

Here we are today dipping heavily into those trust funds.

Finally, the House Committee on the Budget ranking member from Iowa (Mr. Nussle), again last year, “This Congress will protect 100 percent of the Social Security and Medicare trust funds, period. No speculation, no supposition, no projections.

That is wrong. During the course of the debate were raising alarms in regard to the path which we are embarking upon with the budget resolution. But we were reminded by the gentleman from South Carolina (Mr. Spratt), the ranking member of the Committee, that we also need to maintain some fiscal discipline and not think about the next election or the next election cycle 3 years from now, but start thinking about the next generation. Our own ranking member, the gentleman from South Carolina (Mr. Spratt), is quoted as saying during the context of last year’s budget debate that set us on the path with regards to the sanctity of the trust fund, use the surplus to download our Social Security and Medicare programs for other measures.

I was very pleased today that the House passed the Social Security and Medicare Safe Deposit Box Act. This legislation will protect every penny of the Social Security and Medicare surpluses. American workers deserve to know that these important programs will be there for them when they retire.

The budget resolution passed by the Speaker and his party pillages and raids the lockbox proposal that passed last year.

Social Security and Medicare trust fund, use the surplus to download our national debt and put us on a firmer financial position to deal with the impending baby boom generation’s retirement. We do not have that luxury today. We continued down that road that existed in the 1980s and first part of the 1990s, we will not have time to recover. This is not a debate about the baby boom retirement, this is a debate fundamentally about the future of two little boys, Johnny and Matthew, who are 5 and 3. It is their generation that is going to be asked to clean up the fiscal mess that is being created in today’s Congress, by postponing these long-term decisions, by dying into these trust funds, placing IOUs that will have to be paid back virtually simultaneously when the IOUs with the rest of the national debt have to be paid back.
Mr. DAVIS of Florida. Madam Speaker, I yield to the gentleman from Texas (Mr. TURNER), a leader of the Blue Dogs, a paragon of fiscal responsibility among Democrats and Republicans, and a leader on budget issues since he arrived in Congress in 1997.

Mr. TURNER. Madam Speaker, I thank the gentleman for yielding. It is a pleasure to join my colleagues tonight on the House floor to talk about the debate that has been ongoing all day in this House regarding the budget resolution of this year and for all of the fiscal years 2003 and beyond.

For many of us it was a very difficult and disappointing day in this House, a day when 435 Members debated the future budget of our Nation, and by a margin of just 6 votes chose to abandon fiscal discipline to raid the Social Security Trust Fund and to cease the efforts that we have made for the last 4 years to balance the budget and pay down our debt.

The choice that we had before us on the floor of this House today suggested that we are in war and that their budget was justified because we are in war. All of us in this House, every Member agrees completely that we must dedicate whatever funds are necessary to win the war against terrorism. No dollar should be spared in this effort.

But is it right to ask the young men and women in uniform who are fighting this war to also pay for it? That is the effect of what happened here on this floor today. Does the majority party believe that it is right to commit to spend whatever is necessary to fund this war without an equal commitment to pay for it? Does the majority party in this House believe that calling on young men and women in uniform who are today, tonight, sacrificing for our Nation, risking their very lives, to also be the ones that will have to pay the debts that are created by this budget?

Mr. PRICE of North Carolina. I yield to the distinguished gentleman from North Carolina (Mr. PRICE), a senior member of the House Budget Committee.

Mr. PRICE. Madam Speaker, it was only 10 months ago that we were hearing projections of $5.5 trillion worth of surpluses over the next 10 years in this country. What has happened since then is a fiscal reversal that I believe historians will tell us is unmatched in our history, where we have gone from a $5.5 trillion projected surplus to a projected deficit of essentially half a trillion dollars, and even that is probably an overestimate, because the budget numbers that our Republican friends are working with do not include lots of things which I know are probably going to have to be changed and that they are already advocating themselves. It is a sobering reality that we are dealing with. But instead of dealing with that reality and putting us on a path to improving our situation, the budget our Republican friends have put out here today and that the House has approved is, I am afraid, not only going to fail to ratify the situation but actually deepen our difficulty.

The Social Security surplus is estimated to be about $1.2 trillion over the next 6 years. That was a surplus that we had hoped to not spend on other things but instead to apply to buying...
down the national debt and therefore preparing ourselves to meet Social
Security’s obligation in the next decade. But now that Social Security surplus
is going to be spent under this Republican
budget. Over 86 percent of that surplus is going to be spent. This chart will illustrate the reality.

Last year we were projecting a surplus in the non-Social Security portion of the budget of $100 billion in the near term and then we’ll up into several hundred billion dollars later in the decade. Now, however, the Bush budget, passed by this House today, put for-
ward by the Republican leadership, now shows that there not only is no non-Social Security surplus but that we are actually in deficit in the non-
Social Security portion of the budget, and that means we will be borrowing from Social Security in order to meet our obligations.

Mr. DAVIS of Florida. Will the gentle-
man yield?

Mr. PRICE of North Carolina. I will be happy to yield.

Mr. DAVIS of Florida. It seems to me that it is important to understand how we got to where we are to avoid repeating
history and going deeper into this hole. The Congressional Budget Office which is widely regarded as a nonpartisan, apolitical office analyzed what caused the reversal you have just referred to, how we went from surplus into deficit. Many people believe it is entirely based on the events of Sep-
tember 11 and the money that we un-
derstandably have spent and will con-
tinue to spend to deal with security at home and abroad.

But could the gentleman elaborate a little bit on what the Congressional Budget Office has explained is the cause of this sudden change from sur-
plus to deficit?

Mr. PRICE of North Carolina. The Congressional Budget Office estimates that more than 10 percent of this reversal, less than 10 percent of the disappeared surplus, is related to the war on terrorism. Forty-three percent of it has to do with the Presi-
dent’s tax cut, which our Republican friends shouted through last year with assurances that there was plenty of slack, plenty of running room, that we could do this safely and have a trillion left over. But 43 percent of that fiscal reversal has to do with that tax cut and less than 10 percent with the war on terrorism.

This chart will illustrate the situa-
tion. All legislation, including the war on terrorism, accounts for 17 percent and the war on terrorism is about half of that. Those technical changes and economic events that we don’t have the economic downturn and some of the ad-
ditional costs in Medicare and Medi-
caid. It is not all any one factor. But the predominant factor is indeed last year’s tax cut.

Mr. DAVIS of Florida. If the gentle-
man will further yield, as I recall there was a Democratic tax cut pro-
posal last year that differed in the size from what was ultimately passed as the Republican tax cut and one of the reasons for that was the Democratic tax proposal also included a plan to more aggressively pay down the mass-
ive Federal debt and also built in a cushion to be more conservative, is that correct?

Mr. PRICE of North Carolina. Abso-
lutely. The gentleman is correct. A year ago we were debating Republican and Democratic budget alternatives. The Republican alternative that has caused no doubt that we start
margin for error. It basically said let us take the surplus and spend it on a tax cut and let us risk going into the Social Security surplus. The Demo-
cratic plan was far more balanced. We also proposed a tax cut, a tax cut that
was aimed at estate tax relief, aimed at
putting money in families’ pockets who most needed it. That was a proposal that I think could have gotten wide-
spread support. But our Republican friends insisted on going way beyond that. We also had built in a disciplined, systematic program of debt reduction, of buying down the national debt. We also provided for some needed invest-
ments in defense, in prescription drug coverage under Medicare, and other pressing additional priorities. Most of the American people, I think, agreed that this was a more balanced ap-
proach and one that left a greater marg-
gin for error in case the economy did not perform as we hoped. Now we know in retrospect that the United States would have been far superior and would have avoided
this fiscal turnaround that we have now seen.

Mr. KIND. The gentleman has talked about debt reduction, our plan for debt reduction. Obviously during the course of the debate today and also last year, the Republican majority talked about the merits of tax relief and how it could theoretically stimulate the econ-
omy, generate more revenues and en-
courage economic growth. I really be-
lieve that. I understand their argu-
ment. Could the gentleman explain to us a little bit about the merits of debt reduction and the fiscal reasons for that and the type of economic benefit that that could bring for the Nation?

Mr. PRICE of North Carolina. I thank the gentleman. That is an ex-
tremely important point. It is very dis-
appointing to realize that now for 3 years we have been actually buying bonds and then selling those bonds to reduce the publicly held debt by some-
thing like $400 billion. That has
strengthened our country, strengthened our economy, and made us pay less interest each year on that debt service. Why do we want to reduce the debt? Because it is a huge drag on this economy to owe $3.5 trillion in exter-

nally held debt. The debt service alone
is the impact on long-term interest rates because of the reaction from the bond market and financial markets. By keeping debt reduction in check and reducing it will have the beneficial ef-
effect of reducing long-term interest rates, making it cheaper for businesses to borrow money, to invest in capital, to create jobs and to hire more people working, making it cheaper for people to afford car payments and home pay-
ments and student loan payments and credit card payments. To them, at the Federal Reserve, whether it is Chair-
man Greenspan, Chairman Volcker be-ores us, the real thing is economic stimulation and growth in the country is what happens with long-
term rates.

Through increase in debt and defi-
cits, we have raised those long-term rates because of the reaction from the bond market and financial markets. By maintaining fiscal discipline and redu-
ducing our debt burden, it enables those financial markets to reduce the long-term interest rate burden that all working families and all businesses have to confront.

Mr. PRICE of North Carolina. I think the gentleman is absolutely right. Even before the tragic events of Sep-
tember 11, it was clear that the fiscal policies of our Republican friends and
the Republican alternative left no cushion to be more conservative, is that correct?

Mr. PRICE of North Carolina. A year ago we were looking at essen-
tially paying off the publicly held debt
by around 2008 and being in a far stronger position in this country to do what we need to do, most particularly to meet our obligation to Medicare and to Social Security. Now, unfortunately, we are looking at $3 trillion debt levels, an accumulation of $4 trillion in debt over the years as far as the eye can see. This is an enormous fiscal turn around, and if you doubt it has some effect on our yearly bottom line, this chart should illuminate that impact.

Mr. DAVIS of Florida, Madam Speaker. I agree further with the gentleman that just a couple of years ago that interest payment figure the gentleman cited was closer to $225 billion, and, just to put that in context for the folks at home, that was almost as much as we spent on Medicare for the entire country for that year.

The good news was we were starting to reduce that interest payment, but now, as I think your chart points out, we are going to actually start borrowing again. What we are looking at is that interest payment, wasting money and potentially jeopardizing these historically low interest rates that consumers have been enjoying, as the gentleman from Wisconsin (Mr. KIND) has said.

Mr. PRICE of North Carolina. The gentleman from Wisconsin (Mr. KIND) is absolutely right about the threat to the long-term interest situation, and the gentleman from Florida is right about the implication of this kind of debt service, burdening us down each year.

I think the year the gentleman is referring to, the interest payments were actually more than Medicare. As I recall, interest payments were the third largest item in the whole Federal budget, surpassed only by Social Security and by the defense budget.

Mr. SPRATT. If the gentleman will yield, last year, as you well know, we were having a debate about how fast we could pay off the Treasury debt held by the public, which is a little less than $3.5 trillion. Republicans were trying to tell us we were providing too much, more than could actually be purchased and bought back.

Now what we see from CBO, this is the Congressional Budget Office’s analysis of the President’s budget dated March 6, the debt held by the public not only has not gone down, it is actually going up. In 2001, at year’s end, the total debt outstanding owed to the public was $3.3 trillion. In 2006, 5 years from then, the debt held by the public will be $3.6 trillion. It will actually go up $300 billion.

Our Republican friends took to the well today and touted the fact that some $300 billion or $400 billion in national debt had been paid off. It was. It was paid off during the Clinton administration, as we got rid of the deficit and put the budget in surplus. But our objective last year was nothing less than to get that debt paid to a very, very low level, a negligible level, so when the baby-boomers retired, they would not be burdened with this external debt owed to the public and they could meet the obligations owed to the Social Security trust fund. Instead we see, looking at these numbers that CBO gave us just a week or two ago, that when the baby-boomers begin to retire, we will have outstanding debt owed to the public by the Treasury $3.479 trillion, which is about $150 billion more than at the end of 2001. We will not have made any progress at all on the problem. That is why there is a hard reversal from where we were last year.

Mr. PRICE of North Carolina. Madam Speaker, I thank the gentleman. In the meantime, of course, we will have sunk hundreds of billions of dollars into interest payments, which could have financed, for example, prescription drug coverage under Medicare about three times over, could have rebuilt our crumbling schools, shored up our infrastructure, could have done so many things forward.

Sometimes these numbers just seem beyond comprehension, but these national debt numbers are not just abstract numbers. They are a yearly drain on this country’s resources which is why Mr. PRICE of North Carolina’s budget approved here today will only increase the problem.

Mr. SPRATT. If I could go back to what we were discussing a minute ago, Chairman Greenspan, about 2 or 3 years ago, when we first started to see daylight, we began to see the budget pull completely out of deficit and into surplus without counting the surplus in Social Security and Medicare, we were able to discern that on the horizon. Chairman Greenspan came to our Democratic Committee on the Budget caucus over in the Library of Congress and spoke to us behind closed doors, off the record.

He said, look, the Fed can get short-term interest rates down, but only you, with fiscal policy, can really bring long-term rates down, and the way you do it is exactly the way what is unfolding right now. If you can convince the financial markets that you are going to retire $3.5 trillion of Treasury debt, then that will mean the Federal Government will not be in the markets crowding out private borrowers, driving up interest rates. Instead, for every dollar you pay off, it will be a dollar added to net national saving, and over time, it will drive down interest rates, boost the economy and bring that long-term rate down.

That in itself, if we could have accomplished it, would have been a long step towards ensuring the solvency of Social Security. That is why it was so critically important. This is not some obtuse debate of whether or not it is better to have less or more debt. It is an absolutely essential element towards making Social Security solvent for the future. Mr. PRICE of North Carolina.

Mr. PRICE of North Carolina. The gentleman is absolutely correct. We need to be systematically and in a disciplined way paying down that debt, and in these fortunate years where the Social Security trust fund is running a surplus, that is exactly the way that surplus should be applied; not for tax cuts, not for new spending, but for debt reduction and for the strengthening of the future of Social Security. That is the path we were on, that is the path we have been now knocked off of.

We all know that we have to do some extraordinary things at this time of national crisis, and you will find no disagreement here today that, about the need to prosecute this anti-terrorism offensive, about the need to shore up our homeland defenses. But the entire fiscal solvency of the country cannot be wrapped up in the anti-terrorism offensive. We need to do this and to do it well and to do it right, but we need not do it at the expense of our country’s long-term fiscal strength and fiscal solvency. And that is the debate I am afraid our Republican friends today are pro-projected actually a 5 year budget. They have gone from 10 to 5 year numbers to make it look better, but the fact is our long-term budget prospects are being sacrificed.

Mr. DAVIS of Florida. If I could inquire further of the ranking Democrat on the Committee on the Budget, the biggest fear I have with what happened today is that we have failed to adopt a credible blueprint.

The budget resolution is supposed to be our blueprint. For those of us elected to Congress because we extolled the virtues of the balanced budget and paying down the debt because it was the right thing to do for our children and grandchildren and contributed to lower interest rates and helped preserve Medicare and Social Security, we measure every act we take here, whether it is a tax cut or spending proposal, by how it affects our ability to have a balanced budget and pay down the debt.

Having adopted a budget resolution today which I think clearly fails the test of being an honest yardstick as we go forward, I would say to the gentleman from South Carolina (Mr. SPRATT), I am terribly concerned as we start to debate spending proposals and tax cut proposals over here, we are not going to know where we are in relation to whether it is driving us further into deficit and how we are going to get in and out of the debt.

Does the gentleman have that fear?

Mr. SPRATT. I will show the gentleman the disparity between the budget on the floor today and the President’s budget, and the reason we said this budget we are voting on today is not a real budget.

When the President sent up his budget, he asked for $675 billion in additional tax cuts, on top of the $1.35 trillion cut last year; another $675 billion. Look at it. It is for things that are going to come up, extenders, that are expiring tax provisions that are very popular and we will all vote for them.
As the gentleman has mentioned, if we were to have used the true set of numbers that have been relied upon for years, roughly the amount of money available to spend on Medicare would be about $100 billion less than is projected today in the Republican budget resolution.

Mr. SPRATT. Two hundred twenty-five billion dollars less. That is the difference between CBO and OMB. CBO says it will be $225 billion higher than OMB estimates. OMB says it will be a very low percentage rate of growth, 4.5 percent in the next couple of years, which is a dramatic departure with the last several years.

Let us hope it happens, but I doubt that it will.

Mr. DAVIS of Florida. Madam Speaker, I ask the gentleman, where does that leave us on two critical challenges we face: first, assuring there is a real, sustainable, fair, and long-term fix to Medicare; and second, assuring there is a fair, up-front fund allocation to doctors and hospitals in rural areas and overcrowded other hospitals; and how do we begin to credibly fund a Medicare prescription drug benefit, given those numbers? Mr. SPRATT. If the gentleman will continue to yield, what the Republicans have done in this budget is set up a reserve account. In that reserve account, they have put $89 billion to take care of provider payment adjustments, hospitals, doctors, home health care.

We have an agency called MEDPAC which advises Congress on the Medicare and Medicaid programs, and in particular, on reimbursement rates that are paid providers. They have recommended in all cases increases, and in some cases they have indicated that, for example, the physician reimbursement formula is flawed and needs to be adjusted upward, because it has understated what they are entitled to.

In any event, the total of their recommendations over 10 years comes to $174 billion. That is half the amount of money that the Republicans have put in the reserve account.

That has to come out of the provision for Medicare prescription drugs, because what they have done is put in one pot the sum of money that will pay for Medicare prescription drugs and provider payment adjustments, and the provider payment adjustments could eat up half the amount of money and leave very little left over for Medicare prescription drugs.

Then what happens if CBO is right and OMB is wrong? Then we have to take $225 billion from $150 billion and we only have the remainder, $125 billion to pay the providers, who are seeking $175 billion, and to pay for Medicare prescription drugs.

It is obviously ludicrously inadequate.

Yet, they touted the prescription drug program repeatedly here on the floor, without telling everybody who is going to be a prescription drug beneficiary. OMB is stating that they are going to be in competition for the providers for the little bit of money that is left in that account.
Over 5 years, if CBO's Medicare estimate is right, there is less than $40 billion over 5 years, spread over 5 years, 40 million people, to pay for prescription drugs. We cannot do it.

Mr. PRICE of North Carolina. Madam Speaker, I thank the gentleman from Florida for his remarks and including extraneous material.

Mr. EWING of Florida. I would just like to close by saying we have attempted tonight to identify in what we believe to be a credible way the problems facing this Congress, Madam Speaker.

Earlier today we had the debate on beginning to talk about the solutions. One of the solutions that were proposed by a number of us that we hope the Senate will take up on a bipartisan basis is a trigger which would force the Congress to confront the painful fact that we are going deeper into deficit spending, and that once we do manage to get control of this war on terrorism and we pull out of the recession, that the Congress would be forced to develop a 5-year plan to balance the budget, to begin to use an honest set of numbers so we can again begin to prepare for the Social Security and Medicare, for the retirement of the baby boomers, to credibly talk about how we fund prescription drug benefit for Medicare, and to get back to paying down the debt, reducing our interest payments as a Federal Government, and contributing to lower interest rates for consumers at home.

Madame Speaker, that concludes our presentation tonight.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SHADEGG (at the request of Mr. ARMRY) for today until 1:00 p.m. on account of medical reasons.

SPECIAL ORDERS GRANTED

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

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

Ms. WOOLSEY, for 5 minutes, today.
Mr. HINOJOSA, for 5 minutes, today.
Mr. RODRIGUEZ, for 5 minutes, today.
Ms. SCHAKOWSKY, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Mr. DAVIS of Illinois, for 5 minutes, today.
Ms. CLAYTON, for 5 minutes, today.
Ms. WATSON of California, for 5 minutes, today.
Mr. LAMPSON, for 5 minutes, today.
Mr. KIND, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported as enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1949. An Act to amend the District of Columbia Columbia Access Act of 1999 to permit individuals who enroll in an institution of higher education for more than 3 years after graduating from a secondary school and individuals who attend private historically black colleges and universities nationwide to participate in the tuition assistance programs under such Act, and for other purposes.

H.R. 2738. An act to amend Public Law 107–10 to authorize a United States plan to endorse and obtain observer status for Taiwan participating at the annual summit of the World Health Assembly in May 2002 in Geneva, Switzerland, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:


ADJOURNMENT

Mr. DAVIS of Florida. Madam Speaker, pursuant to House Concurrent Resolution 368, 107th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 2 p.m. on Friday, March 22, 2002, unless it sooner receives a message from the Senate transmitting its concurrence in House Concurrent Resolution 360, which case the House shall stand adjourned until 2 p.m. on Tuesday, April 9, 2002, pursuant to that concurrent resolution.

Thereupon (at 9 o'clock and 35 minutes p.m.), the House adjourned until 2 p.m. on Tuesday, April 9, 2002, pursuant to House Concurrent Resolution 360, or under the previous order of the House if not sooner in receipt of a message from the Senate transmitting its concurrence in House Concurrent Resolution 360.

EXECUTIVE COMMUNICATIONS, ETC.

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


5974. A letter from the Deputy Secretary, Department of Defense, transmitting a report on the retirement of Lieutenant General Thomas J. Keck, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

5975. A letter from the Director, FinCEN, Department of the Treasury, transmitting the Department's final rule—Financial Crimes Enforcement Network; Special Information Sharing Procedures to Deter Money Laundering and Terrorist Financing [RIN: 1506-AA26] received March 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5976. A letter from the General Counsel, Department of Commerce, transmitting a draft bill to amend the Communications Act of 1934 to include extraneous material.

5977. A letter from the General Counsel, Department of Commerce, transmitting a draft bill to amend the Communications Act of 1934 and the Miscellaneous Appropriations Act, 2000, to provide certainty regarding the availability of spectrum for use by new telecommunications using the Department's major and local government radio spectrum; to the Committee on Energy and Commerce.

5978. A letter from the Regulations Coordination Office, Department of Health and Human Services, transmitting the Department's “Major” final rule—Medicaid Program; Modification of the Medicaid Upper Payment Limit for Non-State Government-Owned or Operated Hospitals; Delay of Effective Date (CMS–2134–N) (RIN: 0938–AL65) received March 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5979. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Filing of Failure to Submit a Required State Implementation Plan for Particulate Matter, California—San Joaquin Valley (CA073–FON; FRL–7157–9) received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5980. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Removal of Restrictions on Certain Fire Suppression Substances for Ozone-Depleting Substances; and Listing of Substitutes; Correction (FRL–7160–3) received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5981. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Outer Continental Shelf Air Regulations Consistency Update for Alaska (Alaska 001; FRL–7158–2) received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 3669. A bill to amend the Internal Revenue Code of 1986 to empower employees to control their retirement savings accounts through new diversification rights, new disclosure requirements, and new tax incentives for retirement (education); with an amendment (Rept. 107–382 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL
Pursuant to clause 2 of rule XII the following action was taken by the Speaker:
H.R. 3669. Referral to the Committee on Education and the Workforce extended for a period ending not later than April 9, 2002.

PUBLIC BILLS AND RESOLUTIONS
Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ISSA (for himself, Mr. PENCE, Mrs. BARTLETT of Georgia, Mr. KELLEY, Ms. G. MILLER of California, Mr. HUNTER, and Mr. FLAKE):
H.R. 4009. A bill to increase the authority of the Attorney General to remove, suspend, and impose other disciplinary actions on, employees of the Immigration and Naturalization Service; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida:
H.R. 4010. A bill to provide for a temporary moratorium on visas for certain aliens, and for other purposes; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Mrs. MORELLA, Mr. LANGEVIN, and Mr. EVANS):
H.R. 4011. A bill to establish the Stem Cell Research Board to conduct research on the effects of stem cells on August 9, 2001, stem cell research directive, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. CURBIN:
H.R. 4012. A bill to amend the Communications Act of 1934 to foster the deployment of wireless telecommunications services to consumers in rural areas; to the Committee on Energy and Commerce.

By Mr. SHIMKUS (for himself, Mr. WAXMAN, Mr. FULCHY, Mr. BROWN of Ohio, Mrs. ROUKKMA, Mr. RUSH, Mr. KING, Mr. GREENWOOD, and Mr. DINGLE):
H.R. 4013. A bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MATSUI (for himself, Mr. WAXMAN, Mr. SHIMKUS, Mr. BROWN of Ohio, Mrs. ROUKKMA, Mr. RUSH, Mr. KING, Mr. GREENWOOD, and Mr. DINGLE): H.R. 4014. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the development of products for rare diseases; to the Committee on Energy and Commerce.

By Mr. SIMPSON (for himself, Mr. REYES, Mrs. SMITH of New Jersey, Mr. EVANS, Mr. QUINN, and Mr. SHOWS):
H.R. 4015. A bill to amend title 38, United States Code, to extend the time during which certain liabilities on damages as a result of a terrorist attack may be limited, and for other purposes; to the Committee on Veterans’ Affairs.

By Mr. WAXMAN (for himself and Mr. YOUNG of Alaska):
H.R. 4016. A bill to amend title 49, United States Code, to extend the time during which air carrier liability for damages as a result of a terrorist attack may be limited, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. EVANS (for himself, Mr. REYES, Mrs. DAVIS of California, Mr. DINGLE, Mr. UNDERWOOD, Mr. PASTOR, Mr. MEGHAN, Mr. MALONEY of Connecticut, Mr. ANDREWS, Ms. MCKINNEY, Mr. COSTILLO, and Mr. CARSON of Arizona):
H.R. 4017. A bill to amend the Soldiers’ and Sailors’ Civil Relief Act of 1940 to treat as military service under that Act certain National Guard call to active service for a period of 30 consecutive days or more; to the Committee on Veterans’ Affairs.

By Mr. EVANS (for himself, Mr. REYES, Mr. GUTIERREZ, Ms. BROWN of Florida, Ms. BEERY, Mr. LYNCH, Mr. UDALL, Mr. HASHIM, Mr. PASCHALL, and Mr. CARSON of Indiana):
H.R. 4018. A bill to amend title 38, United States Code, to make improvements in judicial review of administrative decisions of the Department of Veterans Affairs; to the Committee on Veterans’ Affairs.

By Mr. WELLER (for himself, Mr. BARGIELA, Ms. NEWMAN, Mr. ISTOK, Mr. SHAYS, Mr. ERIHLICH, Mr. SHIMKUS, Mr. GOODLATT, Ms. CAPITO, Mr. KINNA, and Mr. GEKAS):
H.R. 4019. A bill to provide for the marriage penalty relief provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent; to the Committee on Ways and Means.

By Mr. WELLER (for himself, Mr. UPTON, Mr. ROGERS of Michigan, Mr. GUTHRIE, Mr. GIKAS, and Mr. SIESSN-BRENNER):
H.R. 4020. A bill to amend the Internal Revenue Code of 1986 to permanently extend the bonus depreciation under the Job Creation and Worker Assistance Act of 2002; to the Committee on Ways and Means.

By Mr. ALLEN (for himself, Mr. BALDACCI, Mr. BARRETT, Ms. CARSON of Indiana, Mr. CUMMINGS, Mr. CONVYERS, Mr. FROST, Mr. LANGEVIN, and Mr. SHOWS):
H.R. 4021. A bill to provide incentives to States to apply for section 1115 waivers to use Federal funds to provide for affordable employer-based nursing home coverage for the uninsured workers of small businesses in the State; to the Committee on Energy and Commerce, and in addition to the Committee on the Budget, 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. MATSUI (for himself, Mr. GEPHARDT, Ms. PELOSI, and Mr. RANGEL):
H.R. 4022. A bill to enact into law Reform Model 2 as set forth in the report of the President’s Commission to Strengthen Social Security; to the Committee on Ways and Means.

By Mr. MATSUI (for himself, Mr. GEPHARDT, Ms. PELOSI, and Mr. RANGEL): H.R. 4023. A bill to enact into law Reform Model 2 as set forth in the report of the President’s Commission to Strengthen Social Security; to the Committee on Ways and Means.

By Mr. MATSUI (for himself, Mr. GEPHARDT, Ms. PELOSI, and Mr. RANGEL):
H.R. 4025. A bill to establish a Federal program to provide reverse mortgage availability of homeowners’ insurance; to the Committee on Financial Services.

By Mr. BARTLETT of Michigan:
H.R. 4026. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act with respect to penalties for powder cocaine and crack cocaine offenses; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, 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. BAIRD (for himself, Mr. BERKE, Mr. BOSSWELL, Mr. CALVET, Mr. CANNON, Mr. CARSON of Oklahoma, Mr. CHAMER, Mr. DUCKS, Mr. DOOLEY of California, Ms. DUNN, Mr. FAER of California, Mr. INSLIE, Mr. LARSEN of Washington, Mr. OSE, Mr. SMITH of Washington, and Mrs. WILSON of New Mexico):
H.R. 4027. A bill to provide grants for law enforcement training and equipment to combat the use of fentanyl-laced razor blades; to the Committee on the Judiciary.

By Mr. BOOZMAN (for himself, Mr. SNYDER, Mr. BERRY, and Mr. ROSS):
H.R. 4028. A bill to designate the United States courthouse located at 600 West Capitol Avenue in Little Rock, Arkansas, as the “Richard S. Arnold United States Courthouse”; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Texas:
H.R. 4029. A bill to direct the Director of the Federal Emergency Management Agency to establish and operate a university-affiliated national integrative center that brings together a broad range to address the needs of homeland security; to the Committee on Transportation and Infrastructure.

By Mr. CAMP:
H.R. 4030. A bill to amend titles XVIII and XIX of the Social Security Act with respect to reform of Federal survey and certification process of nursing facilities under the Medicare and Medicaid Programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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. CANNON (for himself, Mr. HANSEN, and Mr. MATHESON):
H.R. 4031. A bill to amend title 23, United States Code, to authorize the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to expand responsibilities of the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for repayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such repayment; to the Committee on Resources.

By Mrs. CAPPS (for herself, Mr. LATOURRIETE, Mr. WAXMAN, and Mr. GREENWOOD):
H.R. 4032. A bill to amend titles V and XIX of the Social Security Act and chapter 89 of title 5, United States Code, to provide coverage for domestic violence screening and treatment, maternal and infant health, and health block grant program, the Medicaid Program, and the Federal employees health benefits program; to the Committee on Energy and Commerce; and in addition to the Committee on Government Reform, 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. CAPUANO (for himself and Mrs. MORELLA).

H.R. 4033. A bill to provide affordable housing opportunities for families that are headed by grandparents and other relatives of children, to the Committee on Financial Services.

By Mr. CONYERS (for himself, Ms. LOPFREIN, Ms. WATERS, Ms. DEGETTE, Ms. BROWN of Florida, Ms. LEE, Ms. KILPATRICK, Ms. SCHAKOWSKY, Mr. FRANK, Mr. BERMAN, Mr. NADLER, Mr. DELAHUNT, Mr. WEXLER, Mr. MEHAN, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mr. CLAY, Mr. CUMMINGS, Mr. HASTINGS of Florida, Mr. WINKLER, Mr. CROWLEY, Mr. MARKEY, Mr. ACKERMAN, and Mr. GONZALEZ).

H.R. 4034. A bill to extend Brady background checks to gun shows, and for other purposes; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. KUCINICH, Mr. SCOTT, and Mr. DELAHUNT).

H.R. 4035. A bill to authorize the President to establish military tribunals to try the terrorists responsible for the September 11, 2001 attack, to create a United States military commission to review the payment of veterans’ benefits in all hospitalization and convalescent claims to begin effective the first day of the month in which hospitalization or treatment begins; to the Committee on Veterans Affairs.

By Mr. TOM DAVIS of Virginia (for himself, Mr. BERMAN, Mr. CANNON, Mr. MORAN of Virginia, Mr. DIAZ-BALART, and Ms. ROYBAL-ALLARD).

H.R. 4036. A bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from accepting for any identification-related purpose and State-issued driver’s license, or other document, unless the Secretary determines that the document is valid for identification-related purpose and State-issued driver’s license, or other document, unless the Secretary determines that the document is valid for identification-related purposes; to the Committee on Armed Services.

By Mr. FRANK (for himself, Ms. CARSON of Indiana, Mr. TOM DAVIS of Virginia, and Mr. SIMPSON).

H.R. 4042. A bill to amend title 38, United States Code, to prohibit additional duty on glufosinate-ammonium; to the Committee on Armed Services.

By Mr. EVANS (for himself, Ms. CARSON of Indiana, Mr. TOM DAVIS of Virginia, and Mr. SIMPSON).

H.R. 4048. A bill to suspend temporarily the duty on glufosinate-ammonium; to the Committee on Ways and Means.

By Ms. JEFFERSON (for herself, Mr. BOREN, Mr. BALLANGER, and Mr. NORWOOD).

H.R. 4052. A bill to suspend temporarily the duty on N-phenyl-N’(1,2,3-thiadiazol-5-yl)-urea; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BOREN, Mr. BALLANGER, and Mr. NORWOOD).

H.R. 4053. A bill to provide for civil money penalties in certain cases; to the Committee on the Judiciary.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BOREN, Mr. BALLANGER, and Mr. NORWOOD).

H.R. 4054. A bill to provide for civil money penalties in certain cases; to the Committee on the Judiciary.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BOREN, Mr. BALLANGER, and Mr. NORWOOD).

H.R. 4055. A bill to provide for equitable results in union elections; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BOREN, Mr. BALLANGER, and Mr. NORWOOD).

H.R. 4060. A bill to replace the caseload reduction credit with a credit under the program of block grants to States for temporary assistance for needy families, and for other purposes; to the Committee on Ways and Means.

By Ms. LOPFREIN (for herself, Mr. HONDA, Ms. SOLIS, Mr. OWENS, Mr. MENENDEZ, Ms. FELOSI, Mr. TOM DAVIS of Virginia, Mr. EHSO, Ms. SANCHEZ, Mr. WESCHER, Mr. ROHRER, Mr. DIXON, Mr. HASTINGS of Florida, Mr. WINKLER, and Mr. WOOLSEY).

H.R. 4061. A bill to suspend temporarily the duty on 2-(3,4-dichlorophenyl)-N-(1-phenylpropyl) urea; to the Committee on Ways and Means.

By Mr. JEFFERSON.

H.R. 4062. A bill to suspend temporarily the duty on 3-(3,5-dichlorophenyl)-N-(1-methyllethyl)-2,4-dioxo-1-imidazolidine carbamoyl chloride, to the Committee on Ways and Means.

By Mr. JEFFERSON.

H.R. 4063. A bill to provide for the conveyance of land at Fort Hood, Texas, to facilitate the establishment of a State-run cemetery for veterans; to the Committee on Armed Services.

By Mr. ETHERIDG.

H.R. 4081. A bill to suspend temporarily the duty on 4-oxo-2-oxo-3-cyano-4-pheonxybenzyl ester; to the Committee on Ways and Means.

By Mr. JEFFERSON.

H.R. 4085. A bill to provide for active-duty military service during specified military operations; to the Committee on Armed Services.

By Mr. WILLIAMSON.

H.R. 4093. A bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the cash basis of accounting for pass-through entities operating abroad, and for other purposes; to the Committee on Ways and Means.

By Mr. JEFFERSON.
the Judiciary, and in addition to the Committee on Transportation and Infrastructure, 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. MCMULLEN:
H.R. 4051. A bill to provide for homeland security blocks grants; to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Judiciary, and Energy and Commerce, 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. PALLONE (for himself, Mr. KUCINICH, Mr. Pascrell, Ms. Kilpatrick, Mr. Nadler, Mrs. Lowery, Mr. Berman, Ms. Eshoo, Mr. FroST, Ms. Schakowsky, Ms. Solis, and Mr. Filner):
H.R. 4060. A bill to amend the Internal Revenue Code of 1986 to reinstate the taxes funding the Hazardous Substance Superfund and the Oil Spill Liability Trust Fund and to extend the taxes funding the Leaking Underground Storage Tank Fund; to the Committee on Ways and Means.

By Mr. PELOSI (for herself, Mrs. Jones of Ohio, Mr. King, Ms. Slaughter, Mr. FroST, Mr. Berman, Mr. Brown of Ohio, Mr. Towns, Mr. MURTHA, Mr. G. MILLER of California, Mr. Filner, Mr. KUCINICH, Mr. PALLONE, Mr. BLAOJOEVICH, Mr. TINNEY, Mr. HINCHey, Mr. SERRANO, Ms. Scharowsky, Mr. JACKSON of Illinois, Mr. STARK, Mr. HASTINGS, Mr. LIEU, Mr. Issa, Mr. ACKERMAN, Mr. CLYBURN, Mr. KENney of Rhode Island, Ms. MCKINNEY, Ms. ROYAL-ALLARD, Ms. Brown of Florida, Mr. WOOLSEY, Ms. DOUGGIE, Ms. DUNN, Mr. TOPEL, Mr. HAYWORTH, Mr. HOFFT, Mr. Lewis of Kentucky, Mr. McCaRTney, Mr. McNICHOLS, Mr. MCELHINNY, Mr. PORTMAN, Mr. RAMSTAD, and Mr. RANGEL):
H.R. 4068. A bill to amend title II of the Social Security Act to provide for miscellaneous enhancements in Social Security benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. GONZALEZ, Mr. ORTIZ, and Mr. PASCARELL:
H.R. 4071. A bill to extend the registration of the bill H.R. 2356; considered and agreed to.

By Mr. SMITH of New Jersey (for himself, Mr. Berman, Ms. ROS-LeHTINEN, and Mr. DelNUNZIO):
H.R. 4074. A bill to amend the Immigration and Nationality Act to reaffirm the United States historic commitment to protecting refugees from fleeing persecution or torture; to the Committee on Judiciary.

By Mr. STARK (for himself, Mr. Frank, and Mr. DelNUNZIO):
H.R. 4075. A bill to amend the Internal Revenue Code of 1986 to provide that corporate tax benefits from stock option compensation expenses are allowed only if such expenses are included in a corporation's financial statements; to the Committee on Ways and Means.

By Mr. STARK:
H.R. 4076. A bill to modify the boundaries of the Agua Fria National Monument in the State of Arizona to clarify Bureau of Land Management administrative responsibilities regarding the Monument, and for other purposes; to the Committee on Resources.

By Mr. WILSON of New Mexico:
H.R. 4079. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965 to make available additional funds to increase access to the arts through the support of education; to the Committee on Education and the Workforce.

By Mr. BOSS:
H. Con. Res. 360. Concurrent resolution providing for a conditional adjournment of the House of Representatives and conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. WYNN:
H. Con. Res. 361. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill H.R. 2356; considered and agreed to.

By Mr. BROWN of South Carolina (for himself, Mr. Wilson of South Carolina, Mr. GRISHAM, and Mr. DeMINT):
H. Con. Res. 362. Concurrent resolution encouraging employers who employ members
of the National Guard and Reserve components of the Armed Forces to provide a pay differential benefit and an extension of employee benefits to such members while they serve on active duty, and commending employers who already provide such benefits; to the Committee on Armed Services.

By Mr. CONyers (for himself, Mr. BARKER of California, Mr. DEGette, Mr. McCARTHY of Michigan, Mr. ABercrombie, and Mr. HyDE):

H. Con. Res. 363. Concurrent resolution extending birthday greetings and best wishes to Lieutenant Hampton on the occasion of his 94th birthday; to the Committee on Government Reform.

By Mr. Cox:

H. Con. Res. 364. Concurrent resolution recognizing the historic significance of the 50th anniversary of the founding of the United States Army Special Forces and honoring the “Father of the Special Forces”, Colonel Aaron Bank (United States Army, retired) of Mission Viejo, California, for his role in establishing the Army Special Forces; to the Committee on Armed Services.

By Ms. Dunn (for herself, Mr. Crane, Mr. THabert, Mr. Dicks, Mrs. BRoggert, Mr. McDermott, Mr. Smith of Washington, Mr. Hastings of Washington, Mr. Larsen of Washington, Mr. Baird, Mr. Inslee, and Mr. McnGuirk):

H. Con. Res. 365. Concurrent resolution recognizing the 50th anniversary of the historic visit of President Richard Nixon to China, and commending President George W. Bush for his effort to continue to advance a political, cultural, and economic relationship between the United States and China; to the Committee on International Relations.

By Mr. Leach:

H. Con. Res. 366. Concurrent resolution expressing the sense of Congress to welcome the Prime Minister of New Zealand, the Right Honorable Helen Clark, on the occasion of her visit to the United States, to express gratitude to the Government of New Zealand for its cooperation with the United States in the campaign against terrorism; and to reaffirm commitment to the continuation of expanded friendship and cooperation between the United States and New Zealand; to the Committee on International Relations.

By Mrs. Myrick (for herself, Mrs. Cubin, and Mrs. Jo Ann Davis of Virginia):

H. Con. Res. 367. Concurrent resolution honoring the life and work of Susan B. Anthony; to the Committee on Government Reform.

By Mr. Paul (for himself, Ms. McKinney, and Mr. Stark):

H. Con. Res. 368. Concurrent resolution expressing the sense of Congress that reinstating the military draft or implementing any other form of compulsory military service in the United States would be detrimental to the long-term military interests of the United States, violative of individual liberties protected by the Constitution, inconsistent with the values underlying a free society as expressed in the Declaration of Independence; to the Committee on Armed Services.

By Mr. Saxton:

H. Con. Res. 369. Concurrent resolution calling upon Yasser Arafat and the leaders of other countries in the Middle East to accept the existence of Israel; to the Committee on International Relations.

By Ms. USA (for himself and Mr. Dunn):

H. Res. 374. A resolution calling for an immediate cessation of the violence in the Middle East, and an end to the negotiation to end the conflict in the region; to the Committee on International Relations.

By Mr. Gooss:

H. Res. 375. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. Kingston, Mr. Collins, Mr. Norwood, Mr. Barr of Georgia, Mr. Deal of Georgia, and Mr. Chablis: H. Res. 376. A resolution amending the Rules of the House of Representatives to apply the layover requirements for conference reports during the last six days of a session of Congress, to require that certain matters be included in joint explanatory statements accompanying conference reports, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, Mr. Wynn introduced a bill (H.R. 4082) for the relief of Germalyn Selga Salto and Carl Gino Selga Salto; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 13: Mr. McNulty.
H.R. 175: Mr. Cantor.
H.R. 257: Mr. Ehlers.
H.R. 267: Mr. Matheson.
H.R. 299: Mr. Wexler.
H.R. 425: Ms. Woolsey and Mrs. Davis of California.
H.R. 519: Mr. Shuster, Mr. Cantor, Mr. Sullivan, and Ms. Carson of Indiana.
H.R. 536: Mr. Vitter.
H.R. 600: Mr. Thornberry, Mr. Berey, Mr. Gibbons, Mr. Buxton, and Mr. Gutierrez.
H.R. 648: Mr. Wicker.
H.R. 701: Mr. Barnett.
H.R. 709: Mr. Kucera.
H.R. 735: Mr. Paschke and Mr. Baird.
H.R. 778: Mr. Chablis.
H.R. 781: Mrs. Davis of California.
H.R. 1017: Mr. Frost.
H.R. 1030: Mr. Thompson.
H.R. 1089: Mr. Matsui and Mr. Lewis of Georgia.
H.R. 1090: Mr. Barr of Georgia.
H.R. 1109: Mr. Thomas of Georgia.
H.R. 1191: Mr. Shays.
H.R. 1296: Mr. Brown of South Carolina.
H.R. 1365: Mr. LaTourette and Mr. Wexler.
H.R. 1341: Mr. Lampson.
H.R. 1343: Mr. Lynch.
H.R. 1360: Mr. Sweeney and Mr. Owens.
H.R. 1366: Mr. Fattah, Mr. Ford, and Mr. Matsui.
H.R. 1462: Mr. Inslee.
H.R. 1476: Mr. Lynch, Mrs. Clayton Mr. Chernshlaw, and Mrs. Knun.
H.R. 1498: Mr. Barrett.
H.R. 1520: Mr. LaHood.
H.R. 1535: Mr. Kinoston.
H.R. 1543: Mr. Baird.
H.R. 1566: Mr. Inslee, Mr. Schipp, and Ms. Lofgren.
H.R. 1598: Mr. Gunkrich.
H.R. 1613: Mr. Johnson of Illinois and Mr. Frost.
H.R. 1683: Mr. Bronner and Mr. Carson of Indiana.
H.R. 1701: Mr. Portman.
H.R. 1723: Mr. Osborne.
H.R. 1724: Mr. Stenholm and Mr. Filner.
H.R. 1789: Mr. Moore and Mr. Larson of Connecticut.
H.R. 1822: Mr. Gucci, Mr. McGovern, Ms. Schakowsky, Mr. Nal of Massachusetts, Mr. Holt, Mr. Sessions, Mr. Tachira, Mr. Otter, Mrs. Mink of Hawaii, and Mr. Simpson.
H.R. 1837: Mr. Barker.
H.R. 1966: Mr. Filner, Mr. Wynn, Ms. Millender-McDonald, Mr. Murtha, Mrs. Woolsey, and Mr. Carson of Indiana.
H.R. 1994: Mr. Frost and Mrs. Morella.
H.R. 1998: Mr. Shimkus.
H.R. 2009: Mr. Clyburn, Mr. Lucas of Kentucky, Mr. Farrar, Mr. Hall of Texas, Mr. Kildee, Ms. Kilpatrick, Mr. Phelps, Mr. Sessions, Mr. Smith of Ohio, Mr. Strickland, Mr. Wu, Mr. Barcia, Mr. Holden, Mr. Andrews, Mr. Payne, Mr. Ortiz, Mr. Lantos, Mr. Rush, Mr. Rangel, Mr. Manzey, Mrs. Merk of Florida, Mr. Boyd, Mr. Ose, Mrs. Tauscher, Mr. Esch, and Mr. Bonilla.
H.R. 2246: Mr. Matheson.
H.R. 2346: Mr. Serrano, Mr. Ross, Mr. Moran of Virginia, Mr. Lynch, Mrs. McCarthy of New York, and Mr. Wexler.
H.R. 2363: Mr. McNulty, Mr. Peterson of Pennsylvania, and Mr. Sanchez.
H.R. 2365: Mr. Matsui.
H.R. 2366: Mr. Abhcroromie.
H.R. 2368: Mr. Walsh, Mr. Hoefelf, Mr. Hinchriff, Mr. Gekas, and Mr. McNeyt.
H.R. 2364: Mr. Kanjorski and Mr. McGovern.
H.R. 2712: Mr. Goode.
H.R. 2767: Mr. Lynch and Mr. George Miller of California.
H.R. 2874: Ms. McCollum and Ms. Waters.
H.R. 2876: Mrs. Hino, Mr. Moore of Minnesota, Mr. Klein of Wisconsin, Mr. Pell, Mr. Fallone, and Mr. Rangel.
H.R. 3123: Mr. Forbes, Mr. Hart, Mrs. Keene, Mrs. Mink of Hawaii, and Mr. Moran of Ohio.
H.R. 3231: Mr. Gibbons.
H.R. 3296: Mr. Bishop, Mr. Royal-Allard, and Mr. Carson of Indiana.
H.R. 3298: Mr. Wexler and Mr. Simmons.
H.R. 3244: Mr. Bartlett of Maryland, Mr. Bereck, Mr. Brady of Pennsylvania, Mr. Chablis, Mr. Conyers, Mr. Conyn, Mr. Davis of Florida, Ms. DeGette, Mr. Diaz-Balart, Mr. Dooley of California, Mr. Edwards, Mr. English, Mr. Frank, Mr. Ganske, Mr. Goss, Mr. Graham, Mr. Hall of Texas, Mr. Hoefelf, Mr. Kind, Mr. Levin, Mr. Manzullo, Mr. Matsui, Mr. Dan Miller of Florida, Mr. Neal of Massachusetts, Mr. Oberstar, Mr. Portman, Mr. Rohrabacher, Mr. Sabo, Mr. Smith of New Jersey, Mr. Stenholm, Mrs. Tauscher, Mr. Tiahrt, Mr. Tierney, Mr. Touscher, Ms. Woolsey, Mr. Wu, Mr. John, Mr. Kucera, Mr. Lewis of Georgia, Mr. Luther, and Mr. Watt of North Carolina.

H.R. 3257: Mr. Bonior.
H.R. 3320: Mr. Frost and Mr. Ehrlich.
H.R. 3321: Mrs. Tauscher.
H.R. 3322: Mr. Brown of South Carolina.
H.R. 3333: Mr. Brown of South Carolina.
H.R. 3396: Mr. Polito and Mr. Connens.
H.R. 3386: Mr. Rush and Mrs. Mink of Florid.
H.R. 3389: Mr. Kildee, Mr. Allen, Mrs. Davis of California, Mrs. Mink of Hawaii, Mr. Price of North Carolina, Mrs. Clayton, Mr. Wexler, Ms. Baldwin, Mr. Balducci, and Mr. Kucinich.
H.R. 3414: Ms. Woolsey, Mr. Larson of Connecticut, and Ms. Sanchez.
H.R. 3424: Mr. Smith of Washington, Mr. George Miller of California, Mrs. Mink of Hawaii, Mr. Evans, Mr. Young of Alaska, Mr. Gibbons, Mr. Fattah, Mr. Brady of Pennsylvania, Mr. Borski, and Mr. Murtla.
H.R. 3430: Mr. Shays.
H.R. 3436: Mr. Graves.
H.R. 3450: Mr. Cummings, Mr. Lampson, Mr. Sessions, Mr. Sununu, Ms. McKinney, Mr. Callahan, Mr. Neal of Massachusetts, Mr. Pomeroy, Mr. Oxley, Mr. Gonzalez, Mr. Forbes, Mr. Terry, Mr. Manzullo, Mr. Payne, Mr. Riley, and Mr. McHugh.
H.R. 3473: Mr. Brady of Texas.
H.R. 3479: Mr. Hall of Ohio, Mr. Shuster, and Mr. Green of Wisconsin.
H.R. 3521: Mr. Owens and Mrs. Morella.
H.R. 3524: Mr. Capuano.
H.R. 3569: Mr. Berry and Mr. Pomeroy.
H.R. 3586: Mr. Rogers of Kentucky.
H.R. 3609: Mr. Baker, Mr. Platt, Mr. Bishop, and Mr. Reyes.
H.R. 3612: Mr. Lynch, Mr. Hall of Ohio, Ms. Baldwin, Mr. Norwood, Mr. Brady of Pennsylvania, Mr. Guttierrez, Ms. Lois Frank, and Mr. Cummings.
H.R. 3625: Mr. Crowley, Ms. Drigette, Ms. Kaptur, Ms. McKinney, and Mr. Rangel.
H.R. 3644: Mr. Clay, Mr. Carson of Indiana, and Mr. Kucinich.
H.R. 3651: Mr. Udall of Colorado and Mr. Cantor.
H.R. 3670: Mr. Lynch and Ms. McKinney.
H.R. 3675: Mr. Pastor, Mr. Solis, and Mr. Levin.
H.R. 3681: Mr. Jefferson, Mr. Conyers, Mr. Edwards, Mr. Cooksey, Mr. Kildee, Mr. Wolf, Mr. Tancredo, Mr. Blumenauer, Mr. Petri, Mr. DeFazio, Mr. Hall of Texas, Mr. Gekas, Mr. Camp, Mr. John, and Mr. Bonior.
H.R. 3686: Mr. Bryant and Ms. Pryce of Ohio.
H.R. 3694: Mr. Hastings of Washington and Mr. Watt of North Carolina.
H.R. 3695: Mr. Norwood, Mr. Kildee, Mr. Terry, Mr. Trafficant, Mr. Davis of Illinois, and Mr. Pomeroy.
H.R. 3701: Mr. Souder.
H.R. 3704: Mr. Owens, Mr. Paul, and Mr. Towns.
H.R. 3710: Mr. Wolf and Mr. Dicks.
H.R. 3713: Mr. Forbes.
H.R. 3714: Mrs. Jones of Ohio, Mr. Fulmer, Ms. Woolsey, Ms. Lee, Mr. Jackson of Illinois, Mr. Crowley, Mr. Kucinich, Mr. Underwood, Mr. Farr of California, and Mr. Payne.
H.R. 3733: Mr. Kildee.
H.R. 3747: Mr. Millender-McDonald.
H.R. 3771: Mr. Evans and Mr. Kildee.
H.R. 3794: Mr. Baird.
H.R. 3795: Mr. Lipinski and Ms. McKinney.
H.R. 3807: Mr. Payne and Mr. Lee.
H.R. 3808: Mr. Hart and Mr. Graves.
H.R. 3818: Mr. Bonior, Mr. Markley, Mr. Oliver, Mr. Farr of California, Mr. Lantos, Mr. Jackson of Illinois, and Mr. Udall of New Mexico.
H.R. 3833: Mr. Greenwood and Mr. Skenin.
H.R. 3834: Ms. Diaz-Balart and Mrs. Mink of Florida.
H.R. 3836: Mr. Baird, Mr. Hoefel, and Mr. Blumenauer.
H.R. 3889: Mr. Skenin, Mr. Boswell, and Mr. Balducci.
H.R. 3890: Ms. Eddin, Mr. Johnson of Texas, Mr. Wexler, and Mr. Sweeney.
H.R. 3897: Mr. Paul, Mr. Cooksey, Mr. Deal of Georgia, Mr. Cramer, and Ms. Berkley.
H.R. 3898: Mr. Frank.
H.R. 3899: Mr. Thompson of California and Mrs. Napolitano.
H.R. 3900: Mr. Reyes, Mrs. Davis of California, Mr. Neal of Massachusetts, and Ms. McKinney.
H.R. 3915: Mr. Davis of Illinois.
H.R. 3947: Mr. Lipinski, Mr. Dicks, and Mrs. Wilson of New Mexico.
H.R. 3951: Mr. Gillmor.
H.R. 3957: Mr. Isakson, Mr. Greenwood, Mr. Fletcher, Mr. Tancredo, Mr. Burr of North Carolina, Mr. Green of Wisconsin, Ms. Hooley of Oregon, and Mr. Frost.
H.R. 3961: Mr. Morella.
H.R. 3968: Mr. Baldacci, Mr. Bishop, and Ms. McCarthy of Missouri.
H.R. 3970: Mr. Sawyer.
H.R. 3973: Mr. Graham.
H.R. 3989: Mr. McNulty, Mr. Deutsch, Mr. King, Ms. Roybal-Allard, Mrs. McCarthy of New York, Mr. Frost, and Ms. Eddie Bernice Johnson of Texas.
H.R. 4000: Ms. Woolsey and Mr. Andrews.
H.R. 4003: Mr. Abercrombie.
H.R. 423: Mr. Green of Wisconsin.
H.R. Res. 83: Mr. Kildee.
H.Con. Res. 164: Mr. Foxx.
H.Con. Res. 169: Mrs. Capps, Ms. Delauro, Mr. Kucinich, Mr. Sandlin, and Mr. Berman.
H.Con. Res. 195: Mr. Frank.
H.Con. Res. 218: Mr. Pomeroy.
H.Con. Res. 296: Mrs. Mink of Florida, Mr. Payne, Mr. Hilliard, Mr. Meeks of New York, Ms. Brown of Florida, Mr. Towns, Ms. Millender-McDonald, Mr. Lantos, Ms. Jackson-Lee of Texas, Mr. Jeffers, Mr. Jackson of Illinois, Mrs. Cristensen, Mr. Scott, Ms. Lee, Mr. Capps, and Ms. Watson.
H.Con. Res. 291: Ms. Morella, Mr. Horn, Mrs. Capito, and Mr. Underwood.
H.Con. Res. 301: Mr. Kingston, Mr. Otter, and Mr. Gilchrest.
H.Con. Res. 346: Mr. Wu.
H.Con. Res. 356: Mr. Taucedo, Mr. Rohrabacher, Mr. Deal of Georgia, Mr. Doggett, Mr. Bartlett of Maryland, Mr. Sam Johnson of Texas, Mr. Herger, Mr. Norwood, and Mr. Graves.
H.Con. Res. 351: Ms. Lee, Mr. Hastings of Florida, Mr. Honda, Mr. Abercrombie, Ms. Ros-Lehtinen, and Mr. Clay.
H.Res. 225: Mr. Ensign.
H.Res. 226: Mr. Foley.
H.Res. 361: Mr. Kildee.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS
Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:
H.R. 3994: Ms. Delauro.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS
The following Members added their names to the following discharge petitions:
The Senate met at 10 a.m. and was called to order by the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska.


**PRAYER**

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

Lord God of truth, who calls us to absolute honesty in everything we say, we renew our commitment to truth. In a time in which people no longer expect to hear the truth, or what's worse, don't see the need consistently to speak it, make us straight arrows who hit the target of absolute honesty. Help us to be people on whom others always can depend for unswerving integrity.

May the reliability of our words earn us the right to give righteous leadership. Thank You for the wonderful freedom that comes from a consistency between what we promise and what we do. You are present where truth is spoken. Thank You for reigning supreme in this Senate Chamber today. In the name of our Lord and Saviour. Amen.


**PLEDGE OF ALLEGIANCE**

The Honorable E. BENJAMIN NELSON led the Pledge of Allegiance, as follows:

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


**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

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

The assistant legislative clerk read the following letter:


To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD, President pro tempore.

Mr. E. BENJAMIN NELSON thereupon assumed the chair as Acting President pro tempore.


**RECOGNITION OF THE ACTING MAJORITY LEADER**

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


**SCHEDULE**

Mr. REID. The Senate will resume consideration of the Campaign Finance Reform Act in a brief minute or two. The Senate will vote on cloture at 1 p.m. We have received word there may be an effort to move the vote up a little bit because of a meeting at the White House. We will be happy to take that under consideration. If cloture is invoked, there will be an additional 3 hours of debate prior to final passage of campaign finance reform.

We have already had a number of requests for people to speak between 12 and 1 p.m. We would like to reserve that time for the two leaders and those who have been so active in supporting this bill: Senators FEINGOLD and MCCAIN, and Senators MCCONNELL and GRAMM in opposition thereto. People desiring to speak on this legislation should get over here and do that now because the time between 12 and when we vote on this will be jammed with Members most directly involved on the bill.

We will move this vote up if the majority wants us to do that, and we ask Members to move as quickly as possible.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, we have ended up with a little more time on this debate than we earlier thought. As the principal opponent of the bill, I want to lock in a time for my final statement on the bill. Should cloture be invoked and we are in the 3-hour postcloture period, I ask unanimous consent I be allowed to give my final statement at 2 p.m.

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

The Republican leader.

Mr. LOTT. Mr. President, I apologize to Senator REID. I came in as he was wrapping up his remarks.

With regard to the time on the vote at 1 p.m., there has been some indication maybe we could start that vote 30 minutes earlier. What is anticipated?

Mr. REID. I indicated there has been some talk of that. I will discuss that with the majority leader. It probably would work to everyone’s advantage to move that up. We will do that as soon as possible.

If I could have the attention of the Senator from Kentucky, just so we could have some idea because other people wish to speak, do you have an idea how long you wish to speak at 2 p.m.? You can have as much time as you want.

Mr. MCCONNELL. I believe I control the time on this side, unless the leader wants to control the time. I could use up to an hour during that period, beginning at 2 p.m.

I have one other request on this side for an extensive amount of time, and that is Senator GRAMM of Texas, who was going to speak from 12 to 1, but I gather others are requesting that same period.

Mr. REID. In response to my friend from Kentucky, what we are going to try to do, even though it is not part of the consent, is work back and forth on the time. Senator GRAMM certainly deserves extended time on this most important issue. I was thinking we would do it by process of elimination: majority leader, the minority leader wishes...
Senator GRAMM. Senator HUTCHISON of Texas is here to use some of our time. We will be happy to begin.

RESERVATION OF LEADER TIME

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

BIPARTISAN CAMPAIGN REFORM ACT OF 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 2356, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 1 p.m. shall be equally divided between the two leaders or their designees.

The Senator from Nevada.

Mr. REID. Before the Republican leader leaves, it would be to everyone's interest to have the vote start at 12:50.

All other provisions of the unanimous consent agreement would be in effect.

Mr. LOTT. I think that is the wise thing to do. I appreciate the cooperation on that; is that an unanimous consent request?

Mr. REID. It is.

Mr. LOTT. We would have no objection to that. So it is 12:50.

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

The Senator from Kentucky.

Mr. McCONNELL. I yield to the distinguished Senator from Texas sometime as she may desire.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Kentucky for leading the effort to point out some of the flaws in this campaign finance reform bill. This has been a long process. Everyone knows how hard it is to get a bill into final form. Frankly, we are being asked to vote cloture on a bill that we have not debated since it came from the House. There are some flaws in this bill. I don't think it is unreasonable to request the ability to have some amendments to try to correct the flaws.

Most people would like to see campaign finance reform. There are flaws in the current system. However, this bill does not fix all of them. It does some harm, in place of good. To have no amendment capable of changing it is a very bad process that will result in a bad bill.

Last year I proposed several reforms that were in a bill I introduced. I am glad that the Senate took legislation that limits the amount of loans a candidate can repay, loans made to his or her own race. But there are several provisions I introduced that are not included in the bill.

First, I believe an uncoordinated amount of campaign contributions can come from outside a person's home State or district. You can say: Make that an issue. Just tell everyone the majority of a person's contributions are coming from outside the State.

But what we are doing in this bill is exacerbating the problem. In the bill I introduced last year, I said that 60 percent of campaign contributions should come from a Member or candidate's home State, because I do not think a group from outside the State should be able to drown out the people of the State or district. The bill that is before us today is going to allow outside groups, whose contributors we do not know, to have unregulated access to the system and limit the capability of parties whose contributors are made public. We are going to have situations, especially in a small State, where the people of that State can be totally drowned out by interest groups in Washington, DC.

I think we are creating a monster by not putting in a limitation on how much you can raise outside the State. I think that could severely hamper the people of the State, especially a small State, from having their views expressed through their contributions, able to be heard and not be drowned out by outside groups from another State or district. So that was not good in the bill, and I think the provisions that are in the bill.

One of the provisions that is in the bill that I am very worried about allows unregulated special interest groups to raise and spend unlimited amounts of soft money without any real reporting requirements. I really do not know who the contributors are to a group. But have elevated the status of groups such as that by curtailing the ability of our political parties, which have played a vital role in getting out the vote and informing people about the nominees of that political party. We are limiting the amount of soft money that can go to the political parties while outside groups are not limited at all. I think that is a blow to the political system, and I think it is really against what the bill's backers would want.

In addition, I think the bill tramples the principle of freedom of speech by restricting broadcast advertising for 60 days before an election. This is the part of the bill that I think is unconstitutional. How many times have we heard that a large portion of the voting public really doesn't focus on the campaign until 2 weeks before the election? A poll taken 2 weeks before an election is not really valid, and any candidate will tell you that, because so much can happen in that last 2 weeks. That is when the majority of the public begins to poll the data they have been getting in the mail to start studying it. They start to listen to what is being said on television, which is where most people get their news. Now people are just beginning to tune in, the heat is on, and we are not restricting the capabiliy for that broadcast message.

I think this is an area of free speech with which we cannot afford to tamper, to lessen the capability to be heard in this medium. I think this is what will be thrown out in the end.

I have to say I do not like the idea of voting cloture on a bill that has just come back from the House, has been amended in the House, and to say the other one really should have the ability to amend the bill because if we do that, somehow it will delay it further and we may not ever get it to the President. That goes against everything we stand for in a representative democracy where we have two bodies. Specifically, we have two bodies so you can make sure you cover all the bases because when one body passes a bill, the other one may see something that is different or they may find a mistake. We have seen that happen in the past times. To say: do not tamper with this bill that the House just passed, pass it intact, is an incredible statement, especially when the sponsors of a bill say they are trying to open the political system.

We are closing the Senate in an effort to open the political system? Somehow that does not pass the logic test.

I am going to vote against cloture. I think it is preposterous. If the Senate is going to close the bill is closed to debate, if cloture is invoked, I will certainly vote against a bill that I think has tremendous flaws in its treatment of fundamental rights in our country.

I would like to see some reforms in our system. I introduced a bill that I thought had legitimate reforms. The few parts of my legislation that are included I appreciate. I think there are good parts of this kind of bill make it worse. I think it is really against what the bill's backers would want.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.
Mr. MCCONNELL. Before the Senator from Texas leaves the floor, I would like to commend her for an outstanding statement. I listened carefully to all her words. I just would point out what a wise observation she made about the 60-day blackout period. This bill makes people more accountable to the Federal Government and raise hard dollars in order to have the right to say anything about any of us within 60 days of an election—unless you own a newspaper. If you own a newspaper, you are exempt from everything.

This bill, I say to my friend from Texas, sort of singles out various groups for preferential treatment. If you are a big corporation that owns a newspaper, you have no restraints. If you own a newspaper that doesn’t own a newspaper, you have a bunch of restraints. So the effort here is to give some people more first amendment rights than others. That is among the things the Constitution, that make this bill constitutionally flawed.

I congratulate the Senator from Texas for her comments and observations.

Mrs. HUTCHISON. I say to the Senator from Kentucky, I think that is the part that is going to go first under the constitutional challenge. We have been, for over 200 years in this country, protective of every media outlet, trying to assure that there is no outlet that will be closed—other than the person who yells “Fire!” in a crowded theater, who could do harm. But other than that, to pick one medium and say you are going to have severe restrictions and red tape and bureaucracy before anything can be heard on your medium, but the other medium would have no restrictions whatsoever, is beyond comprehension when you read the Bill of Rights. It is beyond comprehension.

I can’t imagine that our Founding Fathers would have envisioned we would even attempt something such as this. At least they had the foresight to put speech as our most important right and gave the Supreme Court the capability to check the Congress when they would violate such an important right.

Mr. MCCONNELL. It is as if the supporters of this bill and the owners of the newspapers who are so enthusiastically behind this bill think that newspapers have greater first amendment rights than any of the rest of us. The court decisions over the years have made it very clear that, while we do have freedom of the press—I support that, and the Senator from Texas supports that—everyone else has a right to speak at any time without undue interference.

The Senator from Texas has pointed out one of the obvious flaws. There are others, all of which will now unfortunately have to go through the courts to be sorted out.

I thank her for her statement. I thought it was an important contribution to our closing debate today.

Mrs. HUTCHISON. I thank the Senator from Kentucky for continuing to look at these bills in great detail. We have tried to offer amendments that might clear these constitutional challenges. I know the Senator from Kentucky has tried to do that without success. That is why we are here today. But our Founding Fathers, who probably never envisioned television, had the foresight to know that freedom of speech was inviolate under our Constitution. They gave us the clear language of the Bill of Rights, and they gave us a third branch of government—the Supreme Court—to protect us.

Thank you, Mr. President. I yield the floor.

Mr. MCCONNELL. Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. FEINGOLD. Mr. President, how much time does the Senator desire?

Mr. WELLSTONE. Fifteen minutes.

Mr. FEINGOLD. I yield 15 minutes to the Senator from Minnesota.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank my colleague.

I wish to speak today about the campaign finance reform bill. This is a step in the right direction, for sure.

When this bill came to the floor in 1995, I was an original cosponsor with Senator Thompson. First of all, there are a couple of points which are weaker than before. One of the ways has to do with raising the individual spending limits to $2,000.

It is interesting that during the last election 4 citizens out of every 10,000 Americans made contributions greater than $200. Only 232,000 Americans gave contributions of $1,000 or more. That was one-ninth of 1 percent of the voting-age population. By bumping the spending limits up, I think we just simply further maximize the leverage and the power of the wealthiest citizens in the country. I regret that. I oppose it. But it is part of the bill.

There was an amendment I had in the bill which would have changed a word or two in the Federal Election Commission Code that would have allowed States to voluntarily move toward a public system, a system of public financing, or partial public financing—a multi-purpose effort. I think we received 36 votes for that amendment. I would like to have seen the sponsors of the legislation support it because I think we could have passed it. I think it would have strengthened the bill.

Frankly, I think you would have a lot of energy back in the States—in the States of Minnesota and Nebraska—where people could say: Listen, if we in our State want to have some kind of public or partial-public financing, it would have to be an agreed upon spending limit applied to Federal races, let us do it.

I think it would have been wonderful to see the energy back at the State level and see people of a chance to organize. I dearly would have liked to have seen that amendment agreed to.

However, I think we need to have some victories. Of course, what the political parties said, at least initially what some people said is we can’t give up all of that soft money; it will weaken political parties. I don’t think so. I think it would be wonderful to see both political parties have to get back to more traditional politics. I think it would be wonderful to see both political parties have to rely on smaller contributions. I think it would be wonderful to see both...
political parties having to be more connected to the ordinary citizens, which I mean in a positive way, not in a pejorative sense.

The most controversial provision of this legislation was an amendment I submitted as not being a reformer, and having offered an antireform amendment, it is hard to take because, for me, ever since I have been in the Senate, after the 1990 election, reform has been at the top of my agenda. I do not know how many amendments I have brought to the floor dealing with this whole question of how you get money out of politics. I do not know how many battles I have fought. I cannot recount them all. As I said, I was pleased to be one of original two cosponsors of this legislation.

But when this bill came to the floor of the Senate, my concern was that we would have a prohibition of the soft money going to the political parties and to corporations and unions but there would be no prohibition of soft money going to all kinds of other groups and organizations that would proliferate and would basically raise soft money and go on television with these sham issue ads, in which case I was not even sure the legislation would be a step forward. If we had less of this money going to the parties but more of it going to all kinds of independent groups and organizations—"Americans For This" and "Americans For That"—that could raise $200,000, $300,000, $400,000, $500,000 at a crack and put it into these sham issue ads, I do not think we would be any better off.

So the amendment I offered to this bill would also have the same prohibition on soft money applied to all of these independent groups that applied to all of these sham ads. This is not to say that any organization cannot raise money and put on ads 90 days before an election. But what we do say is, you have to abide by the same spending limits as everybody else. That was the amendment.

I say to colleagues in this Senate Chamber, I do not think I have ever done one thing that I feel more fiercely proud of the fact that this controversial provision and amendment was an amendment I brought to the Senate. We won it in a tough fight. There was plenty of attack over it. We needed to plug that loophole. We needed to make sure the soft money did not flow to all these different interest groups that would basically then take over all the campaigns. I am honored to be a part of this reform bill. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, first of all, I commend our colleague from Minnesota for his typical eloquence. I, too, think he offered a very valuable amendment and one that, as he has explained, ran the risk of sinking the legislation, but that did not make the amendment any less worthy. For oftentimes, in a situation where a proposal makes all the sense in the world, for a variety of other reasons it may make it difficult to continue the process.

But his point about treating some organizations differently than others is based on sound logic. I commend him for his efforts and his participation in this debate on this matter and for his longstanding commitment to the issue of campaign finance reform.

Today is, in fact, one of those historic days. It may not look that way at this particular moment in the Chamber where every seat is not occupied, but war is coming down to the final hours of what has been a very lengthy, contentious, and highly charged debate, going back years in this country. It will come to a culmination, I am told, possibly as early as this afternoon. We will vote, finally, on a package dealing with campaign finance reform.

It is an issue I have supported over the years, since arriving in the Congress, for that matter, in the other body, where I served for some 6 years before coming to the Senate 21 years ago.

The issue of campaign finance reform—in the wake of Watergate in the mid-1970s, which spawned the underlying legislation that dealt with Presidential races and campaign finance issues—has been an ongoing discussion and debate for many years and one I have associated myself with as both a Member of the other body and a Member of this body.

It kept this bill out of a conference committee. I remind my colleagues of that. We did not have to go to conference committee. We were able to get the necessary number of votes in the House of Representatives. The bill came back to the Senate, and we are where we are.

This is one of the two major provisions of this campaign finance reform bill. I point out to Senators, on both sides of the aisle, in my view, this is one of the critical features because, again, I am pleased to go after the soft money. I wish we did not raise the hard money contributions. I still think we have a lot of work to go after big money in politics. But if we were going to have a prohibition on the soft money to the parties, and to the unions and corporations, and we were not going to be doing anything about all kinds of other groups and organizations that could then raise all this money, in huge sums, and then put on those ads, then we would not have been any better off. We would have had a huge loophole.

I am proud of the fact that I brought that amendment to the floor. I regret how tough a fight it was, although I do come off a little self-serving—but I am the most controversial provision in the bill. It made it possible for us to pass it in the House because many Representatives were saying: Wait a minute, if you have this loophole, we are going to weaken the parties and we are going to enhance the strength of all these different interest groups everywhere. So it made it possible to pass it in the House. It meant that the House bill and the Senate bill—being identical Congressmen MEEHAN and SHAYS wanted this feature in the bill—were in identical form. It meant we did not have to go to conference committee. It meant we got the bill before us. And it means we are going to pass the bill before us today. So I am really proud of that work. For me, this has been 11 years of fighting over this issue. I do not think there is anything more important we can do than to pass this legislation. I am sure we will have many editors favorable for that vote. I am sure this bill will pass by the end of the day. I am sure this bill will be a significant reform and a significant step forward. It will not be a great leap sideways.

I am sure people in the country will feel better about the fact we have passed some reform legislation. I am also sure no one in Minnesota and no one in the United States of America should believe we have now created a level playing field, where you do not have to plug that loophole, where you do not have to depend upon big money to win, where you get a lot of the big money out of politics and you get more ordinary citizens back into politics.

We are not there yet. This bill does not get us there. But do you know what? It is a step forward. It is a victory for the citizens in the country. I think it is a victory for good government. It is not Heaven on Earth, but it makes the political Earth a little better on Earth.

I am very pleased we are finally at this point. For me, there have been many years of struggle on this question. And I will finish where I started, and I will say this is in a kind of a self-aggrandizing way—I am fiercely proud of the fact that this controversial provision and amendment was an amendment I brought to the Senate. We won it in a tough fight. There was plenty of attack over it. We needed to plug that loophole. We needed to make sure the soft money did not flow to all these different interest groups that would basically then take over all the campaigns. I am honored to be a part of this reform bill. I yield the floor.
The action we are going to take later today is going to rewrite one of our Nation’s Federal campaign finance laws in a very fundamental way. As has been stated over and over again, the Senate will approve legislation addressing what the American people believe is the single greatest threat to the integrity of our democratic process, the financing of our campaigns. In the words of the op-ed piece that appeared in the New York Times, it is the single greatest threat to the integrity of our democratic process, the financing of our campaigns.

It is not the only problem in our campaign finance laws. It is not the only answer. But it is the answer around which a majority of Members here could coalesce. I would have preferred a system that has been used at the Presidential level, which I think has worked very well. And every American President, regardless of party, has embraced it, going back to the late 1970s: Ex-Presidents Ronald Reagan, George Bush, Sr., the father, as well as President and President Bush and the son. All have embraced the principle of matching campaign contributions, public support, with limits, prohibitions, and disclosure on the amounts spent on campaigns. To their credit, every Republican candidate and Democratic candidate have done so.

While it is extremely expensive to run for President, in the absence of that structure, I think we would have watched the cost in Presidential campaigns double, triple, maybe quadruple what it is today.

Today, there is not a majority of Members of this body or the any other body who would support a similar structure for congressional races, Senate or House. So no matter how good the idea may be, if you can’t muster 51 votes here and a majority in the House, then the idea is only that: it is a good idea, but it lacks the ability to build the necessary majority support for the idea to become law.

Thus the formula we have been able to coalesce around, to either ban, or place specific and real limits, on soft money in our Federal elections. While others may wish we had a different formula, it seems to me that not to do anything because you are unable to get your formula adopted would be a huge mistake.

I strongly support this approach, although I might have preferred others.

The exploding use of soft money that permeates our campaign system is, of course, having, in the minds of many, a corrupting influence, suggesting that large contributions by donors to officeholders, candidates, and political parties provide those donors with preferential access and influence over public policy.

Whether or not that is the case is immaterial, I have never suggested. I have never known of a particular Member whom I thought cast a ballot because of a contribution. In the minds of most people—a sad commentary—maybe not most, but many people, that is the case. That is what they think happens. So it then becomes a fact to them. Whether or not the reality lines up with that perception is something else. But if in the minds of Americans, our public citizens at large, in whom we must maintain the confidence of an electoral democratic process, our campaigns are perceived to be corrupted by large contributions, that is a stark reality with which we have to contend.

That is what our distinguished colleagues from Arizona and Wisconsin, Senators McLAIN and FEINGOLD, and their supporters have had in mind over the years.

It is not unreasonable that the public perception of even the appearance of corruption erodes public confidence in the integrity of our electoral process and the independence of our democracy. If the McCain-Feingold/Shays-Meehan legislation does nothing else but eviscerate the soft money loophole, it will be considered the most effective reform in decades. I am convinced this legislation is the answer and I will vote for it, strike the appropriate and constitutionally sound balance between the two competing values scrutinized by the Supreme Court in the historic case of Buckley v. Valeo: Protecting free speech and limiting actuality and the appearance of corruption.

It has been decades since Congress took similar comprehensive action with enactment of the Federal Election Campaign Act of 1971. The one thing we cannot afford is the current situation, now is the time to enact the McCain-Feingold/Shays-Meehan legislation. The American people have shown an incredible amount of patience in waiting for this law to be enacted.

I predict this debate will find its place in history. The debate, going back to the end of March and early April of 2001, will go down as one of the most significant, worthwhile debates in the recent history of this institution. Everyone had a chance to offer whatever amendments they wanted to on the bill. It was free flowing. It was actually an ongoing debate and discussion about ideas. The Senator from Minnesota, during that period, offered his amendment. We had many other ideas being offered by a number of Senators that had a chance for full discussion and airing. We then had the opportunity to vote those amendments.

I compliment the Democratic leader, Tom Daschle and his leadership in providing the opportunity for every Member to have full input in the rush of passage. This issue was of paramount importance to the continued health of our democracy. The majority leader’s handling of the winding-down process of the campaign finance debate exemplified the Senate at its best. The Senator from Nevada, Mr. REID, played a very important role as well in seeing to it that everyone had a chance to be heard as we went through this historic debate last year.

Now, as we prepare for the final passage, the unrestricted opportunity to offer and debate amendments, the unrestricted opportunity for all parties to complete negotiations for a technical corrections bill, and the opportunity for all Members to be heard are the hallmarks of the world’s greatest deliberative body. We should all be proud to be Members of it, as we finalize this process.

At the same time, I also acknowledge the influence and the passion the Senator from Kentucky has brought to this issue. He is the ranking member of the Rules Committee, the former chairman. I have said on other occasions, he embraces an unyielding belief in how the financing of our campaigns should be accomplished. There are concerns about the constitutionality of certain provisions, whether or not this is the way we ought to be regulating speech in this country. I disagree with Senator MCCONNELL with respect to his conclusions that most or some of these provisions are unconstitutional with respect to first amendment right to free speech.

Certainly Senators FEINGOLD and MccAIN, Congressman SHAYS, and Congresswoman MEEHAN deserve the lion’s share of the credit, and all the rest. They have been unyielding in their determination in the face of a lot of criticism, a lot of people pushing in the other direction. They stuck with it. As a result, we are about to adopt historic legislation that will bear their names. Whatever else they may accomplish—and they have in many other areas—I know for Senators FEINGOLD and MCCAIN, the accomplishment of campaign finance reform will culminate in their names. I congratulate the Senator from Nevada.

Certainly Senators FEINGOLD and MCCAIN, Congressmen SHAYS, and Congresswoman MEEHAN, deserve the lion’s share of the credit. They have righteously received the accolades they have in many other areas. They have in many other areas. I know for Senators FEINGOLD and MCCAIN, the accomplishment of campaign finance reform will culminate in their names. They have righteously received the accolades they have in many other areas—and they have in many other areas. For these reasons, I am privileged to have participated in my service in the Senate, the culmination of which is not going to alter the course of history, but it is going to bring a significant, profound, and worthwhile change in how we finance our campaigns for public office at the Federal level.

For all these reasons, I am privileged and honored to pursue this campaign finance reform legislation and commend those who have been engaged in this debate in helping us to arrive at this moment.

The ACTING PRESIDENT pro tempore, Mr. REID, the two sponsors of the bill in the Senate, and those who have opposed it. This has been one of the finer debates in which I have participated in my service in the Senate, the culmination of which is not going to alter the course of history, but it is going to bring a significant, profound, and worthwhile change in how we finance our campaigns for public office at the Federal level.

For all these reasons, I am privileged and honored to pursue this campaign finance reform legislation and commend those who have been engaged in this debate in helping us to arrive at this moment.

The ACTING PRESIDENT pro tempore, Mr. REID, Mr. President, the Senator from Connecticut, in his usual way, passed a lot of accolades to everyone.
except himself. This was one of the most difficult to manage bills I have seen on the floor. Senator Dodd managed that bill as well as I have ever seen a bill managed during the time I have been in the Senate. I thank him for his contributions to the leader and to me. I was just basically stood and watched him do all that he did to get to the point where it passed. It was extremely difficult. I thank him.

Based on a conversation I had this morning on the floor with the Republican leader, I ask unanimous consent that time beginning at 12:30 today be equally divided and controlled as follows: Senator Lott or a designee from 12:30 to 12:40; Senator Daschle or a designee from 12:40 to 12:50.

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

Mr. REID, Senator Dodd, who would normally manage the bill, has other obligations. The majority leader has asked that the time be controlled and designated by the Senator from Wisconsin, Mr. Feingold, whose name is associated with this important legislation.

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

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from Nevada. I strongly agree with him with regard to the outstanding job the Senator from Connecticut did in managing this bill.

It was truly masterful and essential, given the open and difficult nature of the process. I thank him for his kind words.

How much time remains on our side? The ACTING PRESIDENT pro tempore. There are 44 minutes at this time, not counting the time for the leadership just prior to the vote.

Mr. FEINGOLD. Thank you, Mr. President.

I am about to yield to one of the Senators who was very helpful on this issue. I have been through many of the turning points on this issue over 7 years. One of the clear turning points was the group of Senators who arrived in the Senate. I thank them for their dedication. The American people are grateful to them for helping to restore our democracy.

Our Founding Fathers gave us a tremendous gift: the experiment in self-government, an experiment that embodied faith in mankind, a revolutionary idea of governance.

To those who say Americans have deviated from this course, to those who say Americans have become apathetic or disinterested, I say Americans cherish their democracy as never before.

Dating back to the birth of our Nation, numerous observers have visited America’s shores to witness firsthand the wonders of this Government. In "Democracy in America," Alexis de Tocqueville commented on the trust vested by the American people in their elected officials. He said:

The electors see their representatives not only as a legislator for the state, but also as the natural advocate of the interests in the legislature; indeed, they almost seem to think that he has a power of attorney to represent each constituent.

Certainly, De Tocqueville identified a sacred trust—a trust still held and cherished by the American people. We, as elected officials, must not jeopardize that trust. Voters understand the danger of money in politics. Voters understand that the so-called special interests can have an effect on good government. They have seen Enron reel and topple. Between 1989 and 2001, Enron contributed nearly $6 million to Federal parties and candidates. It is fair for our constituents many of their savings when Enron collapsed—to ask what Enron got in return. Now voters are calling for our Government to take action to prevent special interests from having the ability to whisper in the ear of elected officials simply because their campaign coffers have been filled.

The clarion call for action can no longer be ignored. We must have systemic change. The legislation before us today cleans up our system and strengthens our democracy. Banning unlimited contributions eliminates the very worst aspect of our campaign finance system: huge contributions that distort the democratic process.

Banning soft money will not make our system perfect, but it will cleanse our politics and make it possible for the voices of ordinary Americans to be heard. No longer will wealthy special interest groups have an advantage over average, hard-working citizens. By diminishing the role of money in politics, this bill will help to ensure that elected officials spend less time fundraising and more time doing the job they were elected to do.

This bill will strengthen democracy by strengthening the faith that Americans have in our political and Government. No one understands the connection between campaign finance reform and love of country better than my colleague, John McCain. His service and his sacrifice for the Nation stand as an inspiration for all of us. His dedication to the cause of reform is a continuation of that service.

Vaclav Havel once said that “democracy is like a horizon, always approaching.” Democracy has always been a work in progress.

In fact, I am reminded of a story once told about President Eisenhower, who had a painting hung in his office—the Oval Office. It was a painting of the signing of the Declaration of Independence. The strange thing about the painting was that it was not completed. It was only two-thirds complete. There was some raw, unfinished canvas in one corner. Someone asked him, “Why did you hang such a picture?” He said, “You see, it symbolizes the unfinished business of the White House. The painting had been commissioned many years earlier, but the painter had died before the work was completed.” But Eisenhower hung it anyhow because he said that it symbolized democracy is an unfinished work and that there is room in the picture for all of us. Campaign finance reform reminds us that democracy is an unfinished work, and the passage of this bill will ensure us that there is room in the picture for all of us.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. FEINGOLD. Mr. President, I yield 5 minutes to one of our most steadfast supporters of this bill from the time we began, from the time we were sworn in together as Senators, the Senator from California, Mrs. Boxer.

Mrs. BOXER. Mr. President, I say to Senator Feingold, thank you very much for your work on this bill that we are about to pass. You and Senator McCain were steadfast, and you never gave up. You focused and you fought, and no matter how hard things were, you refused to give up. I think it is a model for all of us, and it is a model for young people to see that if you have a goal and you stick with it, and it is right, you are going to win in the end—eventually.

Having said that, I just hope this is the start of going back to one of the original ideas of Senators Feingold and McCain, which was really to limit campaign spending. There are a couple of wonderful things about the bill that we are about to vote for which I want to say thank you.

No longer will Federal candidates have to go and ask for unlimited sums of money for our parties and be put in a position where, even if, of course, we are not going to give special privilege to the people giving it, it has that appearance of a conflict of interest. And the American people have every right to question what we do if they look and see sums. That was the system. They may have been used to seeing huge sums of money were spent. I think the American public understands, in the new campaign that brought this home. I think people felt terrible that they had taken these sums. That was the system. They may have done absolutely nothing to help a company that had gone astray, but it looks bad. It looks bad.

I say to Senators Feingold and McCain, thank you for that provision.

Soft money is out of the picture for Federal candidates, and that is a good thing for us. We still have to raise, however, large sums of money. In the case of California, it is an obscene amount of money because of the cost of television, the cost of mail, the cost of...
Mr. President, how much time do we have remaining on our side?

The PRESIDING OFFICER. The Senator from Wisconsin has 32 minutes.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. McCONNELL. Mr. President, I yield 45 minutes of my time to the distinguished senior Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, this issue has been talked about at great length and has been the focus of attention of many who I do not believe it has been or is the focus of attention on Main Street, America.

We are coming to the end of the debate where it appears this bill will be passed by the House in the same form it was passed by the House, then sent to the President, and signed into law.

I wish this morning to talk about the issue that is before us and to explain why I am opposed to the bill. I think it is a case study in the power of special interest. I thank Senator McCaIN for his leadership on the issue.

I will begin with another observation. I congratulate Senator McCaIN and Senator FeINGoLD. If there is anything we know about democracy, it is that majority rules do not exist in practice. In a democracy, intensity determines the outcome of debate on public policy. It is the willingness of often a small number of people who care passionately about something, who have overriding and burning interest, their willingness to stay with that issue and to fight for it, week after week, month after month, and to ultimately wear down those who do not care equally.

Anyone who does not understand that does not understand American democracy. We are here today because of the intense desire of a relatively small number of people to see this bill become law. I congratulate Senator FeINGoLD and Senator McCaIN. I believe they are both right, but they are not wronghearted. In my opinion, they are wrongheaded on this issue even though they both believe that what they are doing is in the interest of America. As Thomas Jefferson said long ago: Good men with the same facts often disagree.

Why am I so strongly against this bill? First of all, I am not running again. I am about to close out my public life and exit the public stage, as Washington expressed it. I am profoundly opposed to this bill, first because it is clearly unconstitutional. Elected officials take an oath to support and defend the Constitution against all enemies, foreign and domestic. In the early days of the Republic, the oath was taken very seriously. Officials took it as a charge to themselves, given their individual capacity. I went back when the Revolution in history had occurred, and they swore in a new President. It really came home to me how different our system is. When he swore on behalf of the people of Korea, he swore an oath to the people of the United States, even if one works 24 hours a day, month after month, and to ultimately wear down those who do not care equally.

In the early days, each individual who took that oath took it upon themselves to make a judgment, to determine what was and what was not constitutional. Since they had put their hand on the Bible, they took constitutional responsibility. I wish this morning to talk about the issue that is before us and to explain why I am opposed to the bill. I think it is a case study in the power of special interest. I thank Senator McCaIN for his leadership on the issue.

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United States? How dare anybody tell me I cannot sell my property or mortgage my future, or disinherit my children in order to tell the world there is another Thomas Jefferson.

The Founding Fathers would be amazed that any such proposal could ever be seriously considered. They would be astounded it could happen. I am hopeful that the Supreme Court will use the flaming letter of the Constitution to strike down this bill.

The second problem with this bill has to do with equal justice under the law. If I am the New York Times, I am a for-profit company. My stock is on the New York Stock Exchange. I am driven by the same motives—many of our colleagues would say greedy motives—as every other for-profit institution in America. Does anybody doubt the New York Times, the Washington Post, or the Dallas Morning News is a for-profit business? If they doubt it, they should have been on the Commerce Committee when the Washington Post testified in favor of legislation to prevent any telephone company from getting into the communication business to compete with the Washington Post.

The New York Times is a for-profit enterprise, just like the New York Stock Exchange. They are both equally committed to making money. They are both driven by the bottom line.

They are both good investments today. Yet under this bill the New York Times will lose its ability to purchase the New York Stock Exchange. They can editorialize all they want in editorial space that would cost hundreds of thousands, and perhaps millions of dollars, for the New York Stock Exchange to purchase. They can routinely state their views on the editorial page and, quite frankly, through their news reporting, and they do it every single day on the front page and on the editorial page. They have a right to do it. But why should the New York Times have a larger say in the election of the President of the United States than the New York Stock Exchange?

When did God decree freedom of speech existed only if one owns a newspaper or a television station or if they are a commentator? What about people who work for a living and who want to be heard?

How can we write a law that treats the New York Stock Exchange differently than the New York Times? What this bill provides is unequal speech, privileged speech. So I am opposed to this bill because it is patently unconstitutional.

Let me try to explain, as best I can, in the time I have, how all of this came about, in my opinion, and what this is all about. First of all, you have heard the endless hullering about political influence. Political influence arises from the fact people want to influence the Government. In fact, the Founders understood that and they wrote it into the first amendment of the Constitution that the right to petition the Government would not be abridged.

People want to influence the Government for two reasons, it seems to me. One, the Government spends $2 trillion a year. Most of it, it spends without competitive bidding. The Government grants privileges worth billions of dollars, grants special favors routinely, even when it is not in the public interest to benefit people who have assets of $800,000 by stealing from schoolchildren who are poor. That is the Government, and people want to influence it.

The second reason people want to influence Government is because they love their country and they want to affect its future. I assume no one is interested in preventing that kind of influence. This bill does that.

Let me set that aside because that is not what we are debating. Does anybody believe if we stop this massive flow of money into the process, that the Government is going to stop setting the price of milk? Does anybody believe if we stop this soft money corruption that the Government is not going to give away $2 trillion this year? By limiting the ability of people to petition their Government, we do not eliminate political power; we simply redistribute it. We take money from one group; we give it to another.

The proponents of this bill would have Members believe that by banning soft money we are reducing political influence. We are not reducing political influence. We are redistributing political influence. Who are we taking it away from? We are taking it away from people who are willing and able to use their money to enhance their free speech guaranteed by the Constitution. Who are we giving it to? We are giving it to the people who have unequal free speech under this bill. We are giving it to the media. We are giving it to the so-called public interest groups. What a misstatement of fact. These are the same people, the Common Causes and the Ralph Naders who won’t tell you where they get their money.

Under this bill, Ralph Nader can come to my State and denounce me as he has on many occasion. I wear it as a badge of honor. But he will never have to tell anybody under this bill where he gets his soft money.

We have had ads run in favor of this bill by groups spending soft money. They are not talking about banning their ability to spend it. They are talking about banning everybody else’s ability to spend it. What blatant hypocrisy. But there it is.

What this bill does is not reduce political influence but redistribute it, take it away from working people who commit their own money to enhance their speech and give it to the media and the special interest groups that use the media to magnify their speech.

Is it not amazing when you list those who support this bill, they all fall into the category of people who want to gain political power from the passage of this bill? The New York Times never tires of editorializing in favor of this bill. But they are perhaps close with the Washington Post as the biggest beneficiaries of this bill, because their speech will still ring while the speech of others will be muted. So a one-eyed man is king in a world of the blind.

Mr. McCONNELL. Will the Senator yield to me, Mr. GRAMM.

Mr. GRAMM. I am happy to yield to the Senator.

Mr. McCONNELL. The New York Times and the Washington Post editorialized on this subject an average of once every 5½ days for the last 5 years.

Mr. GRAMM. But they have done more than editorialize. They have engaged in a type of McCarthyism. Let me explain.

Every day we read in the paper that the Senator from Kentucky or the Senator from Texas or the Senator from Rhode Island or the Senator from Wisconsin get so much money from Arthur Andersen or Enron or U.S. Steel. Yet, inexplicably, none of them give back money from Arthur Andersen or Enron or U.S. Steel or any other company. Those who say we did, know we did not, because it is illegal. Corporations cannot contribute to campaigns.

Yet all one has to do is open the daily newspaper to find that almost on any issue now, as this has turned into a great symphony, almost on any issue that is being debated, if you care about something, everybody who agrees with you who has ever contributed to you is listed but not as individuals. They are listed by what profession they are in or what company they work for.

It is McCarthyism to say that all the accountants who contributed to me—and God knows if there is a living CPA who has not contributed to me, shame on you; shame on you—every CPA in America should have contributed to me. I understand debits and credits. I have spent a political lifetime talking about balancing the books. If you are a CPA and you have referred to me, you may be guilty of malpractice.

This is the point. To say that the people in my State who work for Arthur Andersen were representing Arthur Andersen when they contributed to me is totally false and it is exactly the guilt-by-association process that the media has denounced over and over again. Yet in the most effective way, they promoted this bill. They have contributed McCarthyism routinely. I defy them to go to any accounting firm in America—and there isn’t one where there are not a lot of people who have supported me—and find where there was a directive from the company to give me money. Everybody knows that is a felony. That is illegal.

Yet long ago the Washington Post, the New York Times, and virtually every other newspaper in America stopped saying a Senator received contributions from employees of Arthur Andersen. They say he received funds from Arthur Andersen.

It is not just editorializing every 5 days. It is changing the very meaning
there is an inconvenience in free speech—if people aren’t saying what you want them to say. But is it not dangerous to end their ability to speak? If this bill really stood—and I do not believe it will—I think you would have a concentration of power in the hands of special interest groups that use the media—Common Cause, Nader—it would be harder and harder for people to get their view out if their view differs with the established power structure. More and more elections would be won or lost by special interest groups that use the media. And this bill would be made by editors and by special interest groups.

There will be more smoke-filled rooms—I don’t guess people smoke anymore, but whatever it is they do in these rooms, there will be more of it. You will have more athletes elected, you will have more celebrities elected.

The problem is, this new Thomas Jefferson may not be a star. He may not even be attractive. He might not be extraordinarily articulate. The original Thomas Jefferson was a very poor speaker, from all we know. But his ideas were revolutionary. In fact, I think if you had to choose the most important man of the last thousand years—or two thousand years—two hundred years—two thousand years, one person, I would pick: Thomas Jefferson for political freedom; and Adam Smith for economic freedom. The two of them together had the revolutionary idea of our time.

I am afraid, under this bill, that we will not discover the next Thomas Jefferson. I am afraid, under this bill, that other things will be more important. As you narrow the vision of a great country, you narrow its future. The Bible says, “Where there is no vision, people perish.”

I wonder what will occur when the American people are ready to be led in another direction, but the power structure does not want to go there. How are the people ever going to hear the other side of the story?

These are very important issues. We have never debated an issue more important than this. Yet there is no interest in this issue because, as a result of all these years of distorting the English language, keeping up a drumbeat, gradually politicians have been worn down. Now people can say: I can violate the Constitution, I can embarrass the future of America, or I can get a bad editorial in the New York Times. Of course they decide they do not want the bad editorial in the New York Times.

So that is where we are. I am relatively confident this bill will be struck down by the Supreme Court. What a paradox it will be, what a happy day it will be for me and for the Senator from Kentucky, since this bill has no severability clause in it, if it is struck down, only the parts struck down die. What a great triumph for free speech, but then all of the parts of the bill that limited free speech were struck down as unconstitutional, and only the part of the bill that enhances free speech by simply updating for inflation the limits on individual contributions remained. Could it happen? It has happened before.

My colleagues on the other side of the aisle are going to vote for this, in large part because it tilts the playing field toward them.

It may very well be that it will not. It may very well be that, in the end, we did not fulfill our oath, but our Constitution is a powerful document, and when we pass a law and the President signs it because of the pressure of the moment and the consensus in the media, then it has to stand the test of the Supreme Court. They are only across the street. But across the top of their building is written, “Equal Justice Under Law.” This bill destroys equal justice under the law. And anyone who could sit under that roof with a good conscience is going to feel called upon to take the Constitution seriously and will strike down this law.

The bill clerk proceeded to call the Senator from Kentucky. It is fun to be in front of television cameras. It makes you feel important. It gives you a notorious reputation. People recognize you. It doesn’t last very long, but they do. And it is awfully easy to stand up and defend things that are popular. It is very difficult to defend ideas that are unpopular, to be attacked every day in the media because of the position you take.

There are not many people who are tough enough to do that. There are probably only three or four—five people in the Senate, and I am being generous.

A lot of people get into politics because they want to be loved. Then, when an issue comes along where your principles are on one side and love is on the other, it is hard.

I have watched and I have read those editorials vilifying the Senator from Kentucky. I know it has been hard, and I just want to say that I don’t know whether they will ever build a monument to the Senator from Kentucky, but he is already memorialized in my heart. I will never forget the fight he has made on this bill. I thank him.

The Constitution does not work by itself. It requires a few good men. The Senator from Kentucky is one of those good men.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. Mr. President, I suggest that the time be equally divided.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. MCCONNELL, Mr. President, unfortunately, he has left the floor, but I just wanted to thank the distinguished Senator from Texas for his brilliant speech outlining the deficiencies of the bill, which will pass later today. I am extraordinarily grateful for his overly generous comments about my own work on this issue. I assure him that the vote today is not the end. There is litigation ahead. We will have announcements about the litigation team in the near future. I share the hope of the Senator from Arizona that the unfortunate parts of this bill, which he outlined so skillfully, will indeed be struck down in the courts. I can assure him that we are going to give it our best shot and that we will have an extraordinarily talented legal team spanning the ideological divide in this country to take this case forward and to give it our very best effort and to protect the first amendment, which he outlined so skillfully in his comments.

I support the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. MCCONNELL, Mr. President, I ask unanimous consent that the time under the quorum call about to begin be equally charged against both sides.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FEINGOLD, 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. FEINGOLD, Mr. President, I yield myself such time as I need.

Mr. President, on September 7, 1995, 6½ years ago, the senior Senator from Arizona and I introduced the first version of the McCain-Feingold campaign finance reform bill. It was a different bill from the one we are about to pass today, but it was a different world then. The Senate that year was controlled by the Republican party. The majority leader was Bob Dole. The occupant of the House was a Democrat, Bill Clinton, still in his first term. Still far in the future, unimaginable to any of us then, were an impeachment trial, an impossibly close Presidential election, and of course, September 11.

The world of campaign finance was much different, too. Still to come was the 1996 Presidential campaign with campaign finance abuses that by now we refer to in shorthand—the White House coffees, the Lincoln Bedroom, the Buddhas that temple fundraiser Roger Tamraz. Still ahead were the extraordinarily revealing of the Thompson investigation concerning fundraising abuses by both political parties. Still in the future was the explosion of phony issue ads by outside groups and by the political parties—hundreds of millions of dollars spent to influence elections through a loophole that assumes that the advertising is not meant to influence legislation.

Most amazing, as I look back on these many years, is the growth since then of the soft money outrage, which has become the central focus of our campaign finance reform effort over the past several years. When we first introduced our bill—I have to be honest about this—soft money was still in, if not its infancy, then, at the most, it was in its adolescence.

When we first introduced the bill in 1995, banning soft money was on our list of provisions, but we listed it, actually, as the sixth component of the bill, coming after, believe it or not, the problem of reforming the congressional franking privilege. I noted in that speech the emergence of the soft money outrage, noting that the political parties had raised—"I kid you not—"tens of millions of dollars" in 1995 alone, a figure that, of course, is absolutely nothing compared to what we see today.

The soft money loophole surely came of age in the 1996 elections, and has only kept growing since then. In the 1992 election cycle, the parties raised a total of $86 million. In 1996, that number more than tripled to $262 million. And in 2000, soft money receipts nearly doubled again to $495 million, nearly half a billion dollars.

As the world of campaign finance has changed, so has the McCain-Feingold bill. In late 1997, in the wake of the Thompson investigation, we reluctantly concluded that we needed to first focus our efforts on closing the biggest loopholes in the system: the soft money and the phony issue ads. But narrowing the bill, obviously, did not make it pass. As those two loopholes have grown in importance, and more and more money has flowed through them into our elections, the commitment of the major players in the political system to protect them has only increased.

Indeed, there was a time when the opponents of campaign finance reform called soft money "sewer money" and proposed banning it in their own alternative bill. Now, instead, they champion soft money as essential to the health and stability of the political parties and that it is somehow now protected by the first amendment, even though they wanted to eliminate it and called it "sewer money" before.

But a few things have not changed a bit since Senator McCAIN and I began this journey together. One is our commitment to bipartisan reform. Both Senator McCAIN and I mentioned this in our first speeches in 1995. We knew then that a partisan effort on this issue would not make it to the finish line. In my speech, I noted that we were both speaking to Members of both parties about our bill, and that "we are not dividing up the Senate because this has to be a product of the Senate." This had to be a product of the whole Senate, both parties.

That hope was put to the test last year when this body engaged in an extraordinary 2-week debate on campaign finance reform, with an open amendment process and a vote on final passage for the first time since 1995. We had 27 roll call votes in that debate. Thirty-eight amendments to the bill were offered and 17 were adopted. This week, we have a walking victory of the Senate as a whole. That is a major reason why it will soon be headed to the President for signature.

Another thing that has not changed since 1995, of course, is the need for reform. If anything, it has increased as much as the amount of soft money contributed to the parties has increased. In 1995, I noted that the public had reason for concern when big money was being poured into legislative efforts such as the telecommunication bill and regulatory reform legislation. Since then, the list of legislative battles where money has seemed to call the shots has gotten longer and longer: the bankruptcy bill, product liability legislation, the tobacco wars, financial services modernization, the Patients' Bill of Rights, China MFN. I could, obviously, go on and on.

I have called the bankroll on this floor more than 30 times since June 1994. I have always been afraid that an almost never comes to this floor without interests, often on both sides, that have made major soft money contributions to the political parties. We need to look no further than the work we do on this Senate floor to see the appearance of corruption—the appearance of corruption—that justifies banning soft money.

A few years ago an advocacy group unveiled a huge "FOR SALE" sign and held it up for an afternoon on the steps of the east front of the Capitol. We have seen similar images for years in political cartoons. A constituent once wrote to me that perhaps Senators should wear jackets with corporate logos on them like race cars. We laugh at these images, but inside we cringe, because this great center of democracy is truly tainted by money. Particularly after September 11, all of us in this Chamber hope the public will look to this Capitol and to the Senate with reverence and pride, not with derision. Our task today is to restore some of that pride. I believe we can undertake that task with our own sense of pride, because we know it is the right thing to do, and we know it has to be done.

Another thing that has not changed since we first introduced the McCain-Feingold bill in 1995 is the determination of the opposition to defeat reform. Early in 1996, when we were approaching our first vote on the McCain-Feingold bill and the first filibuster against our bill, a coalition began to meet to plot our defeat. The Washington Post
described the coalition as “an unusual alliance of unions, businesses, and liberal and conservative groups.” I called them at the time—and continue to call them—the Washington gatekeepers: the major players in politics who have long guarded the flow of campaign money as the currency of influence.

The National Association of Business PACs even began to run ads against House Members who cosponsored the bill, threatening to withhold financial support in the next election. Even before our bill had seen its first debate, the status quo had organized to kill it. And their efforts have continued unabated throughout the last 6½ years.

The opposition has plainly made our task more difficult, but it also now makes our victory more satisfying. Because as we stand on the verge of enacting this major accomplishment, we in this body who have supported this effort know we have acted not out of self-interest, and not for the special interests but for the public interest. This bill is for the American people, for our democracy, and for the future of our country.

When a previous effort to reform the campaign finance system failed in an end-of-session filibuster in late 1994, then-Majority Leader George Mitchell said this on the floor:

The fact of the matter is, Mr. President, every Senator knows this system stinks. Every Senator who participates in it knows this system stinks. And the American people are right when they mistrust this system, where what matters most in seeking public office is not integrity, not ability, not judgment, not reason, not responsibility, not experience, not intelligence, but money.

This bill will not fix every problem in our campaign finance system. The Presiding Officer and I have talked about this throughout the years of his steadfast support for our efforts. This bill will not miraculously erase distrust and bring the Congress to the other side overnight. It will not completely end the primacy of money in politics that so disturbed Senator Mitchell. But the bill is a step in the right direction. It is a step in the right direction.

After so many years of effort, and so many disappointments, the public has reason to be gratified by what we are about to do, and to look with hope to what we can accomplish together when the monkey of soft money is finally lifted off our back.

As elated as we are about finally finishing this long battle for reform, I cannot leave the floor without noting the war is not over. We must be vigilant as the Federal Election Commission promulgates regulations to implement the legislation. And, of course, we face a certain court challenge by opponents of reform who will argue that it violates the Constitution.

I assure my colleagues of two things: First, we have lifted off our backs. Before I close, I pay special tribute to my partner in this effort, the Senator from Arizona. When Senator McCain called me shortly after the 1994 elections and asked me to join with him in bipartisan reform efforts, I could never have imagined we would be standing here together on this day on the verge of a great victory. But the American people didn’t tell me how long it would take. I truly believe his courage, dedication, and vision, have contributed to bring this bill to the floor.

Second, we plan to be active participants in the legal fight that will undoubtedly end in the Supreme Court of the United States, perhaps as early as a year from now.

We will be similarly active in pressing the FEC to promulgate regulations that fulfill—that fulfill, not frustrate—the intent of the Congress in passing this bill. The Senator from Arizona and I did not fight for 6½ years to pass these reforms only to see them undone by a hostile FEC. The role of the FEC is to carry out the will of the Congress, to implement and enforce the law, not to undermine it.

I call on each of the Commissioners, regardless of political party or personal views on our reform effort, to be true to that role and to the oaths of office they took.

I urge my colleagues to join with us in overseeing the crucial work of the FEC and to participate in its rule-making proceedings where appropriate.

In addition, we have enacted this law, there will be other reforms to do. We need to look at the cost of broadcast advertising and consider whether those having a license to use the public airwaves ought to be required to promote democratic discourse during election campaigns.

In my opinion, we need to again consider the possibility of public funding of congressional elections, following the very successful experience with clean money systems in Maine and Arizona.

Finally, we must remain vigilant to guard against the next abuse of the campaign finance system when it comes, as it surely will.

I thank all of my colleagues for their patience and their support. I know this battle has been difficult for many of them. The pressure to preserve the status quo was intense. Inertia is a powerful force against change. We have all compromised at least a little in order to achieve this final result. Many Members have cast difficult votes. They have sometimes followed Senator McCain and me down a path without knowing exactly where it would lead. I am grateful for the trust they have shown in us, and I thank them from the bottom of my heart.

Before I close, I pay special tribute to my partner in this effort, the Senator from Arizona. When Senator McCain called me shortly after the 1994 elections and asked me to join with him in bipartisan campaign reform efforts, I could never have imagined we would be standing here together on this day on the verge of a great victory. But the American people didn’t tell me how long it would take. I truly believe his courage, dedication, and vision, have contributed to bring this bill to the floor.

Mr. President, I think I am the last Senator on this side of the aisle who served on the conference committee that produced the bill that was declared unconstitutional in Buckley v. Valeo. In the 8 years I served as assistant Republican leader on the floor, many times I was involved in debates concerning actions to try to get the PAC issue to the subject of campaign reform.

On May 26, 1983, I introduced the constitutional amendment to allow Congress to regulate and limit expenditures and contributions in Federal elections.

In 1986, I put in the RECORD a campaign finance study which showed very strong public opposition to publicly funded congressional campaigns, and I have maintained this stance against publicly funded campaigns for Congress since.

In 1986, Senator Hollings introduced a constitutional amendment, and I co-sponsored that with him, again trying to limit expenditures in Federal elections.

In 1987, I was part of the debate on S. 2, which would have provided publicly funded Senate campaigns. And it was my argument then that we should have full disclosure of soft money and that the issue ad sponsorship and subsidized mailings for 501 (c)(4) nonprofits should be regulated, as well as limiting the PAC influence on our elections.

In June of 1987, I introduced S. 1326, which required unions, corporations, PACs, and all parties to report all attempts to influence Federal elections, including voter registration and get-out-the-vote drives. It would have required notice and disclosure of independent expenditures and prohibited coordination of independent expenditures. It would have increased contribution limits for individuals facing wealthy opponents.

Mr. President, I am pleased to say that at that time I was ranking member of the Committee on Rules, in 1987, and that Senators McConnell and McCain cosponsored S. 1326.

In this Congress, I voted to send the Senate campaign finance bill to conference committee and stated at the time it was my hope that a conference would produce a fair and balanced bill. Things have not gone to conference. Instead, now we have a bill that tilts the balance of power away from accountable political parties towards...
Mr. NICKLES. Mr. President, we are in the midst of this legislation. In my opinion, we should stop picking at the edges of this issue and pass a constitutional amendment to solve the problem created by the Supreme Court in the Buckley case.

In my opinion, we should stop picking at the edges of this issue and pass a constitutional amendment to solve the problem created by the Supreme Court in the Buckley case.

I am not sure that this bill is the solution. The PRESIDING OFFICER (Mr. CARPER). The Senator from Oklahoma. Mr. NICKLES. Mr. President, we are concluding a great debate that has lasted for years. I compliment the primary sponsors of this legislation, Senators MCCAIN and FEINGOLD, for their tenacity, perseverance, and stubbornness in making this happen.

They have been very committed to their cause, and I compliment them for that. I will support the legislation. I have friends who have very strong beliefs work to enact legislation to implement those beliefs. They have done that today. They will be successful today. I congratulate them and compliment them.

I also compliment my friend from Kentucky, Senator MCCONNELL, as well as Senator GRAMM, for their tenacity in opposing this particular legislation. I happen to agree with them on the substance. It is great to work with so many dedicated individuals who have committed a great portion of their legislative career either promoting or opposing this legislation.

Looking at the substance of this legislation, we have had a great debate. We have had good leadership. We have had very dedicated individuals who have committed a great portion of their legislative career either promoting or opposing this legislation. I think you can win elections if you have faith and confidence in the judicial branch. It will be a very interesting argument before the Supreme Court, and I have no doubt that my colleagues from Arizona, Wisconsin, Kentucky, and Texas, and perhaps from Oklahoma, will witness that. So the argument before the Supreme Court. It may be one of the most exciting and interesting hours of debate before the highest court in the land. I look forward to that. I won’t dwell on it much further. I think the bill has a constitutional problem. I think we are, in some ways, infringing on free speech. In my opinion; though that will ultimately be contested in court.

I happen to have faith and confidence in the judicial branch. It will be a very interesting argument before the Supreme Court, and I have no doubt that my colleagues from Arizona, Wisconsin, Kentucky, and Texas, and perhaps from Oklahoma, will witness that. So the argument before the Supreme Court. It may be one of the most exciting and interesting hours of debate before the highest court in the land. I look forward to that. I won’t dwell on it much further. I think the bill has a constitutional problem. I think we are, in some ways, infringing on free speech.

I want to talk about a few other components in the legislation. In some ways, the bill is improved from the way it left the Senate. When this bill left the Senate, it had a provision that said politicians get lower broadcasting rates—the so-called Torricelli amendment. I opposed that amendment vigorously, but I lost on the floor of the Senate. I am pleased to say the provision was removed in the House. I didn’t think we should pass campaign reform, act as if we are doing great things, then have people find out that politicians get preferential rates over others.

I find the bill faulty when it says we are going to ban soft money, but with an effective date that is after the next election. If we are going to do it, shouldn’t it be immediate? Now you are going to see a lot of spurned spending, with groups trying to raise all the soft money they can. I also find the bill to be faulty from the standpoint that it will limit soft money going to local parties, but the soft money and other funding going to interest groups that will certainly try to influence elections. My guess is that we will hamper or reduce the influence and effectiveness of national parties.

However, now you will soon have a lot of special interest groups that will grow in their influence, that will raise a lot more money, that will enhance their get-out-the-vote efforts, etc. So you are going to have a multiplication of special interest groups, where their power will grow, where they will be outside the national party effort, but they will be independent—maybe—and they will be very much trying to influence the electorate. Instead of having, more or less, two major political parties, you may have a multitude of special interest groups with a lot of money trying to influence elections. We will have to see. I think you can win elections if you have the best candidate, no matter what the rules are. So it is in the interest of both parties to recruit the best candidates, and may the best candidates win.

One other comment where the bill fails short, and where I tried to fix this on the floor and was not successful. Unfortunately, we didn’t make sure that all political contributions were voluntary. It bothers me to think we are going to have campaign reform and still have millions of Americans who are compelled to contribute to campaigns against their will, with which they don’t agree, which they are opposed to; that is still the law of the land. It should not be, but it is. We want people to have choice. We want people to have, in this day and age, people who are compelled to contribute to organizations who make contributions to political parties against their will, I think is wrong. And then to say, yes, they can file for a refund, and maybe get some of it back eventually, after the election, after the money has been used for the purpose with which they disagree, is not a satisfactory solution. Nobody should be compelled to contribute to a political party or an organization unless they agree with it. We didn’t fix that in this legislation, unfortunately. I hope we could pass legislation that I could be supportive of and which would meet the constitutional test. I don’t believe this particular bill does.

I don’t think this bill is the end of the world, as some have indicated. We will let the courts decide whether or not it is constitutional. The bill has some positive provisions. I think indexing or updating the hard money
amount, allowing individuals to contribute more is a positive change. So I compliment our colleagues for that. It has some other sections dealing with running against a millionaire candidate, and so on. I think those are good sections as well. So it is not all wrong. I do hate to pass anything that would curb an individual’s or group’s ability to participate in the election process.

Requestfully, I will be voting against this bill—again, with no angst or anxiety against the proponent. I compliment them for their efforts and their success today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I yield to the Senator from Arizona such time as he may require.

Mr. MCCAIN. Mr. President, I thank the Senator from Oklahoma for his kind remarks about those of us who support legislation that he opposes. It is typical of his generosity and spirit. I thank him very much.

I also want to thank my friend from Wisconsin, about whom I will speak later on today. As always, he contradicts Harry Truman’s old adage that “if your want ‘em, shoot them in Washington, go out and buy a dog,” because he is a very dear friend, and it has been one of the great privileges of my life to get close to him. It is a privilege knowing a truly honest man.

Mr. President, we have reached, at long last, the point when meaningful reform in our campaign finance laws is within our reach: in fact, it appears to be imminent. Although some of the measure’s detractors have argued that the American public doesn’t care about this issue, I think the outpouring of public support proves otherwise.

In an online poll conducted by Harris Interactive, 65 percent of those polled favor campaign finance reform to ban soft money. While my colleague from Texas, who spoke earlier, was correct in saying that we are determined in a CNN/Time poll last March, 77 percent of Americans described the current way in which candidates for Federal office raise money for campaigns as either “corrupt” or “unethical.”

There has been some shrill media opposition to this bill, particularly in the weeks since the House approved it by a vote of 240 to 189. The support for campaign finance reform that is reflected in newspapers around the country, I think, more accurately reflects the public sentiment on the issue. Mr. President, I ask unanimous consent that several articles be printed in the RECORD.

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

[From the Washington Post, Feb. 17, 2002]

BUSH 2000 ADVISER OFFERED TO USE CLOUT TO HELP ENRON CORP. DEREGULATE THE ELECTRICITY INDUSTRY BY WORKING HIS “GOOD FRIENDS” IN WASHINGTON AND BY MOBILIZING RELIGIOUS LEADERS AND PRO-FAMILY GROUPS FOR THE CAUSE.

For a $386,500 lobbying contract, the political strategist proposed a broad lobbying strategy that included using major campaign contributors, conservative talk shows and prayer breakfasts to lobby for favorable legislation. Reed said he could place letters from community leaders in the opinion pages of major newspapers, publishing clips that task forces didn’t favor to favorable legislation. Reed said he could place letters from community leaders in the opinion pages of major newspapers, publishing clips that task forces didn’t favor to favorable legislation. Reed said he could place letters from community leaders in the opinion pages of major newspapers, publishing clips that task forces didn’t favor to favorable legislation.

“We are a loyal member of your team and are prepared to do whatever fits your strategic plan,” Reed wrote in an October 23, 2000, memo obtained by The Washington Post. “In public policy,” he wrote, “it matters less who has the best arguments and more who gets heard—and by whom.”

The memo offers a glimpse into the relationship between Enron and the influential conservative, who was first recommended to the company in 1997 by Karl Rove, now a senior adviser to President Bush. Reed, head of the Atlanta-based consulting firm Century Strategies, is the former executive director of the Christian Coalition and current chairman of the Georgia Republican Party.

Reed has drawn criticism for his 1997 work on one Enron issue, a Pennsylvania deregulation initiative. In March of that year, Reed’s former firm, Assistance to and the Christian Coalition, worked with Enron to get legislation passed to deregulate Pennsylvania’s electricity market.

Reed’s influence has escalated over the last decade. He claims credit for helping Bush win several key presidential primary victories, and he has served as an adviser to members of Congress. Since 1997, when Reed opened Century Strategies, his consulting clients have included political candidates and corporations with interests in Washington, D.C., and Microsoft Corp., as a client in 2002 after charges that he had lobbied Bush on behalf of the software company while bush was governor.

The seven-page memo to Enron illustrates for the first time how Reed pitches his services to major corporations and how he draws on alliances he forged during ideological battles fought alongside conservative religious leaders. It also shows how political consultants have increasingly brought tactics once seen only in campaigns into the legislative arena.

Enlisting Reed’s aid would have been in character with Enron’s strategy of aligning itself with high-profile figures and pundits. Those who have accepted pay from Enron for their advice and other help include Bush economic adviser Lawrence B. Lindsey, Wisconsin lobbyist David Crane, CNN commentator Larry Kudlow, U.S. Trade Repre- sentative Robert B. Zoellick and incoming Republican National Committee chairman Marc Racicot.

Reed referenced his previous Enron work in the letter. “I had the pleasure of working with Enron during the October 2000 meeting when you had seen my “capabilities at work in the 1997 effort in Pennsylvania,” where Reed helped Enron build support for electricity deregulation. At that time, Enron was seeking access to the nation’s power grid so it could compete with traditional utilities.

Reed’s memo stresses that his firm’s “long history of organizing these groups makes us ideally situated to build a broad coalition” benefiting Enron. He said Enron’s arguments for deregulation were less important than compelling attention by enlisting the aid of elected officials’ friends and supporters. “There are certain people—a friend or family member, key party person, civic or business leader, or major donor—whose correspondence must be presented to the [elect- ed] official for his personal reading and re- sponse,” Reed wrote.

Such prominent figures could act as surrogates for Enron while using lawmakers to rewrite statutes, Reed said. “We have the capacity to generate dozens of high-touch letters from an elected official’s strongest supporter or most influential opinion leaders in his district,” he wrote. “Elected officials and regulators will be predisposed to favor greater market-orien- ted solutions if they hear from business, civic, and religious leaders in their communities.”

Reed’s memo said his organization had a record of harnessing the “minority community” and the “faith community” to support his clients.

Reed proposed two lobbying strategies, one costing $177,000 and the other $386,500.

“I will assume personal responsibility for the overall vision and strategy of the project,” he wrote. “I have long-term friendships with many members of Congress.”

Reed proposed sending 20 “facilitating letters” to each of 17 members of the congressional commerce committees that handle deregulation. Under the proposal, Enron would pay Reed’s firm $30,000 for generating letters from business leaders, each signed by a prominent figure. “These op-eds and letters are then blast faxed to elected officials, opinion leaders and civic activists for use in their own letters and public statements,” he said.

Reed asked Enron to pay his firm $25,000 to generate letters to the editors of newspapers, each signed by a prominent person. “These op-eds and letters are then blast faxed to elected officials, opinion leaders and civic activists for use in their own letters and public statements,” he said.

Reed said his firm had recently helped lawmakers to rewrite statues, Reed said.

The Senate Telecommunications Subcommittee held a hearing Friday on the entire issue of telecommunications reform. "We've got to do something about this," Reed said.

Finally, Reed said he had enjoyed "great success" in using conservative news-talk programs to spread his clients' message to "liberal-based activists." "Our public relations team has extensive experience booking guests on talk radio shows, and has excellent working relationships with many hosts," he wrote, proposing a "radio tour package." "We look forward to working with Enron," he said.
Why This Lobbyist Backs McCain-Feingold
(By Wright H. Andrews)

As a Washington lobbyist for more than 25 years, I urge Congress to make a meaningful start on campaign finance reform and pass the McCain-Feingold bill. While many lobbyists privately express dismay and disgust with today’s campaign finance process and are in favor of reforms, most have not expressed publicly. I hope my colleagues will do so after reading this “true confession” by one of their own.

I am not an ivory-tower liberal, nor do I work solely or should one say, to end the influence of money on politics. I have engaged in many activities most reformers abhor, including: (1) making thousands of dollars in illegal campaign contributions over the years, (2) raising hundreds of thousands of dollars, including “soft money,” for both political parties and (3) counseling clients on how to use their money and “issue ads” legally to influence elections and legislative decisions. Why, then, does someone like me now openly call for new campaign finance regulations that restrict on “soft money” and “issue advertising”? Quite simply because, as a Washington insider, I know that on the one hand, front offices have been mushroomed out of control. In the years I have been in this business, I have seen our federal campaign finance system and its effect on the process change dramatically—and not for the better.

I believe that individuals and interests generally have a right to use their money to influence legislative decisions. Nevertheless, I know that lobbyists, legislators and the interests represented increasingly operate in a legislative environment dominated by the campaign business, and it is becoming like a cancer eating away at our democratic system.

There is no realistic hope of change until Congress legislates. I readily admit that I will continue, and expand, my own campaign finance activities—just as will most of my colleagues—until the rules are changed.

Right now there is an ever-increasing and seemingly insatiable bipartisan demand for more contributions, both “hard” and “soft” dollars. The Federal Election Commission has revealed that Senate candidates raised a record $908.3 million during the 1999-2000 election cycle, up 37 percent from the 1997-1998 cycle. The Republican and Democratic parties raked in at least $12 billion in hard and soft money, double what they raised in the prior cycle. Soft-money donations from wealthy individuals, corporations, labor groups, trade associations and other interests have shown explosive growth. In addition, millions of dollars in unregulated “non-contribution” contributions are being plowed into the system through “issue ads.”

Today’s levels of political contributions and expenditures are undercutting the integrity of our legislative process. Ironically, congressional lobbyists in general are better, more professional, more ethical and more informed than ever in the past. Our elected officials today are also generally honest, hard-working and well-meaning. But millions of Americans are convinced that lobbyists and the interests we represent are unprincipled sleazeballs who, in effect, use great sums of money to bribe a corrupt Congress.

Many of the lobbying activities that use money to try to influence decisions is inherently wrong, unethical and unfair. While supporting reforms and recognizing citizen’s concerns, I urge Congress to proceed with political interests seeking to influence elected officials through contributions and expenditures at moderate levels, provided this is publicly disclosed and not done on a quid-pro-quo basis. The First Amendment allows every individual and interest to use its money to influence the process in Congress. And influence comes not just from political contributions; it also comes from using money, for example, to hire lobbyists, to purchase newspaper and television time to generate “grass-roots” support.

I nonetheless think the time has come to temper this right. We have reached the point at which campaign money must come into play. Campaign-related contributions and expenditures at today’s excessive levels increasingly have a disproportionate influence on legislative decisions. Unregulated contributions and expenditures are undercutting the integrity of our legislative process.

Moreover, the ability of legislators to do their work is being reduced by the demands of campaign finance. In fact, the Senate has the necessary votes to pass a campaign finance bill. But senators must work long hours to meet the demands of campaign finance reform. The Senate must do this work, which only Congress can do, if we want to keep campaign money from dictating how Congress legislates.

Some lobbyists continue to support the present campaign finance system because their own abilities to influence decisions, and their economic livelihoods, are far more dependent on campaign contributions and expenditures than on the merits of their causes. Others feel strongly that virtually no campaign contribution and expenditure limits are permissible because of the First Amendment’s protections. And some, like me, believe additional restraints on campaign finance are required and allowable if properly drafted.

As to those in the last category, I invite and encourage them to work with me in lobbying for Campaign Reform, a coalition to urge Congress to pass meaningful campaign finance reforms, starting with the basic McCain-Feingold provisions. And some, like me, believe additional restraints on campaign finance are required and allowable if properly drafted.

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We don’t see it in quite the same apocalyptic terms as Speaker Dennis Hastert, who says it’s time to bring the measure to a vote on the House floor. What’s at stake is the campaign finance reform to Armstrong. But the vote is likely important. Lawmakers can wash some $500 million in big-money contributions out of the federal system: the cash from corporations, unions and wealthy individuals that was supposed to be banned from individual campaigns but that parties and candidates have been using to keep the benefit of specific candidates. These are the funds that often come from players who give to both sides in a contest, contributions clearly aimed at buying access to officeholders. It’s long been clear that this corrupting flood should be stemmed. The House has recognized it twice before, when members passed essentially the same legislation that will be before them on Wednesday. Now they need to summon the courage to do it again, when it counts.

It’s easy to say what the vote actually matters that it might feel like the end of the world to Mr. Hastert. He and other Republican leaders are putting the pressure on House Speaker Dennis Hastert, urging him to make the bill a priority. But House Republicans and Senate Majority Leader Tom Daschle ought to know: He’s been down this road before. Reformers have been trying unsuccessfully to rein in the soft money system for many years. The bill he and Rep. Martin Meehan (D-Mass.) sponsored passed the House in 1996 and 1999. In both those years
the leadership tried to block a vote. Both times supporters began the unusual maneuver of gathering signatures for a discharge petition to require the measure to be brought to the floor. House leaders compromised when the petitions looked likely to succeed, and voluntarily scheduled votes.

This year Speaker Hastert threw up the baricades against reform. The leadership tried to block a vote until supporters actually obtained the required 218 signatures, a majority of the House. Local Republican Reps. Connie Morella (R-Md.) and Frank Wolf (R-Va.) deserve credit for signing the petition despite the opposition of their own party leaders. Now the bill will come to the floor under a consent calendar, which allows consideration of two substitute measures and a series of amendments.

The procedure may be complex, but the goal is simple: Pass the Shaheen-Mehan bill in a form that will allow the Senate, which has already passed a companion measure, to accept it without a conference committee. A vote that leads to any other outcome is a vote to kill campaign finance reform. That means members must reject the alternative proposed by Rep. Robert Ney (R-Ohio) and unmodified amendments by Democratic Rep. Al Wynn of Prince George's County. That bill purports to cap soft money contributions rather than ban them outright, but it also permits reforms. Its limits are so high that it would have permitted 80 percent or more of the soft money donations made in the last campaign cycle. Members must also reject a poison pill amendments that would derail the bill in the Senate. And no one can get away with claiming that he or she is voting against reform because amendments approved in the Senate have made the reform bill too weak. The alternative to this bill is no real reform at all. And that’s not an alternative that anyone, least of all voters, should accept.

[From USA Today, Feb. 15, 2002]

CAMPAIGN REFORM, AT LAST

Thanks, Enron.

Two years after the Enron scandal, the 7-year odyssey of campaign finance reform seems to be coming to an end. One of the chapters in that odyssey was written last week.

Ironically, reformers probably have Enron to thank for it. The Enron scandal, which led to the creation of the Government Accountability Office, hastened the passage of campaign finance law.

In 1974, major legislation that it was a long time coming. In the mid-1990s, House leaders who shamelessly fought to keep a half-billion-dollar stream of “gifts” pouring in, ironically, probably have Enron to thank for it.

Mr. FEINGOLD. Mr. President, I thank the Senate from Tennessee as well. He was there from the very beginning. He has been incredibly helpful on the floor and in negotiations. I yield him such time as he may require.

The PRESIDENT. Mr. President, I thank my colleagues from Wisconsin and Arizona. Their leadership in this matter has been noted many times. It cannot be overstated. It is another indication that people who are intent on doing something they believe is good for the country can, if they are willing to spend a few years on it, take something that has apparently little support and wind up having substantial support.

We are about to see that happen, and Senator McCain and Senator Feinstein need not worry more than the fight, taking the slings and arrows, and doing something that I think is going to wind up benefiting our political system, this institution, and, most importantly, what we are supposed to be about more than anything else, benefiting the Nation.

It has been pointed out that there are problems with this legislation. It is pretty extensive. No doubt the opponents of this legislation are correct in that. I know of no legislation of this type that is not complex and without problems.

It has been pointed out there will probably be some unintended consequences. No doubt this is a fact.

But closing the outrageous loophole for special interests is a vital first step in restoring democracy to the democratic process.

Mr. McCAIN. Mr. President, following the cloture vote, assuming the outcome of the vote is what I hope and believe it will be, I will again seek recognition to offer further comments on what I consider to be one of the most critical legislative measures on which I have had the privilege to work. Today’s vote is about giving qualified candidates to run without pandering themselves to monied interests. Four states are trying that now. But closing the outrageous loophole for special interests is a vital first step in restoring democracy to the democratic process.

Mr. PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I thank my colleagues from Wisconsin and Arizona. Their leadership in this matter has been noted many times. It cannot be overstated. It is another indication that people who are intent on doing something they believe is good for the country
take chances with the law and legal interpretations that no one, until that point, was willing to take. We had a regulatory environment in which decisions were made as if that were inconsistent, contradictory, complex, and hard to understand.

If we put all that together, we wind up with the result we have today. But we should not deride the fact that we can legislate in this area to some good effect.

I have spent a lot of time in this Chamber talking about reasons we should not regulate in many areas. Those are responsibilities the Federal Government has taken on. We are not now and have not been, taking responsibility of our infrastructure and items of that nature.

I believe the election of Federal officials falls into that category. If we as a body cannot take a look at our system, the nature of the problem we are trying to address, and assume the responsibilities they traditionally have had in this country for 200 years. I believe all of that. But surely the most conservative of us must recognize that there are certain areas which are within the Federal providence.

Certainly national defense comes to mind. Recently we have been working on our national parks and what is happening to them. Those are responsibilities the Federal Government has taken and is not working, and legislate in that area. I do not know in what area we can properly regulate. I have no problem stepping up to the plate, as we did in 1974, and saying we are going to place some limitations on contributions and we are going to have a system of Presidential campaigns where we are not going to have millions and millions of dollars of soft money pouring in from unions and corporations throughout this Nation. It worked in a recent period of time and we are about to do something that is going to work for another good period of time.

It is important that we keep in mind the nature of the problem we are trying to address. We are not federalizing anything in this country where we financed our Federal campaigns with small contributions and a lot of people to a system where we are more and more dependent on huge entities giving tremendous amounts of money and a future that is not as stable as the present. If there are fewer people being involved in the process.

We have gone from a situation where the maximum contribution solicited was $1,000 to a situation where those raising the money would consider themselves fortunate if they spent too much time on raising those hard dollars when they can pick up the phone to these big outfits and raise it many times that. You are not a player anymore unless you have $20,000, $30,000, $40,000, $50,000, $100,000.

The same entities pick up our expenses for the convention. There is a tremendous amount of money now coming into play that was not there a short time ago. We have a system now that benefits the parties and benefits the parties, and we try to make folks think it is our birthright. It has not always been that way. It is a recent creation, and it is not a good creation. Why is it not good? It is not good to have legislators or Presidents be too dependent on people for whom they are supposed to be making laws that affect their lives. When the very people who have legislation before you are coming to you and want and need to have everything be taken on the responsible realizability of that nature.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senator from Tennessee have 30 additional seconds in opposition.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Senator from Tennessee have 30 additional seconds in opposition.

The PRESIDING OFFICER. Time has expired. Twenty-six seconds remain in opposition.

Mr. THOMPSON. I appreciate that, Mr. President. I will wind up by saying we have a chance to address this constant scandal waiting to happen. We are making headway to do something that will reduce the cynicism in this country that will help this body, that will help us individually, and will trade increased hard money limits for the reduction of soft money, a tradeoff that will help challengers reach a threshold credibility with that much money being paid to that few people, they are expecting something for it.

The PRESIDING OFFICER. Time has expired. Twenty-six seconds remain in opposition.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Senator from Tennessee have 30 additional seconds in opposition.

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

Mr. THOMPSON. I appreciate that, Mr. President. I will wind up by saying we have a chance to address this constant scandal waiting to happen. We are making headway to do something that will reduce the cynicism in this country that will help this body, that will help us individually, and will trade increased hard money limits for the reduction of soft money, a tradeoff that will help challengers reach a threshold credibility with that much money being paid to that few people, they are expecting something for it.

So I commend my colleagues for this legislation. There is much more good in this than ill, and I think it will help this institution and ultimately this country.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank my colleagues from Wisconsin for all his support and his excellent statement. 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. DASCHLE. 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. DASCHLE. Mr. President, I want to add my voice to the many this morning who have spoken with some relief and satisfaction and confidence about the outcome of the vote. There are many who can take credit for the success we are about to experience, but none more than the colleague who is sitting to my left, Senator FEINGOLD. He and Senator MCCAIN have been extraordinary in their persistence and their willingness to negotiate, to compromise but yet to hold fast to the principles of federalism that make this legislation worthy of its passage and historic in its nature.

We are concluding one of the most important debates we will have had in this Congress. Two years ago, the famed revolutionary, once offered an explanation for why corrupt systems often last so long. He said:

A long habit of not thinking a thing wrong gives it a superficial appearance of being right; raised, at first, a formidable cry in defense of custom.

That is certainly true of the way we pay for campaigns in this country. Our reliance on special interest money to run political campaigns is such an old and familiar practice, the superficial appearance of being right. But not anymore. The American people understand that special interest money too often influences who runs, who wins, and how they govern.

While there is still a vocal minority who deny it, a clear majority of this Congress and an overwhelming majority of the American people know our current campaign finance system is broken. Now is the time to fix it.

The Senate passed the McCain-Feingold campaign finance reform bill. At the time, we had 2 solid weeks of debate and we passed a good, strong bill. Opponents of reform in the House used every argument and excuse, every imaginable ploy, to stop the bill from becoming law.

For a while, it looked as if they had won, but 1 month ago the reformers turned the tide. The House passed the Shays-Meehan bill, and the President has indicated he would sign it if it falls to the Senate, which started this process, to finish it, and today with this vote we will.

I am a realist. I know this bill does not address every flaw in our system, and I know there are those who are already looking for ways to work around this bill. But as Senator FEINGOLD has often said, it does show the public we understand the current system does not do our democracy justice.

It curbs some of the most egregious injustices. It bans soft money, the unlimited, unregulated contributions to political parties. It curbs issue ads, those special interest ads that clearly
target particular candidates in an attempt to influence the outcome of an election. It calls for greater disclosure and increases penalties for violation of the law.

Often those who are the loudest and decry the abuses of our current system are the staunchest defenders of that system. If you really are outraged by the abuses, you need to fix the system not the time to do it. There are those who have argued and will continue to argue that in an attempt to make things better we will only make things worse. But since its founding, the goal of America has been to strive for that more perfect union our Founders envisioned.

To say we should not attempt to make things better begs the question: “Is what we have now good enough?” Is it “good enough” that half of the government has to recuse itself from an investigation of a failed company because it spread around so much money to those who were involved, to so many people in that community? Is it “good enough” that in every election the amount of money spent goes up and the number of people voting goes down? Is it “good enough” that the current system is more loophole than law?

If we look at the rising tide of money in politics, the influence that money buys and the corrosive effect it has on people’s faith in government, the answer, then, is clearly no.

Ours is a government “of the people, by the people, for the people.” It is not a government of, by, and for some of the people. With this vote, we stand on the verge of putting the reigns of government back into the hands of all people. We owe that in large measure to the stewardship and commitment of our colleagues, Senators McCain and Feingold. Time and again, they have refused to compromise their principles in the face of incredible pressure, but time and again they have acted in the national interest rather than their respective partisan interests. So I thank them for their service to our Republic and to the Senate. It has taken us a long time to get to this point. The last time Congress strengthened our political system by loosening the grip of special interest money was more than a generation ago. Congress may not have another chance to pass real campaign reform for yet another generation, long after most of us will have left.

Passing this bill will likely have a profound impact on each of us for the rest of our lifetime, and none of us can be absolutely sure what that impact will be. But we know this: The status quo is not acceptable and today it will end. The currency of politics should be ideas, not dollars. It is time for us to start putting the currency back into circulation.

After years of debate and months of delay, let us do this one final thing.

Let us take the power away from special interests and give it back today to the American people where it belongs. We can do that today. The time is now. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

CLOTURE MOTION

The PRESIDING OFFICER. The hour of 12:50 has arrived. Under the previous order, the clerk will report the motion to invoke cloture.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Calendar No. 318, H.R. 2356, a bill to provide bipartisan campaign reform:


The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 2356, an act to amend the Federal Election Campaign Act of 1971, shall be brought to a close?

The yeas and nays were ordered taken. The rollcall vote No. 53 Leg. was ordered taken.

The yeas and nays resulted—yeas 68, nays 32, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—68

Abraham Baldwin
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Carnett
Carnahan
Cheafe
Cleland
Clinton
Collins
Conrad
Corzine
Collins
Daschle
Dorgan
Domenci
Hatch
Helms
Hutchison
Kennedy
Kerrey
Kyl
Kohl
Levin
Lieberman
Lott
NAYS—32

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Craig
DeWine
Ensign
Gramm
Gregg

McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Thomas
Thompson
Voinovich

The PRESIDING OFFICER (Mr. Craig). On this vote, the yeas are 68, the nays are 32. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Wisconsin, Mr. FEINGOLD. Mr. President, is it correct that there are now going to be 3 hours of debate on the bill equally divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. FEINGOLD. Mr. President, we are enormously gratified by the vote on cloture. We know that some Members who don’t even support the underlying bill thought it was appropriate and correct to bring the debate to a close at this point. We thank all of our colleagues for such a tremendous showing of support to bring this issue to a conclusion.

With that, I am very pleased to yield 7 minutes to one of the strongest supporters of this legislation and a tremendous ally, the Senator from New York.

Mr. SCHUMER. Mr. President, I congratulate my colleagues, the Senators from Arizona and Wisconsin, as well as our majority leader, for the great job they have done. We haven’t done more than two-thirds. So if they ever change the law, go back to the old filibuster law, we will still have an ability to win this vote. My hat is off to both Senators for their focus, their steadfastness, and for their great victory today.

I rise in strong support of this bill on the campaign finance system. It has been a long time in coming, but we are now on the verge of making history. With this vote, we are one giant step closer to a new era of campaign finance, a new era of voter confidence in our government, and a new era of better and stronger democracy.

Again, I thank everyone, particularly Senators McCain and Feingold, and Senator Daschle, for their unyielding leadership and their dedication to seeing these reforms enacted. It takes more than you can even imagine to get something like this done. Senators, you did it. Our Nation owes you our thanks.

We all know that soft money is slowly but inexorably poisoning the body politic. One hundred years ago, we outlawed corporate contributions to campaigns; we thought we did. Twenty-five years ago, we outlawed unlimited giving to campaigns, or believed we did then, too. But today soft money makes a mockery of all three of these rules. The $450 million in soft money raised by the two parties in the last election does not even come close to the amount given in the 1996 election. It had no purpose, but the size of the donors’ bank account was obviously intended to influence Federal elections.
We have to restore the system of regulated contributions. If we don’t, the cynicism and distrust and lack of engagement that are already so pervasive will continue to spread. Our citizens are increasingly tuned out from our democratic process. Voter turnout for the 1996 presidential election was the lowest turnout for a nonpresidential election in 56 years. In presidential elections, turnout has declined 13 percent since 1960.

We all know that banning soft money won’t solve any of this by itself, but it will help restore the impression and the reality that politics is more than a game played by and for only those who can afford to give.

This bill creates new requirements that will ensure the integrity of our campaign system. It bans national parties from raising and spending soft money. It bans Federal candidates and officeholders from raising soft money. It bans State and local parties from using soft money to pay for election activities that mention specific candidates. It bans corporate and union funding of sham issue ads prior to elections, and it requires disclosure of individual and group donations for these activities.

Opponents of campaign finance reform claim this bill will harm grassroots politics because the spending limits will force the national parties to focus on national candidates and not on the local candidates. The bill’s opponents have it wrong. Campaign finance will strengthen our grassroots political system by breaking the parties’ reliance on a handful of very wealthy contributors and forcing them to build a wider base of small donors and grassroots supporters everywhere.

In addition, the bill includes a narrow exemption so that local political parties can raise a limited amount of soft money.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise to explain my opposition to this bill but also to point out that I voted for cloture because it is quite obvious that the way I have voted on this bill, and we might as well get to final passage and move on.

I could just as well vote yes and look like a reformer, but looking at it cynical and looking at the history of the 1974 legislation, previous reform attempts have evolved into a money machine for politics. Congress meant to reform the process in 1974, but it has been proven that legally money is going to find its way in to support political speech. I could find a way to rationalize voting yes on this bill to look like a reformer.

Still, down the road there are going to be people who are very astute at finding a way within the law to spend money in the support of political speech. Because the democratic process in the United States is so central to our way of life, there should not be any impediments whatsoever put in the way of getting political ideas adequately explored, particularly during a Presidential election. I am not going to look like a reformer. I am going to vote no on this legislation. And the reason is this: I see people get worked up about the fact that candidates spend large sums of money in their campaigns— I will use myself as an example. Every sixth year my campaign might spend roughly $2.3 million to get reelected. My campaign does. My junior partner from Iowa has generally spent about $6.5 million. But whether it is $2.5 million or $6.5 million, it is all spent to help the American people understand what is going on. We in this kind of government is all about— the expression of ideas and the implementation of ideas. What is wrong with that? But to do so, I might spend, let’s say, $2.3 million, to be reelected.

Now, why do people get all worked up about $2.3 million, when you watch the Super Bowl commercial on Super Bowl Sunday, and one 30-second commercial costs about $2.3 million? Are we already working for the Super Bowl Sunday afternoon out of a year that it is OK for commercial free speech, for people to spend $2.3 million for a 30-second ad, and it is wrong for a candidate and his supporters for a whole year of an election campaign to spend this amount of money?

I think political speech is even more important than commercial free speech, and that we ought to do everything we can to perpetuate more political free speech than we do, instead of trying to curtail it.

It is quite obvious that I think we should not pass this legislation. The American people deserve an open system—one that shines in the full light of public scrutiny, and that ought to be the ruling force—not the amount of money.

At the same time, we should make it easier for citizens to become engaged in the electoral process. However, the campaign finance bill before us contains fatal flaws. The one I am going to mention has been talked about so much that I almost do not need to repeat it. That is the most egregious problem with this legislation: the provision that limits the free speech of some organizations 60 days before an election. Whether it is an individual or an organization, why curb discussion of any political issue in America? Groups from across the political spectrum would be prohibited from communicating their views if they even refer to a candidate for Federal office.

I don’t think we should put a damper on any organization speaking at any time in the United States about political ideas, especially 60 days before an election. Limiting political discourse at election time solves nothing and it curbs the advancement of democracy.

It also goes against the grain of one of our most fundamental rights, the right of freedom of speech. Political speech is what the authors of the Bill of Rights were talking about, although it has been expanded way beyond political speech, to even cover commercial speech.

But I also believe that the complete ban on soft money in this bill goes too far. Political parties raise this money to finance voter registration drives, get out the vote activities, and communicate about issues that parties believe. These are essential functions of a political party. They are also activities that increase voter participation.

Effective limitations on soft money are necessary to reduce real and perceived corruptions in the system, but a complete ban is neither necessary nor appropriate. The role of the Supreme Court in the last century and made it stronger and more vital than it has been in years.

The first step, today’s step, is to vote for campaign finance reform. I urge my colleagues in doing what we all know is the right thing: to support this bill and to remove soft money from our elections.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise to explain my opposition to this bill but also to point out that I voted for cloture because it is quite obvious that the way I have voted on this bill, and we might as well get to final passage and move on.

I could just as well vote yes and look like a reformer, but looking at it cynically and looking at the history of the 1974 legislation, previous reform attempts have evolved into a money machine for politics. Congress meant to reform the process in 1974, but it has been proven that legally money is going to find its way in to support political speech. I could find a way to rationalize voting yes on this bill to look like a reformer.

Still, down the road there are going to be people who are very astute at finding a way within the law to spend money in the support of political speech. Because the democratic process in the United States is so central to our way of life, there should not be any impediments whatsoever put in the way of getting political ideas adequately explored, particularly during a Presidential election. I am not going to look like a reformer. I am going to vote no on this legislation. And the reason is this: I see people get worked up about the fact that candidates spend large sums of money in their campaigns—I will use myself as an example. Every sixth year my campaign might spend roughly $2.3 million to get reelected. My campaign does. My junior partner from Iowa has generally spent about $6.5 million. But whether it is $2.5 million or $6.5 million, it is all spent to help the American people understand what is going on. We in this kind of government is all about— the expression of ideas and the implementation of ideas. What is wrong with
Democrats have always relied upon labor unions to man phone banks and get people to the polls. That would not change the result of this bill. The Republicans, however, don’t have an external organization to fall back on. Republicans, relying on the party’s ability to build and mobilize their grassroots network. This bill takes the Republicans’ organizational ability and cuts it off at the knees, but it leaves the other party untouched. They have legitimate ideas that ought to be explored, but so do we. That’s how we’ve advanced by a big reason why soft money spending has increased in the first place is the limitations on campaign contributions by individuals. The cap on individual donations has been frozen at the same level since 1974. This made the individual contributions work less and less over the years.

I am pleased that this bill increases the individual contribution limit amount and indexes it for inflation. It is high enough that more emphasis will be placed on contributions by individual citizens instead of corporations or unions.

On the other hand, the new prohibitions on soft money will simply cause an increase in spending on other areas. For instance, spending on issue advertising can have a much greater impact a campaign but is not regulated. Some have advertised the new restrictions as getting the money out of politics, but they don’t get the money out of politics—or they don’t get rid of the problem in politics. They only shift it from one place to another.

In fact, this point is illustrated by an article that appeared in Roll Call, February 21, entitled “House Democrats Make Plans to Circumvent Campaign Reform.” This article described a proposal that was made, apparently, by the House minority leader to a group of Democratic Members. He assured them that he would help raise money for certain outside groups aligned with the Democrats by circumventing the new fine-tuned regulatory restrictions that he supported. These groups can then turn around and use this money to run unregulated issue ads to the benefit of Democrat candidates. This example belies the contention that a soft money ban would solve the problem of money in politics.

The best method of combating the influence of money in politics is to require full disclosure of campaign donations. I don’t care even if it is only on the form that they’re used to record the behavior by politicians, but the surest way to cleanse the system is to let the Sun shine in. We must allow the voters to hold candidates accountable.

I have been a longtime advocate of comprehensive disclosure requirements. In fact, this bill contains several positive reforms. It increases the number of times candidates have to report contributions to the FEC, and it makes report information more accessible to the public. This bill also increases the campaign contribution law violations and provides for tough new sentencing guidelines. These are precisely the sorts of reforms of which we should be doing more. However, some of the purported reforms in this bill simply won’t work and may even be counterproductive. I am not the only one to spot the problems in this bill.

Recent editorials in the two largest newspapers in the State of Iowa highlight many of the same concerns I have just outlined. Many attempts were made in both the House and the Senate to fix the problems with Shays-Meehan. If this bill passes in its current form, I believe we will have lost an important opportunity to enact a balanced and sensible package of real reforms to our campaign finance system. Therefore, I must reluctantly vote against the final passage of this bill.

Mr. President, I ask unanimous consent to print several editorials and an article in the RECORD.

The bill added to the first major feature of this bill: It doubles the individual contribution limit amount and indexes it for inflation. It is high enough that more emphasis will be placed on contributions by individual citizens instead of corporations or unions.

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As comprehensive campaign finance reform nears its expected enactment, House Democratic lawmakers have already adopted strategies for redirecting the flow of large contributions to outside groups aligned with their party, a move they hope will help them regain control of the Chamber of Commerce.

House Minority Leader Dick Gephardt (D-Mo.) has assured African-American members of his caucus that he will raise money for groups like the National Association for the Advancement of Colored People (NAACP) and the Southwest Voter Project to pay for their voter registration and get-out-the-vote operations.

Reform legislation sponsored by Reps. Chris Shays (R-Conn.) and Marty Meehan (D-Mass.) that passed the House last week bans soft money but allows federal lawmakers to raise funds in $20,000 increments for outside organizations as long as those groups are “nonpartisan.” The loose restrictions would let members direct hundreds of thousands of dollars for such groups.

Though the NAACP is officially nonpartisan, many Republicans believe it is closely allied with the Democratic Party. One GOP operative said Gephardt’s plans are a cynical attempt to exploit legal loopholes for political gain.

“It’s disgusting they’re crying for reform when they’re already cutting deals with tax-exempt organizations like the NAACP that were playing politics in the 2000 election,” said Matt Keelan, a prominent Republican fundraiser who has approximately 20 clients in the Washington area.

Keelan and many other Republicans are still steamed over an NAACP-funded ad from the 2000 campaign that reminded black voters of the racial motivated murder of James Byrd Jr. They feel it was an implicit attack on then-Gov. George Bush’s commitment to civil liberties, and one of the reasons Bush garnered few votes from the black community.

Other Democrats say they will also raise funds for outside groups to turn out the party’s base in the 2002 elections.

“I would formulate voter education and registration projects that would be funded by people like myself,” said Rep. Alice Hastings (D-Fla.) to all the people that we know. “There’s no limit on nonprofit organizations.”

“The Democratic Party has to do that as well,” Hastings added.

Gephardt pledged to raise the funds for outside groups last week during a private meeting with Reps. Jim Clyburn (D-S.C.), Bennie Thompson (D-Miss.), Lacy Clay (D-Mo.), Earl Hilliard (D-Ala.) and Carolyn Cheeks Kilpatrick (D-Mich.), who were waverin in the support for the Shays-Meehan legislation.

A representative from the NAACP also attended the meeting.

Rep.lean said he will create a level playing field,” said Rich Bond, former chairman of the Republican Party. “An inherent advantage has been given to outside groups that are nonpartisan.”

Clyburn, a onetime opponent who voted for the bill, said he switched his position because of Gephardt’s assurances. Clay and Kilpatrick voted against the bill.

However, some lawmakers were not convinced that outside groups could replace the party’s grassroots activities, activities that will be curtailed by a soft-money ban.

“But we’ve been involved in too many elections in my lifetime to leave questions unanswered, and I have to just trust that people at their word,” said Thompson, referring to Gephardt’s promise. “The opportunity for [minorities to participate in] elections in the South has been hard fought for.”

“There was not enough specificity to give me comfort,” said Thompson. Lanier said that state parties do not have the resources to mobilize voters.

“We have no confidence in the state parties to fund those efforts,” Lanier said. “We need the national soft dollars.”

“We’ll see if (Gephardt) comes through on his word to redirects his money to the NAACP,” he added.

Rep. Harold Ford Jr. (D-Tenn.), a supporter of Shays-Meehan and member of the Congressional Black Caucus, said that anxiety over minority voter turnout was unfounded.

“I believed all along those activities would not be harmed or undermined,” said Ford.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, our Federal election finance laws are totally inadequate to stop the broken politics of the entire House of Representatives. Members of Congress know the time has come to fix them. Enough is enough. We have had enough of the soft money loophole—with its contributions of unlimited dollars that fuel campaigns—punishing candidates who are prohibited from strictly limit contributions to candidates. We have had enough of the campaign ads disguised as issue ads and paid for with money outside the statutory limits. And, we have had enough of the solicitations by our elected officials and the officers of our national political parties, soliciting huge sums of money by offering insider access to government decisionmakers.

In the 1970s, we passed laws to limit the role of money in elections. Our intent was to protect our democratic form of Government from the corrosive influence of unlimited political contributions and the appearance of corruption which can be created when large sums of money are solicited by and for officeholders and candidates.

We wanted to ensure that our Federal elected officials are not in reality not in perception beholden to special interests who are able to contribute massive amounts of money to a particular candidate through the use of unmarked contributions to political committees likely to contribute to that candidate or huge contributions to the candidate’s political party.” Those words precisely described a potential evasion of the intended limits on contributions to candidates by giving to parties. The Court explicitly said it was constitutional to stop it. But that evasion of our intent is exactly what is happening today. We have had enough of the soft money loophole, and that is exactly what this bill will stop.

So the Supreme Court saw clearly the possibility of efforts to get around the $1,000 contribution limit per election, and it ruled in Buckley that Congress had properly sought to prevent that by imposing the $25,000 overall cap on contributions from any individual in any calendar year. What the Court did not see, and what we did not see at the time, was that the soft-money loophole would allow the soft money loophole, and that is exactly what this bill will stop.

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The Federal Election Committee’s recent figures show the tremendous growth in soft money fundraising. It reports that during the year 2001—a nonelection year—Democratic national party committees reported $69 million in soft money contributions or 26 percent more than in 1999; Republican national party committees reported $100 million in soft money contributions or 24 percent more than in 1999.

The FEC states that soft money contributions have more than doubled for both national parties since 1997.
has destroyed the law. There are no effective limits.

How do the parties attract large soft money contributions? Often they offer access—access to decisionmakers in return for tens or hundreds of thousands of dollars. The parties advertise the sale of access for huge sums. It’s blatant. Both parties do it—openly.

Large contributors to the DNC got to attend one of dozens of coffees with the President in the White House. Large contributors to the Republican Party were entitled to have breakfast with the Republican congressional leadership and lunch with the Republican Senate and House committee chairman of the contributor’s choice. There are dozens and dozens of examples like this. The record is chock full of them, and should anyone want specific examples, I refer them to the six volume report in 1997 by the Governmental Affairs Committee on the state of our campaign finance system. That investigation documented the sale of soft money contribution of hundreds of thousands even millions of dollars destroying the contribution limits in federal law and creating the appearance of corruption in the public’s eye.

Look at what surfaced in our 1997 hearings—the case of Roger Tamraz, a large contributor to both parties, who became the bipartisan symbol for what is wrong with the current system. Roger Tamraz served as a Republican in the 1980s during Republican administration and a Democratic trustee in the 1990s during the Democratic administration. Tamraz was unabashed in admitting his political contributions were made for the purpose of obtaining access to people in power. Tamraz showed us in stark terms the all too common product of the current campaign finance system—using unlimited soft money contributions to buy access. And despite the prohibition of Tamraz’s activities, when asked at the hearing to reflect on his $300,000 contribution to obtain access, Tamraz said, “I think next time. I’ll give $600,000.”

Do these large money contributions create an appearance of improper influence by big contributors? In Buckley v. Valeo, the Supreme Court answered for the American people—it found an appearance of corruption created from the size of the contribution alone without ever asking the sale of access. The Court in that case upheld contribution limits as a reasonable and constitutional approach to deterring actual and apparent corruption of federal elections in the Buckley case. Here is what the Court said:

It is unnecessary to look beyond the Act’s primary purpose—to limit the actuality and appearance of corruption resulting from large individual financial contributions—in order to find a constitutionally sufficient justification for the $1,000 contribution limitation. Under a system of private financing of elections, a candidate lacking immense personal wealth must depend on financial contributions from others to provide the resources necessary to conduct a successful campaign. To the extent that large contributions are given to secure political quid pro quo from current and potential office holders, the integrity of our system of representative democracy is undermined. Of almost equal concern is . . . the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a system permitting unlimited financial contributions, Congress could legitimately conclude that the avoidance of the appearance of improper influence “is also critical,” if confidence in the system of representative government is not to be eroded to a disastrous extent.”

The Court went on to say:

And while disclosure requirements serve the many salutary purposes discussed elsewhere in this opinion, Congress was surely entitled to conclude that disclosure was only a partial measure and that contribution ceilings were a necessary legislative concomitant to deal with the reality or appearance of corruption inherent in a system permitting unlimited financial contributions, even when the identities of the contributors and the amounts of their contributions are fully disclosed.

The Buckley Court repeatedly endorses the concept that contributions without limits, alone, are enough to create the appearance of corruption and to justify the imposition of limits. For instance, the Court said:

Not only is it difficult to isolate suspect contributions but, more importantly, Congress was justified in concluding that the interest in safeguarding against the appearance of improper influence in our political system—the opportunity for abuse inherent in the process of raising large monetary contributions be eliminated.

Sale of access in exchange for contributions would only take the Court’s concerns and justification for limits a step further.

What do these unlimited soft money contributions allow the parties to do? THEY allow them to pay for ads which they claim are ads about issues, but in reality, they intended to help elect or defeat candidates.

In Buckley, the Supreme Court held that we could put limits on electioneering-type communications under specified circumstances. The Court said that Congress could limit contributions for those communications that “in express terms advocate for the election or defeat of a clearly identified candidate for federal office.” In one of the most famous footnotes of a Supreme Court case, the Court tried to describe what it meant by its finding, citing what has come to be known as the seven magic words and phrases: “communications containing . . . words . . . such as: ‘vote for,’ ‘elect,’ ‘cast your ballot for,’ ‘Smith for Congress,’ ‘Vote against,’ ‘defeat,’ ‘re- . . .’ So long as these types of words are not used in a communication, a television ad for instance, the Court held, the communication would not be subject to contribution limits.

Over time, the parties have developed ads which use types of words but which by anyone’s estimation are promoting the election or defeat of a candidate.

Listen to this ad from the Republican National Committee on behalf of then Presidential candidate Bob Dole.

Mr. Dole. We have a moral obligation to give our children an America with the opportunity and values of the nation we grew up in.

Voice Over. Bob Dole grew up in Russell, Kansas. From his parents he learned the value of hard work and responsibility. So when his country called, he answered. He was seriously wounded in combat. Political action, he understood, was the right thing to do.

Mr. Dole. I went around looking for a miracle that would make me whole again.

Voice Over. The doctors said he’d never walk again. But after 39 months, he proved them wrong.

A Man Named Ed. He persevered, he never gave up. He fought his way back from total paralysis.

Voice Over. Like many Americans, his life experience and values serve as a strong moral compass. The principle of work to replace welfare. The principle of account-

ability to strengthen our criminal justice system. The principle of discipline to end wasteful Washington spending. It is not an ad about welfare or waste-

ful government spending. It should have to be paid for with regulated or hard money contributions. But that is not the case today. It will be the case when we pass McCain-Feingold.

The Democrats avail themselves of the same loophole. In the 1996 Presidential campaign, the Democratic National Committee ran ads on welfare and crime and the budget which were basically designed to support President Clinton’s reelection. At our hearings on the campaign finance system, Harold Ickes was asked about these DNC ads and the extent to which the people looking at the ads would walk away with the same message as President Clinton. “I would certainly hope so,” he said. “If not, we ought to fight the ad agencies.”

To get around the reasonable limits of the 1974 law, parties and candidates simply “bought” the use of the seven magic words by arguing if any election activity was not expressly for the election or defeat of a candidate—that is it did not include those seven words—then it was outside the scope of the law’s limits. A terrible irony then, the Buckley case unwittingly contained the seed—the seven words test—for undermining the law.
The McCain-Feingold bill will address the subterfuge of sham issue ads, and does so in a clear, direct manner that will not subject it to concerns of vagueness, which need to be foremost in our minds when addressing matters of free speech. The bill would require any nonparty group running such an ad to have to disclose the cost of the communication and disclose the names and addresses of its donors of $1,000 or more.

The bill does not prohibit such ads from being aired by nonparty groups with unregulated money; it only requires disclosure of the sponsoring group’s major contributions if the group spends over $10,000 on such ads. This is the same reasonable and modest limitation on political advocacy. It is very clear in order to withstand charges of ambiguity. And it addresses the reality. Any reasonable person knows when seeing these sham issue ads that they are really about electing or defeating the candidates named in them.

The research by the Brennan Center confirms that for us.

First, the Brennan Center found that of the 57,963 ads aired by non-party groups in the final 60 days of the 2000 election where a candidate was mentioned, only 331—or less than 1 percent—were genuine issue ads “primarily aimed at providing information on a policy matter.” That means that 99 percent of the group-sponsored ads were in fact ads to promote or defeat the election of a candidate.

Second, the Brennan Center study found that of the ads actually run by candidates and paid for with hard money specifically on behalf of their election or defeat, only 9 percent used the seven magic words and phrases identified by the Supreme Court. That is compelling evidence that the magic words identified by the Supreme Court are not a complete test of what constitutes electioneering ads. More is at work here than just the seven magic words identified by the Supreme Court.

Some argue that if we only close the soft money loophole to political parties, the money we cut off to the parties will be redirected to special interest groups. I believe it will not happen that way because candidates and public officials running for reelection and their agents will not be allowed to solicit contributions to third parties and therefore pay for with funds subject to contribution and disclosure limits. The bill would require any national party running such an ad to pay for that ad with hard money. Any nonparty group running such an ad that costs $10,000 or more a year would have to identify itself as the sponsor of the ad, disclose the cost of the communication and disclose the names and addresses of its donors of $1,000 or more.

This is a very reasonable and modest requirement for special interest groups. I believe it will not happen that way because candidates and public officials running for reelection and their agents will not be allowed to solicit contributions to third parties and therefore pay for with funds subject to contribution and disclosure limits. The bill would require any national party running such an ad to pay for that ad with hard money. Any nonparty group running such an ad that costs $10,000 or more a year would have to identify itself as the sponsor of the ad, disclose the cost of the communication and disclose the names and addresses of its donors of $1,000 or more.

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We have had an opportunity to fully discuss it in the Senate. The House has taken its time for discussion. It has been a tough battle, but we have produced a bill now and it is time to pass it and send it to the President.

The Senate has an opportunity to review it. If there are unconstitutional provisions, those will be struck down, and there may be some in this bill. It is not a perfect bill, but it is time to pass the bill because it accomplishes some actions that are long overdue and that will help the election process.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that the time remaining between now and 2 p.m. be divided between Senators CANTWELL and JEFFORDS.

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

The Senator from Washington.

Ms. CANTWELL. Mr. President, I campaigned on the issue of transforming our election process and said repeatedly that it would make it a top priority in the Senate. It was a tremendous experience last year to participate in the debate on this legislation and assist Senators MCCAIN and FEINGOLD with the passage of this legislation from the Senate the first time. It took an extra year to get this bill through the House and send it to the President, but my wait has been nothing like that of the wait of the Senators from Arizona and Wisconsin who have endured repeated efforts through the years. I want to give them my heartiest congratulations for an extraordinary accomplishment that is truly in the public's interest.

Campaign finance is at the heart of every issue we deal with in Congress. From energy, to health care, to gun control, to bankruptcy, political interest groups that use money to make their agenda heard all too often are larger than the public's interest in framing the debate. This legislation will move the debate closer to the public.

This bill is about slowing the ad war.

It is about calling sham issue ads what they really are. It is about slowing political advertising and making sure the flow of negative ads by outside interest groups does not continue to permeate the airwaves. Ninety-eight million dollars worth of these ads ran in the 2000 elections approximately $629 million was spent on television advertising for federal elections. This represents an all-time high. Of the amount spent just on Congressional races, the $422 million spent in 2000 overwhelms the $177 million spent just 2 years earlier. That gives you an idea of what is occurring.

The “magic words” standard created by the Supreme Court in 1976 has been made useless by the political realities of modern political advertising. Even in candidate advertisements, what many would say are clearly advertisement made to convince a voter to support a particular candidate, only 10 percent of the advertisements used the “magic words.” Parties and groups’ use of the magic words is even smaller, with as few as 2 percent of their ads using the magic words. By not using these “magic words,” these advertisements escape even the most basic disclosure and keep the public in the dark about who is trying to influence their vote.

One of the most important findings of this comprehensive study of television advertising during the 2000 elections is that the Snowe-Jeffords provisions are exceptionally well crafted and not too broad. Of the 50,950 group issue advertisements featuring federal candidates aired during the relevant time period, only 331 were about a genuine issue or bill pending before Congress.

The Court is going to have an opportunity to examine the important question of whether the Shays-Meehan 60-day test can, however, assure my colleagues that we have examined the important court decisions, talked to legal scholars, and reviewed the research on the topic to craft a provision that we believe will withstand constitutional scrutiny by the Supreme Court.

A recently released study on the 2000 elections by the Brennan Center For Justice clearly demonstrates the need for the Snowe-Jeffords provisions, and the care we took in crafting these clear and narrow requirements. In the 2000 elections approximately $629 million was spent on television advertising for federal elections. This represents an all-time high. Of the amount spent just on Congressional races, the $422 million spent in 2000 overwhelms the $177 million spent just 2 years earlier. That gives you an idea of what is occurring.

Of all the group ads that would have been captured had the Shays-Meehan 60-day test
been in effect in the 2000 general election, exactly three unique ads, accounting for a tiny 0.6% of all spots, were perceived as genuine issue advocacy. In House races, the comparable statistic was two unique ads.

Only 3% of all group ads perceived to be issue advocacy mention the name of the political party or the candidates of color. None of those groups spent more than 10% of the ad buy on House races in 2000.

All political parties were perceived to be electioneering, even though political parties use magic words only 2.5% of the time. (In 1998, 85% were electioneering, but only 1.2% used magic words.)

The Magic Words Test

1. Fiction: Shays-Meehan will unfairly trap unwary bit players, like unsophisticated individuals and small grassroots groups.

2. Fiction: Soft money is needed for party-building and voter-mobilization activities.

3. Fiction: Private ads in 2002 were four times more than in 1998.

4. Fiction: Why is the press, the institution that upholds the freedom of the press because it shall make no law—no law—abridging the freedom of speech or of the press, not upholding the constitutional issue ad restrictions in this bill purport to limit advertising within proximity to an election. However, it does not, interestingly enough, apply to newspaper ads. So the already powerful corporations that control the press—and, in many instances, the public policy—in America will get more power and more money under this new law. One has to wonder why that blatant conflict of interest has not been more thoroughly discussed in a debate about the appearance of conflicts. Outside groups such as Common Cause have devoted many years and millions of dollars to lobbying this

EXECUTIVE SUMMARY OF BUYING TIME 2000: TELEVISION ADVERTISING IN THE 2000 FEDERAL ELECTIONS

SUMMARY OF KEY FINDINGS

1. Approximately $629 million was spent on television advertising by all candidates, parties, and groups in the 2000 federal elections. This figure was five times the record amount spent on political advertising. Even when looking at just congressional races, the $422 million spent in 2000 far exceeds the $177 million spent on political television ads in the 1998 congressional elections.

2. The magic words standard that some use to distinguish express advocacy from issue advocacy has no relation to the reality of political advertising. None of the players in political advertising—candidates, parties, or groups—employ magic words such as “vote for,” “vote against,” “elect,” and “anything comparable with much frequency in their ads. Only 10% of candidates ads ever used magic words, and as few as 2% of party and groups ads used magic words.

3. Special interest groups increased their expenditures of political advertisements nine-fold since 1998, breaking all previous records of group-sponsored political advertising. In 1998 congressional elections, the comparable statistic was two unique ads, accounting for a tiny 0.6% of all spots, were perceived as genuine issue ads and that the political players are side-stepping federal campaign finance laws. The legal community has begun to catch up, recognizing the futility of the magic words test and taking steps to draft a more sophisticated standard for regulating electioneering. Political scientists, too, have drafted new laws and have responded to the death of the fiction that about the nature and scope of electioneering issue ads by conducting studies to shed light on this once-secretive tool.

Combining the insights from these three constituencies adds to the likelihood that public policy will emerge that is grounded in common sense, legal expertise, and scholarship. The shared effort of citizens, lawyers, and political scientists find-in-hand with legislators creates room for optimism about a system few deny is in dire need of repair.

Mr. JEFFORDS, I yield the floor.

The PRESIDING OFFICER. Mr. MCCONNELL.

Mr. MCCONNELL. Madam President, I yield myself whatever time I may consume within that time period.

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

Mr. MCCONNELL. Madam President, I begin by citing the ultimate campaign reform: The first amendment to our Constitution. It says Congress shall make no law—no law—abridging the freedom of speech or of the press. I refer to freedom of the press because it is the robust exercise of that freedom which has brought us today to assault the freedom of speech. Over the past 5 years, the New York Times and the Washington Post have joined forces to publish an editorial an average of every 5½ days on campaign finance reform. To buy that editorial space in the New York Times or the Washington Post, it would cost $36,000 and $8,000, respectively, for each column inch. Multiply that amount by the number of editorials of each paper, and it equals a total value of $8 million in unregulated soft money advertising that frequently mentions Federal candidates. Of course, that type of corporate, big media, soft money expenditure will not be regulated in this new law.

Why is the press, the institution that has unlimited free speech, so interested in restricting the speech of everyone else? The debate about the snow-jef- ford amendment to establish a test for express advocacy by conducting studies to distinguish express advocacy from issue advocacy.

The political parties are spending so much money on TV ads, all depicting candidates, that they actually outspend the candidates themselves in the 2000 presidential election—$81 million to $71 million.

Party spending on House races ($83 million) is targeted almost exclusively to competitive races—a mere 48 races in all. A third of all spending ($4 million) was reserved for six House races.

Fiction: At least 98.5% of the political advertising in 2000 was sponsored by political parties, corporations, unions, and major national organizations.

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issue in the House and in the Senate. Why not? Their fundraising will explode if this bill passes. They no longer have to compete with party committees for soft dollars. Shays-Meehan permits every Member of the House and the Senate to raise soft money for these outside groups. I am told this unlimited, undisclosed, unregulated soft dollar fundraising has already begun.

The bill we are about to pass allows Members of the House and Senate to raise soft money for these outside groups. Although the facts about the provisions of this bill are almost always misrepresented, the driving mantra behind the entire movement is that we are all corrupt or that we appear to be corrupt.

We have explored corruption and the appearance of corporation before in this Chamber. You cannot have corruption unless someone is corrupt. At no time has any Member of either body offered evidence of even the slightest hint of corruption by any Member of either body. As for the appearance of corruption, our friends in the media who are part and parcel of the reform industry continue to make broad and baseless accusations.

It has been reported that the reform industry spent $73 million from 1997 to 1999 on this issue. Of course, that was all soft money. These are all soft dollar expenditures used to fuel negative perceptions of Federal officeholders and candidates. Shuﬄed, engineered scandal, sells papers and gets viewers. In the nonstop competition to be the next Woodward and Bernstein, the reform industry relentlessly works to raise questions in our minds.

In short, I believe the appearance of corruption is whatever the New York Times says it is. Add to that, cash-strapped, scandal-hungry newspapers and unlimited foundation donations to the reform industry, and you are in full-scale corruption mode. The actual facts, in short, are irrelevant.

I request that these two articles documenting the hypocritical actions of the reform industry be printed in the Record. Here’s USA Today (apparently a more nuanced and sophisticated source than the New York Times), which had hardly been altered during the early 1990s.

'The ideology of deregulation,’’ it writes, ‘‘provided cover for the cronyism.’’ This is rather extraordinary, to say in effect that a whole way of looking at the world—a viewpoint based on philosophy and ideas—is only a cover for corruption. Nonetheless, this is a safe, simple, and false charge, it is ideologically loaded.

Nowhere in its editorial does the Prospect exorcize the Clinton administration for giving to the Energy Department, for example, an exemption that meant a lot to Enron. That’s because regulation is presumed to be public spirited, even if an evil corporation is pushing for it. For all the liberal mess the campaign-finance reform is clearly to try to systemati- cally prevent American companies from protecting themselves from government regulation. It will be a corruption-free world, in short, only when liberals get everything they want. Until then, smear away.

CONGRESSIONAL RECORD—SENATE S2119

[From the National Review, Mar. 11, 2002] THE CAMPAIGN-FINANCE SMIRK

(By Rich Lowry)

No one has done more to create an ‘‘appearance’’ of corruption in politics than campaign-finance reformers. A typical complaint of campaign-finance reformers is that politics is too negative and dishonest.

One might expect therefore that advocates of reform would feel some obligation not to be so negative in the way they depict politicians, or at the very least to be truthful when they do decide to ‘‘go negative’’ against political opponents. Alas, no one has done more to create an ‘‘appearance’’ of corruption in politics than campaign-finance reformers who ignore or distort facts to make reckless charges of corrupti-
American Conservative Union by election-law attorney Cleta Mitchell found that groups dedicated to promoting campaign-finance reform spent over $73 million over the three-year period from 1997 through 1999. By comparison, the Center for Responsive Politics (CRP), one of the most prominent campaign-finance-reform organizations, lists total contributions by 645 corporations and labor unions to campaign-finance regulators as $12 million, and by “Health Services and HMOs” at under $14 million, for the four-year period from 1997 through 1996. By comparison, the Pew Charitable Trusts, a prominent NGO in the environmental regulation and funds Planned Parenthood. If it can quiet political opposition from business and National Right to Life, the pledge of these might include foundations such as Pew, or organizations such as CRP, as disinterested entities concerned with the public welfare, one might just as accurately describe them as unaccountable, unaccountable organizations with lots of money and no members. Even Common Cause, the one reform group with a membership base, is small fry compared with other groups. With some 200,000 members, it describes itself as a “citizen’s lobbying organization.” But it describes the National Right to Life, which has over 4.2 million members, as a “special interest.” Indeed, many corporations represent hundreds of thousands or even millions of employees in Washington. Even though corporations and unions are prohibited from making contributions directly to candidates, a casual observer reading the fine print would conclude that the largest direct contributors to every member of Congress are corporations and unions. This is because of the center’s practice of attributing contributions by individuals to their employers. Another trick, in an apparent effort to inflate the perception of corporate influence, is to lump together contributions made over many years. Thus, organizations such as Common Cause and the CRP routinely issue press releases and studies comparing campaign contributions, with significant portions of which occurred as much as a decade ago. In some cases, more than half the Congress has turned over in the intervening years. So, a better tactic is to lump together all contributions by “industries.” So a 1997 Common Cause report on the influence of the “broadcast industry” over a ten-year period. No allowance was made for the fact that many of the contributions went to individuals no longer working in the “industry” or for the fact that the “broadcast industry” is hardly monolithic: Affiliates often quarrel with networks, networks with one another, radio with television, and so on. The reform organizations also frustrate any sense of perspective. In the current frenzy over Enron, for example, it is not mentioned that Enron’s total soft-money contributions constitute a minuscule fraction of 1 percent of total soft money raised over the period cited. Meanwhile, the legislative action can be and is portrayed as a sellout or payback to some “special interest.” So if Enron got a favorable regulatory ruling over opposition from the Board of Trade, we were told, it was to Enron. But since the Board of Trade is also a powerful interest, any ruling the other way would not have been seen as an abuse of power or a defeat for Enron, but as a payback to the Board of Trade. All roads lead to corruption. That politicians might actually be acting on convictions or keeping campaign promises is given no credence. Few have worked harder to convince the American people that their representatives are corrupt, and their votes count. The problem is that the campaign-finance reformers, that they have done so on the flimsiest of evidence only adds to the shame.

The Enron scenario, which pushed Shays-Meehan over the top, is a perfect example. Reformers gleefully argued that the Enron bankruptcy proved that Shays-Meehan was necessary. A glimpse of the future may have occurred at a dinner last October that raised $800,000 for the Brennan Center, a pro-reform group. Co-chaired by pro-reform senators Joseph Biden and John McCain, the dinner was underwritten by corporate donors, who were solicited to attend. Sponsors included over 50 of the largest law firms in Washington. Even Kmart corporation’s decision to end the influence of money in politics, but to change the language before the final vote. WHERE THE FAT CATS SIT

Assuming it becomes law, the bill will not end the influence of money in politics, but instead will drive such influence further underground. A glimpse of the future may have occurred at a dinner last October that raised $800,000 for the Brennan Center, a pro-reform group. Co-chaired by pro-reform senators Joseph Biden and John McCain, the dinner was underwritten by corporate donors, who were solicited to attend. Sponsors included over 50 of the largest law firms in Washington. Even Kmart corporation’s decision to end the influence of money in politics, but to change the language before the final vote. WHERE THE FAT CATS SIT

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political parties and other groups, but specifically allows lawmakers to continue to solicit funds for entities such as the Brennan Center.

Beyond that, the bill will probably strengthen special interests, benefit incumbents, and harm grassroots politics. The limits on soft-money contributions mean that corporations may be pressured to do more independent spending to help their legislative allies. This will give these interests more control over the process, and will reduce the historical role of parties in brokering diverse and often competing interests. The limits on issue ads in the 60 days before an election will mean that such ads will not be an effective way for campaigns to put and putting a greater premium on early fundraising. This will benefit incumbents, even as it requires them to spend more time raising funds. True grassroots politics—synchronous political activity by individuals and groups—suffers from regulation and has been on the decline ever since the Federal Election Campaign Act was first passed in 1971.

The added complexity of this bill will probably kill off such activity altogether. Indeed, Federal Election Commission Chairman Davis Matos indicated that the incredible complexity of the bill is likely to lead to “invidious enforcement, singling out disfavored groups or causes” and “subjecting regulated groups to harassment by political opponents.”

However, the giant foundations that have financed reform will remain untouched. So will the recipients of their largesse, such as Democracy 21 and the Center for Responsive Politics, and the lobbyists of Common Cause. Big-business lobbyists also emerge unscathed—indeed, corporations may devote more resources to lobbying. But groups that rely less on lobbying and more on campaigning to candidates, grassroots organizing, and issue ads to rally public support will suffer.

But that, too, is a common Washington story.

Mr. MCCONNELL. With no basis in fact or reality, the media consistently and repeatably alleges that our every decision can be traced back to money given to support a political party. I trust that every Member in the Chamber recognizes completely unadulterated, false, and insulting these charges are. We have been delirious in refuting these baseless allegations. I doubt we will ever see a headline that says 99 percent of Congress has never been under an ethics cloud. That is a headline we simply will not see.

Each Member is elected to represent our constituents. We act in what we believe is the best interest of the country and, obviously, of our home States. Does the approach to candidates, grassroots organizing, and issue ads to rally public support influence us?

Let me repeat that. Many of the provisions in this bill that is about to pass the Senate are directly contrary to existing Supreme Court precedent.

Let's go over that one more time. We are taking this money away from the parties, shifting it to outside groups, and restricting their ability to spend it on advertising in any media, except newspapers. No wonder the newspapers are for this bill. This is a great deal for the newspapers. They will also reduce the risk of newspaper ads, because they can sell advertising in proximity to the election when no one else can.

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The Shays-Meehan bill weaves a bizarre web of restrictions and prohibitions against parties while simultaneously strengthening the power of outside groups and the corporations that own newspapers. This legislation is remarkable in its scope. Indeed, this legislation seeks no less than a fundamental reworking of the American political system. Our Nation's two-party system has for centuries brought structure and order to our electoral process. This legislation seeks, quite literally, to eliminate any prominence for the role of political parties in American elections. This legislation favors special interests over parties and favors some special interests over others. It treads on the associational rights of groups by compelling them to disclose their membership lists to a greater extent than ever before contemplated. It hampers the ability of national and State and local candidates. It places new limits on the political parties' ability to make independent and coordinated expenditures supporting their candidates.

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Let's take a look at coordinated expenditures under independent expenditures. Where will it all go?

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bill, parties are prohibited from engaging in both independent and coordinated party expenditures after a candidate has been nominated. The bill treats all party committees, from State and local to the national party, as a single committee. So let’s take a look at how this works.

If the Atlantic City Republican Party makes a $500 independent expenditure on behalf of a Senate candidate in New Jersey, the party is then prohibited from making a permissible $900,000 coordinated expenditure. Any expenditure of $900,000, New Jersey. If you are scratching your head wondering about this, let’s go over it one more time.

The Atlantic City Republican Party in New Jersey makes a $500 independent expenditure on behalf of a Senate candidate in New Jersey. Then the national party committee is prohibited from spending the permissible $900,000 coordinated that we have been allowed to do for a quarter of a century.

The impact is even more severe for Presidential candidates. If a local party anywhere in America makes a $300 independent expenditure on behalf of a Presidential candidate, the nominee could lose their party coordinated expenditure—roughly $13.7 million in 2000. Remember, even though the Presidential race is usually publicly funded after the convention, there is an amount of money that parties are able to spend on behalf of the Presidential candidate after the convention.

In 2004, the Democratic and Republican Presidential nominees are going to have to police every local committee in America. It is a big country, 50 States, incredible number of municipalities and party committees up and down the system. If any one of them makes a $300 independent expenditure on behalf of the Presidential candidate, then they lose $13.7 million.

My colleagues on the other side of the aisle have spent time in New Hampshire lately. There are a number of aspiring Presidential candidates over there on the Democratic side. They ought to read this provision very carefully because, if they get the nomination, some errant Democratic local chairman somewhere in America who decides to go out and be helpful—or maybe to be mischievous if he is not in favor of the nominee—and makes an independent expenditure of $300, he could cost the nominee close to $14 million in coordinated expenditures in the general election.

This is fraught with the potential for mischief. One thing we know about politics, if mischief is possible, mischief will occur. I think we can stipulate that.

Now let us look at what Shays-Meehan does to party conventions.

Shays-Meehan will change national party conventions as we have known them. The soft money ban covers the committees that are created to host these grand events. In 2000, the Federal convention grant from the Treasury of the United States was $14 million for each major party. That is also about the same amount that was spent on security alone at each of the conventions. The rest of the money needed to put on those things came in soft dollars. All of that will be gone.

Looking at the conventions in 2004, if you are chairman of the Democratic National Committee, or the Republican National Committee, you will be confronted with a very difficult decision: Do you want to put on a 4-day convention with 80 percent less funding? Or do you want to spend hard dollars that would otherwise be used to help elect the President to pay for the convention? All the soft money that you used to put on the convention the last time is now gone.

Come to think of it, maybe a middle-size town like my hometown, Louisville, might qualify to hold a convention. That would be a short convention with very few people at it. Louisville could make a pitch for both the Democratic and Republican Conventions in 2004. The parties will be able to spend only $15 million. It will probably only last for a day or two. There won’t be much here. We could probably handle that in our hotels. It is always a bit of a stretch to put all the people up in hotels during Kentucky Derby time of the year. But we might be able to work that out. This could be a windfall for cities of roughly a million across America.

But do we really want to skinny down the conventions, or eliminate the conventions? I know a lot of our colleagues don’t particularly like going to them. It is a nonstop event from morning until night. But if you are a precinct worker out in Oregon and have worked in the party trenches over the years and you get to be a delegate, it is a big deal. It is something you will remember for the rest of your life. It is the only opportunity you will ever have to meet the county chairmen from some county in South Carolina on the other side of the country. It is the one time every 4 years that we have truly national parties where Republicans and Democrats from all over the country come together to nominate their candidate for President. Even though there has not been any suspense at the conventions for a long time, I can tell you that to go to the Republican Convention—and I believe the delegates that go to the Democratic Convention—think it is a wonderful opportunity to participate in something that is important for America. Unfortunately, we may have seen the end of the conventions as we know them because this bill takes away about 80 percent of the funding of the national conventions.

In case you think that national conventions might be run through State parties, Shays-Meehan also closes that option by allowing the use of soft money only for State, district, or local political conventions. Perhaps the outside groups will step in and fill the gap. We will be able to raise money for them, or maybe even the unrestricted media will somehow find a way to fill the gap.

Now, what will be the effect of this new legislation on Federal officeholders and candidates? Shays-Meehan federalizes our every action and our every conversation. The big losers under this bill are State and local candidates and our State parties. Under Shays-Meehan we can only raise money for State and local candidates within the hard money limits and restrictions, which is $2,000 per election.

Let me explain to my colleagues how that will work. In 39 States, statewide candidates are currently allowed to receive more than $2,000 per election, and some of them allow corporate contributions to candidates.

For example, the individual contribution to a Governor’s race is $10,000 per election. But Federal officeholders and candidates will only be able to raise $2,000 per election for the Governor’s race. This bill federalizes our involvement in State and local races as well.

In Virginia, under state law, there are no contribution limits or restrictions for State and local candidates. But under this bill, Federal officeholders and candidates will only be able to raise $2,000 per election for statewide candidates.

Again, in Virginia—which allows unlimited individual corporate and union contributions directly to candidates with full disclosure—if Senator Warner or Senator Allen wanted to be involved in the Governor’s race over there, they would be in a difficult position going to a fundraiser that they didn’t sponsor, because it would have to be limited to $2,000 contributions for the candidate.

This bill federalizes the involvement of Senators and Congressmen in State and local races by making our rules applicable to them no matter what the State law is. Under Shays-Meehan, we can only raise soft dollars for State parties within the hard dollar limits and restrictions, and $10,000 from individuals. But 40 States allow State parties to receive more than $10,000 per year. Some of them even allow corporate contributions to State parties.

For example, in Arizona, there is no limit on the amount an individual can contribute to a State party’s State account. Under Shays-Meehan, Federal candidates will only be able to raise $10,000 per year for that State account, even though that is not Arizona State law.

In Illinois, there are no contribution limits or restrictions on contributions to a party’s State account.

But Federal officeholders and candidates who are involved in raising money for the State party State account in Illinois will only be able to raise $10,000 per year no matter what the Illinois law is.

But have no fear, my colleagues. The House has provided us with an alternative. We may not be able to do it for
State parties except within the Federal regulations, but we can raise unlimited soft money from any source for outside groups so long as their primary purpose is not voter registration, voter identification, get out the vote, and generic campaign activity. Make sure the group’s purpose is advocacy, and then raise as much as you can from anyone you can. Don’t worry. It will never be disclosed.

The perverse effect of this is that we can do a lot more for an outside group than for our own State party. Moreover, in our home State, under this bill, if you fancy voter registration, voter identification, get out the vote, and generic campaign activity, you can raise $20,000 per year from individuals from any outside group specifically for those activities. All that money is soft money.

Let us go over it one more time.

If a Federal officeholder wants to raise money for a State party, Federal rules apply. But if a Federal officeholder wants to raise money for an outside group, its wide open. So there won’t be any less soft money raised around here. My prediction is there will be more soft money around. It will just be raised for outside groups rather than for the party.

Let us take a look at the effect on State and local parties. State and local party operations are impacted dramatically by Shays-Meehan. This bill eliminates the ability of States as well as outside groups to have any soft money for the parties to raise money. This means that States will be forced to do more with much less.

Let’s look at the effect on State and local candidates. National parties will be extremely limited in their ability to not only make contributions to State and local candidates, but also promote issues of State and local importance in conducting voter drives. Members of Congress are similarly restricted in what assistance we can provide to the State and local candidates.

Shays-Meehan even regulates the conduct of State and local candidates—fundraising to advertising. State and local candidates will be forced to burn campaign funds to retain lawyers to guide them through the myriad of State, and now Federal, regulations on their State and local campaigns. Now, let’s take a look at the outside groups and compare the outside groups to the national party committees.

Make no mistake about it. Soft money will be more around. It will thrive under Shays-Meehan everywhere, except at the party committees.

Here are a few short examples: Corporations, labor unions, and outside groups will continue to use 100-percent soft money. Corporations have no idea how much they spend because they do not disclose the details about their soft money. But, national parties will be forced to use 100-percent hard dollars. Corporations, labor unions, and outside groups will continue to use soft money to raise the hard money for their PACs.

Let me repeat that. Corporations, labor unions, and outside groups will form and maintain PACs. So Members of Congress will be allowed to spend a mix of hard and soft money, but not national parties. They will only be able to raise and spend hard dollars.

What about us Members? Members will still be allowed to maintain leadership PACs—that is good—and even have a soft dollar account for those PACs. So Members of Congress will be able to have leadership PACs that raise both hard and soft dollars. But national parties will only be able to raise and spend hard dollars.

The bottom line is this bill does not take money out of politics, it just takes the parties out of politics.

Now let’s look at issue ad restrictions. The Shays-Meehan issue ad provision muzzles political speech based solely upon the timing of the speech. A person or a group must report to the Government whenever they mention the name of a candidate in any broadcast, cable, or satellite communication within 30 days of a primary or 60 days of a general election. Corporations and labor unions are totally censored during that period. The censorship extends to nonprofit corporations such as the Sierra Club and the NAACP on the left, and the National Right to Life Committee and the NRA on the right.

Let me use a recent example of how this provision will work. Just this past week within 30 days of the primary, the American Civil Liberties Union ran two issue advertisements in Illinois. One was a broadcast radio ad, the other was a newspaper ad.

If this legislation is passed today, the radio ad falls within the issue ad prohibitions and restrictions, so it could not be run, however, the newspaper ad is not affected. So in the following ad—run just this past week by the ACLU in Illinois—on the radio, the female announcer said:

"[We’re] waiting for our Congressman, Dennis Hastert, to protect everyone from discrimination on the job."

As Speaker of the House, Representative Hastert has the power to stop the delays and bring the Employment Non-Discrimination Act—ENDA—up for a vote in Congress. It’s about fairness. It’s time to ensure equal rights for all who work, including lesbians and gay men, and make sure that it’s the quality of our work that counts, and nothing else.

And later in the ad, the male announcer says:

"Protecting workers from discrimination, or more delays?"

And the female announcer says:

"Take action now. Send Speaker Hastert a letter urging him to support fairness and bring ENDA to the floor. . . ."

That is the radio ad. Under Shays-Meehan, it cannot be run.

But alas, a newspaper ad, under this bill could be run:

"The newspaper ad says:

Speaker of the U.S. House of Representatives, Rep. Hastert has the power to stop the very same thing that corporations, labor unions, and outside groups will be able to spend 100-percent soft dollars doing.

Stand-alone PACs, such as EMILY’s List, for example, will continue to raise and spend a mix of hard and soft money, but not national parties. They will only be able to raise and spend hard dollars."
delays and bring the Employment Non-Discrimination Act—ENDA—up.

And on and on.

It is exactly the same as the radio ad. So under Shays-Meehan, if your ad is on the radio, you cannot run it; if your ad is on a newspaper, you cannot run it.

This kind of arbitrary and capricious stifling of political speech is the essence of the issue ad restrictions in this bill. Both advertisements are issue speech. Both advertisements ran at the same time. However, only one advertisement invokes the jurisdiction of a newly created speech police.

I ask unanimous consent that an ACLU press release be printed in the RECORD.

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

ACLU DOUBLE PLAY: NEW AD BLASTS WORKPLACE DISCRIMINATION AGAINST GAYS, SHOWS FLAWS IN CAMPAIGN FINANCE LEGISLATION

WASHINGTON.—In a move that both showcases the problem of workplace discrimination in America and the constitutional flaws of campaign finance legislation, the American Civil Liberties Union today began running a series of radio and newspaper issue ads that would be outlawed under a campaign finance bill currently before Congress.

The advertisements are running in the Chicago media market and urge Speaker of the House Dennis Hastert, who represents a suburban Chicago district, to use his position to bring the Employment Non-Discrimination Act to a full vote in the House.

"This is a double play," said Laura W. Murphy, Director of the ACLU's Washington National Office. "Not only have we highlighted the urgency of making employment non-discrimination a top priority in Congress, but the ads also demonstrate in practice how campaign finance legislation will effectively gag political speech."

The ACLU has long advocated a system of public financing as a means of increasing access to the political process without impinging on protected political speech. The ACLU argues that public financing, which is completely non-partisan and politically essential, is a perfect example of the beneficial political speech that would be silenced by the Shays-Meehan bill. It is expected that the Senate is expected to take up on Monday.

The ads, because they are being broadcast during a 30-day window before a primary election, would be forbidden if the Senate paves and President Bush signs the Shays-Meehan bill. The ACLU has long been a vigorous opponent of the measure and its Senate counterpart, the McCain-Feingold bill, because they would curb political speech.

"Ironically, our radio ads would be outlawed by the bill," Murphy said, "but our newspaper ads that are running on Monday would continue to be acceptable."

The ACLU said that passage of ENDA would guarantee that individuals could not be discriminated against in the workplace based on their real or perceived sexual orientations.

"The ads urge listeners and readers to visit the ACLU's website—http://www.aclu.org/ENDA—where they can learn more about the provisions of ENDA and send a free fax to Speaker Hastert urging action in the House on the proposed legislation.

"It's important to remember that the ACLU would not be the only group impacted by the new law," Murphy said. "This ad is in the newspaper, you are OK. On the radio, you cannot run it; if your ad is in the newspaper, you are OK. On the radio, you cannot run it."

Remember, in a Presidential election year, the primaries are going on at different times beginning in Iowa and going through the season. Since this bill cracks down on issue speech within 30 days of a primary, somewhere in America you will be within 30 days of a primary when you are running for President. So the blackout period will be in effect somewhere virtually throughout the entire year.

For those who dare to speak within the 30- to 60-day window—30 days before the primary or 60 days before the general election—they will have to report to the FEC. However, unlike every political committee registered with the FEC, the FEC NEA will only have to report receipts of $1,000 or more, not $200 or more as is required of other committees. Therefore, very few donations will end up being disclosed.

"This is a dramatic double play," said Mr. M McConnell. Reformers apparently are not concerned by the fact that this provision flies in the face of more than a quarter of a century of court decisions which attempt to restrict issue speech. The FEC will be the speech police to track these ads, something that will prove nearly impossible to enforce in a Presidential election year when there will be only a couple of months without censorship so it can be in effect somewhere.

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By focusing only on broadcast media, this restriction allows unions to continue their efforts with unregulated and undisclosed soft money. The breadth of this provision may also restrict communications via the Internet and other high-tech modes of communication which are satellite based.

There are loopholes, of course, for outside groups. Reformers claim this bill will increase disclosure and shine the light on big money in politics. This is, of course, because disclosure which are satellite based.

Interestingly the FAA—CIC just voted to increase, by 60 percent, the mandatory contributions collected by the unions from their members. These are mandatory contributions—their are not voluntary. In fact, in increasing the mandatory contributions, the unions eliminated all voluntary contributions.

In the 2000 cycle alone, unions contributed to 10 major software campaigns—that we know about. We will never know how many hundreds of millions of dollars the unions spent on many of their political activities because it is never reported. This bill does nothing to address that problem.

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available on its web site (landmarklegal.org), can appreciate how staggering the NEA’s annual violations truly are.

While Landmark has concentrated on the NEA’s national affiliate, the Heritage Foundation has attempted to review Form 990s filed with the IRS by teachers unions representing the largest, public-school districts and the 50 representing them at the state level. These included affiliates of both the NEA and the American Federation of Teachers (AFT), the other major teachers union.

By law, these NEA and AFT affiliates are required to provide copies of their most recently filed 990s, only two of the 83 Form 990s examined by Heritage reported any “political expenditures, direct or indirect” on line 81a. (National Education of New York and the Hawai‘i State Teachers Association reported “direct or indirect” political expenditures of $69,272 and $136,285, respectively—political spending, if Landmark’s review of the NEA’s national affiliate is any guide, 55% of whose political activities are unreported.) Equally revealing was the fact that those forms showed average-annual-dues income of $512 million, while their expenditures for collective bargaining—a union’s principal purpose—averaged a mere $103,000.

Once Senate Republicans cast the deciding, filibuster-breaking vote to ban soft money, which, in practice, Republicans have used to balance the “under-the-radar” political spending by labor unions on behalf of Democrats, those GOP senators will have nakedly exposed themselves to the loophole-smashing tactics of a labor-Democratic cabal.

[From the Boston Globe, Feb. 27, 2002] AFL-CIO TO BOOST MANDATORY DONATIONS, HOPES TO SPEND $35M ON NOVEMBER ELECTIONS

(BY SUE KIRCHHOFF)

NEW ORLEANS—John Sweeney, AFL-CIO president, labor leader, plans to boost about a 60 percent increase in mandatory contributions for political activities in order to help the organization meet its goal of providing lifetime financial support to independent candidates through a 6.5-cents-per-month assessment on dues from 61,000 people. If he can get just $1,000 to $2,000 the limit on individuals’s contributions, to House, Senate and presidential candidates? Candidate Bush got $1,000 contributions from 1 million people, just that many to give to $2,000—for a sitting president, that should be a piece of cake—the bill that he says “makes the system better” will be sent to the other chamber.

The ardent-for-reform Washington Post—the bill should have been called Shays-Meehan-Times—boldly asserts (talk about the triumph of hope over experience) that the bill “will slow the spiral of big-money fundraising.” Actually, the 2003-04 election cycle probably will see the normal increase in political spending. The bill will be that in the next cycle much more of the political giving will be more difficult to trace. The soft money that Shays-Meehan-Times Post bans—contributions to parties—must be reported. Henceforth much of that money will go to independent groups that will not have to report the source of the money that finances their issue advertising.

One of the bill’s incumbent-protection measures says that a candidate whose opponents’ spending from rich people, the bill has this effect: A constitutional amendment large than $2,000, the bill raises from $1,000 to $2,000 the limit on individuals’s contributions to House, Senate and presidential candidates? Candidate Bush got $1,000 contributions from 1 million people, just that many to give to $2,000—for a sitting president, that should be a piece of cake—the bill that he says “makes the system better” will be sent to the other chamber.

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advocacy by independent individuals or groups—unless they are coordinated with the candidate. In that case they are counted as contributions to the candidate, and thus limited. Coordinated expenditures are defined as “any general or particular understanding” between such an individual or group and a candidate. If proper law gives due notice of what is and is not permitted, this is not the rule of law.

Opinion polls invariably show negligible public interest in campaign-finance reform, but according to every congressional district like this at least one newspaper hot for reform. Media cheering for the bill has been relentless. For example, NBC’s Katie Couric, advocating passage of the Meehan-Times-Post-Couric bill, wondered whether Enron’s collapse would make “people say, ‘Enough is enough!’ This has got to happen!’” The media know that their power increases as more and more restrictions are imposed on everyone else’s ability to participate in political advocacy.

The principle of the politicians’ entitlement to buy advertising at the lowest rate stations charge any buyer. This will mean hundreds of millions of dollars of extra revenue for broadcasters and cable networks, a reward for the media’s support? Is there an appearance of corruption here? Never mind. But note this. The appearance of corruption is the equal of actual corruption as a justification for campaign finance reform. The officials who have tirelessly campaign contributions to incumbents to themselves. Challengers usually have less money, so they will be most hurt by higher ad rates.

The issue ad restrictions are so scandalous and (b) not to be tampered with. The New York Times and The Washington Post are quite corrupt. The only ad the bill allows are the appearance of corruption or the appearance of it. The politicians’ real concern is to silence their critics. Recently John McCain gave the game away.

He was discussing the bill’s provision that puts severe—fornanyparty, innumerably—impediments on any group wanting to run a broadcast ad that all (of) their particular ad is considered a “political contribution” ($2,000 under current law, $4,000 after Shays-Meehan becomes law) to his campaign.

It probably would be unfair to ascribe the Times’ and The Post’s support for Shays-Meehan to corruption. But it would be no more unfair than are the Times. The Post’s purpose is not to profit from this bill, not to do it for a reward for the media’s support. But contributions are not the only, or even the most important, benefits that the politicians receive from the legislation. The support by powerful newspapers for a political official’s legislation can be much more valuable to the politician than the maximum permissible monetary contribution ($2,000 under current law, $4,000 after Shays-Meehan becomes law) to his campaign. Perhaps, if they exist, there are no appearances of corruption or the appearance of corruption on the part of the Times and Post, which are, for all practical purposes, the only intense concern of the media, which comprise the only intense concern of the media, which comprise the only intense concern of the media, which comprise the only intense concern of the media, which comprise the only intense concern of the media.

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run "electioneering communications" after Labor Day in an election year. But every newspaper and television station in your town and state could still support or denigrate a candidate every day. What would any sensible person vote to limit the speech of individuals and organizations but not that of the media, which have as many opinions and biases as any of us.

When McCain-Feingold was before the Senate last March, 40 senators voted for Sen. Fritz Hollings' proposed constitutional amendment that would exclude campaign speech from the protection of the First Amendment. As wrongheaded as it is, it is at least honest. Shays-Meehan's supporters propose a constitutional amendment to the result they fear, for they know full well that a constitutional amendment has no chance of passing.

It is hard to imagine anything worse for the republic than to have campaign speech regulated, supervised, watched, controlled and authorized or prohibited by an agency of any of their editorial pages. Nor do I recall seeing any news stories in their papers about their blatant conflict of interest and what big winners they are financially as a result of the passage of this bill.

Let's take a look at fundraising for outside groups. The largest loophole for outside groups is that we in Congress can raise soft money for them. This huge loophole was literally added at the 11th hour over in the House in order to secure enough support for this bill so that it would pass in the House of Representatives. This bill shuts off money to political parties but turns the spigot wide open on contributions to outside interests.

What the reformers don't tell you is that the soft money contributed to the national parties was already fully disclosed. Our friends up in the press gallery and the American public knows how much soft money the parties received. It has been disclosed for years. But for some reason, the reformers believe a system of raising undisclosed soft money for outside groups is better; it is better to allow Members of Congress to raise undisclosed soft money for outside groups than to allow Members of Congress to raise disclosed soft money for political parties. If you can make any sense of that, give me a ring sometime.

The parties will be replaced by an underground network of outside groups for whom we can raise unlimited, undisclosed sums of soft money. Let me be clear: There are numerous groups for whom Members can raise unlimited, undisclosed corporate and union soft money. Some names: Common Cause, the Sierra Club, the NAACP, NARAL, and NOW. This is a great day for them, a banner day for them.

Now there are other loopholes in Shays-Meehan for specific outside groups. Let's take a look at Indian tribes. In the 2000 cycle, Indian tribes contributed almost $3 million to Federal political campaigns. They used their general treasury for contributions, independent expenditures, and to run issue ads. This bill does not cover any of their activities.

A recent article from Fox News concluded that Indian tribes could soon contribute more money than any other interest group. I ask unanimous consent that the full text of that article be printed in the RECORD.

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

NATIVE AMERICANS SLIP THROUGH HOLE IN CAMPAIGN FINANCE ACT

By Katie Cobb

Los Angeles—Native American groups, or sovereign tribes that live alongside other U.S. citizens, are not subject to several exceptions from U.S. tax and other laws, are getting another break in the campaign finance reform law meant to reduce the impact of special interests on political campaigns.

"They are basically just reaching into the till that is full of business and gambling money and writing checks to politicians and political parties," said Jan Baran, an election law attorney.

While most special interest groups will lose their ability to shift money and are limited to low caps on direct contributions and when the campaign finance bill is enacted, tribes which participate in the $5 billion a year gaming industry will not be subject to the same rules.

An existing rule by the Federal Elections Commission already exempted tribes from the same contribution limits that apply to other Americans. But lawmakers, who had an opportunity to close the loophole during recent立法 efforts on the measure, decided to leave the exemption.

"Under the current law, individuals have an overall cap of $25,000 a year that they can use to give to all local committees. Indian tribes don't have that overall aggregate cap," said Ken Gross, a former council for the FEC.

The exemption allows Indian tribes to donate the maximum amount to every single candidate running for federal office, easily totaling hundreds of thousands of dollars in cash each election cycle.

"They have a big pot of money to use and make political contributions and as long as they distribute it on a per candidate or per committee basis, within the limits, there is no cap on how much they can spend so they are in a good position," Gross said.

And give them. Do during the 1994 election cycle, the Indian Gaming Association contributed more than $1 million to political campaigns and candidates. In 1996, they gave close to $2 million...
litigation, they are investing heavily in Sena-
te elections to build a barrier against any future legal reforms. If lawyers were ranked among industries, they would be No. 1 on the list of the billion dollar campaign activities, includ-
ing to the Center for Responsive Politics, lawyers contributed more than $10 billion in the 2000 election cycle, $77 million of which went to Senators. Members of the Association of Trial Lawyers of America alone gave $3.6 million to federal campaigns over the same period.

The battle over legal reform takes place on many fronts, from electing or selecting re-
form-minded officials, to educating the pub-
clic about the need for reform, to engaging in grass-
growth lobbying, and, ultimately, to enacting reform legislation. To be sure, personal injury lawyers and Ameri-
ican businesses both engage in these activi-
ties. Unfortunately for the public, Shays-
Meehan/McCain-Feingold would hobble American businesses involved in this debate while leaving trial lawyers armed to the teeth.

For instance, the legislation would impose a gag rule, prohibiting corporations from running broadcast issue ads that even men-
tion the lawmaker's name for a 60-day black-out period before a general election and 30 days before a primary. Personal injury lawyers in such financial straits would even be prohibited from running ads that sim-
ply ask viewers to "Call Senator Jones and urge him to support legal reform bill X." During the blackout period, corporations would be barred from running ads that sim-
ply appeal to a sense of justice and urge the public to support legal reform.

Shays-Meehan/McCain-Feingold contains other booby traps that could confound business ef-
forts to inspire needed reforms to our legal system. For example, in addition to the bar-
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ply appeal to a sense of justice and urge the public to support legal reform.

Undoubtedly these are unintended con-
sequences of Shays-Meehan/McCain-Feing-
gold. The fact is that the courts are more so-
licitous of the free speech rights of individ-
uals than corporations. Although some cam-
paign reform advocates have expressed dis-
dain for the greedy plaintiffs' bar and sup-
ported legal reform, the campaign finance bills would give more power to personal in-
jury lawyers while crippling the business community's efforts to restore sanity to our civil justice system. Any congressional sup-
porters of common-sense legal reform should be wary of a bill that could significantly em-
power the plaintiffs' trial bar to block these reforms.

Mr. MCCONNELL. Let's take a look at a specific provision of this bill. The provision on "coordination."

In addition to protecting the Amer-
ican people's right to free speech and as-
ociation, the first amendment protects the rights of Americans to peti-
tion their Government for redress of grievances. This right is essential to our repre-
sentative democracy.

We meet with constituents and with citi-
gizens groups—who in this debate are simply referred to as "special inter-
esters"—to help determine how best to ef-
cuate the wishes of the American people. We meet with these folks every day. Our meetings with fellow Amer-
icans is thus one of the most important things that occurs in the democratic process.

The Shays-Meehan "coordination" provision affects our ability to meet with any company, association, or citizens groups. There is a danger posed by an over-broad coordination standard in this bill. By subjecting candidates, of-

...
if the group’s spending constituted an illegal corporate “contribution,” then the member of Congress has also “received” an illegal corporate contribution (and, no doubt, committees by falling to recognize this “contribution”). Such a complaint may well do the incumbent lawmaker both legal harm and political harm, even though he did no more than convey his position(s) to a group of interested citizens.

Here is another example of “substantial discussion” that could lead to legal difficulties for (or an incumbent lawmaker). Early in a congressional session, representatives of six groups met with Senator Doe to discuss their plans and, he, will use to collectively promote Doe’s landmark bill to ban widgets. The six groups then spend money to communicate with the public. Suppose that Doe’s committee, regarding the urgent need to enact the “Doe-Jones Widget Ban Act.” The campaign manager for the senator’s challenger then files a complaint, alleging that the groups have a “coordinated” relationship with Doe, and therefore the expenditures promoting Doe’s bill are actually “contributions” to Doe’s campaign. The consequences for the incumbent lawmaker could be grave, because “contributions” by incorporated groups and unions have long been illegal. But the consequences for the incumbent lawmaker could be equally grave, because if the groups’ expenditures to promote his bill are deemed to be “contributions,” then he also has to file provisions of law: (1) he has received illegal “contributions” from corporations or unions; (2) he has received “contributions” in excess of the $2,000 limit; and (3) he must report the “contributions” that he received from the groups.

“COMMON VENDORS’ TRAP”

The bill also commands that the FEC’s new regulations must address “payments for communications” by incorporated groups and unions that exceed $5,000 on any activities in support of the lawmaker (or in opposition to his opponent)—even without any prior knowledge or involvement by the candidate—then those expenditures would also be regarded as illegal “contributions.” This is because once the parent corporation or union is deemed to have become “coordinated” in any of the groups, the PAC also becomes “coordinated” and thus loses its legal right to make independent expenditures in excess of $5,000 to support or oppose candidates for whom the parent corporation or union is ‘receiving’ an illegal contribution if the PAC makes such expenditures.

Consequently, Congress could easily become guilty of violating federal election laws if it unknowingly becomes “coordinated” with a group, and the group’s PAC illegally makes expenditures over $5,000 without the Member’s prior knowledge, much less consent.

In closing, we believe that the coordination provision (Section 214) in the Shays-Meehan bill infringe upon our First Amendment right to free speech and right to petition the government for redress of grievances. Therefore, we strongly opposed this provision.

Respectfully,

David N. O’Steen,
Executive Director, National Right to Life Committee.

Charles H. Cunningham,
Director, American Federal Af-
airs, National Rifle Association.

AMERICAN CIVIL LIBERTIES UNION
AND NATIONAL ASSOCIATION FOR
THE ADVANCEMENT OF COLORED
PEOPLE,

WASHINGTON, D.C.

Mr. McConnell. I urge these groups and others who are concerned about their ability to continue to promote issues to join me in challenging the overbroad “coordination” provisions in this bill.

The proponents of this legislation urge that the result I have described to you is not what they have intended. They have inserted into the Record a clarification of how they envision their coordination provisions to operate. However, neither the legislative history can change clear statutory language. If the drafters did not intend the troubling result I have described, then they should have used different language, or accepted my offer to modify the provision, which is one of the items I discussed with the Senator from Arizona early on in our discussions about the technical corrections to this bill. Instead, they insisted on directing the FEC to find “coordination” even where there is no agreement to coordinate.

Madam President, I ask unanimous consent that additional documents
from individuals and groups across the political spectrum, which highlight the fundamental problems with this legislation, be printed in the RECORD.

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

[From the Washington Post, Feb. 13, 2002]

It’s Not Reform, It’s Deception
(By Robert J. Samuelson

“Washington think” is less about logic than political hustle. If you favor something, attach it to a popular cause—say, homeland security. If you oppose something, attach it to an unpopular cause—say, Enron. Bear this in mind as the House debates the Shays-Meehan campaign finance reform bill, named after co-sponsors Christopher Shays (R-Conn.) and Martin Meehan (D-Mass.). The Enron scandal (it’s said) demonstrates the corruptness of big political contributions and the need for an overhaul. The argument, though highly seductive, is complete-believe.

Only by the lax standards of “Washington think” would anyone treat it seriously. It’s all innundo: Enron collapsed because some executives behaved unethically; Enron executives made political contributions; therefore, the contributions are tainted and the system is rotten. In reality, Enron would have collapsed even if its executives hadn’t contributed. The connection between the bankruptcy and political giving is fictitious. Perhaps contributions bought Enron some influence in shaping the White House’s energy plan. But given Bush administration’s pro-market view, does anyone truly believe the energy plan would have been much different without Enron?

The point is that when Enron desperately needed help, its contributions bought no influence at all. In the 1999-2000 election cycle, Enron, its executives and employees made about $2.4 million in contributions, says the Center for Responsive Politics. Republicans got 72 percent, Democrats 28 percent. That’s a lot of money—but not compared with total contributions. In the 2000 election, all House and Senate candidates raised more than $1 billion. Bush and Gore raised $183.1 million and $132.8 million. Political parties and committees raised hundreds of millions more.

Even if Enron deserve help (it didn’t), few politicians would have risked public wrath by rushing aid. But that this episode actually shows is that the breadth of contributions insulates politicians against “undue” influence by large donors. Since the early 1980s, the details of campaign fundraising and spending have changed enormously. But the debate’s basic issues have stayed the same and can be distilled into a few questions:

Do campaign contributions systematically favor one party over another? No. Since the early 1980s, politics has become more—not less—competitive. The closeness of the Bush-Gore election and the present congressional split indicates that generally they’re fighting a rear-guard defense against higher taxes and more regulations. Even after Bush’s tax cut, the wealthiest 10 percent (one-half of all federal taxes. Most government benefits (for Social Security, Medicare, Medicaid, food stamps) go to large middle-class or poor constituents.

Are big campaign contributions a large source of discontent? No. In a recent ABC News-Washington Post poll, 70 percent of adults rated the government’s top 10 priorities. “Campaign finance” finished last, with 14 percent. Last April—before terrorism and the declaration of a recession—it was also last, with 15 percent.

Do restrictions on campaign contributions curb free speech? Yes. Because modern communication—TV, mailings, phone banks, Internet sites—requires money, limits on contributions restrict communication. If communication isn’t speech, what is it? The Supreme Court has blessed some contribution limits in Buckley v. Valeo (1976) but also equated free speech with free spending. As long as the court maintains that free spending, putting more restrictions on contributions to political candidates and parties is self-defeating. It simply encourages outside groups (unions, environmental groups) with their own agendas to increase campaign spending to influence elections.

The true parallel between Enron and campaign finance is one that “reformers” avoid. Enron’s cardinal sin was deception. The company evaded clear financial reporting. Similarly, “campaign finance reform” fosters continuous deceptions. Because politics requires money and is fiercely competitive, every new restriction on contributions inspires ways around the limits—evasions that, though legal, are denounced as “abuses.” Why should writing laws that pre-dictably invite evasion be considered a good or moral act?

If Shays-Meehan becomes law, the cycle will continue. It bars most “soft money” political advertising, limits some “issue ads” before elections. The Supreme Court might toss out some or all of the new limits as unconstitutional. If it doesn’t, political campaigns will have to obey new restrictions. Opinions are divided on which party might benefit. Perhaps neither. Whatever happens, Shays-Meehan will hardly take big money out of politics. The only way to have true “reform” without this legislated hypocrisy is to amend the Constitution and place limits on the First Amendment. Somehow a distinction should be made between “speaking to communicate” and “communicating.”

To the courts this case would be difficult. In this reporter’s opinion, it would also be undesirable. It would stifle political competition and sow resentment. But perhaps reformers can convince the American public otherwise. If they think campaign money is fundamentally corrupting democracy, honestly compel them to take the amendment route. Until then, acknowledge that, they will only pressure the courts to become Enron’s executives. They will be describing the world as they wish it to be seen, not as it actually is. Here lies the genuine Enron analogy.

American Civil Liberties Union
Washington, DC, February 13, 2002

Dear [Member of Congress],

Under-signed organizations and individuals, represent a diverse array of non-profit public policy advocacy groups. We have a shared belief that your upcoming vote on Shays-Meehan today will create an important record of your stand on the First Amendment rights of issue advocacy groups in the United States, under our First Amendment, we have had the right to express our views through advertising about national issues and about candidates for federal and state offices and after elections. Clearly most of Congress realizes that it would be unconstitutional to silence an individual who wants to take out advertising during this same period; consequently, Shays-Meehan does not silence wealthy individuals. But Shays-Meehan does silence groups like ours that are collectively supported by millions of small contributors who band together to make their views known.

Proponents of Shays-Meehan argue that this bill does not silence our groups. They are wrong. Sections 201, 203, and 204 of H.R. 2556 (like its Senate counterpart) contain unconstitutional restrictions on cable and satellite issue ads. The net effect of these provisions is to ban many of our national groups and their affiliates, and all PACs (but not PACs) from funding TV or radio ads that even mention the name of a local member of Congress for 30 days before a state’s congressional primary or runoff, and for another 60 days before the general election. This restriction applies to any ad that “can be received” by 50,000 or more “persons,” including, within a 30-day period, nearly any TV or radio ad, since few persons do not possess TVs and radios.

These restrictions would have widespread impact on issue advocacy throughout the even number years in particular. For example, even today (February 13, 2002) if the bill were law, groups such as Common Cause and Campaign for America would be banned from running a TV or radio ad today in California (March 5th primary) or Texas (March 12th primary) saying simply “Call Congressman John Doe (his name) to vote for the Shays-Meehan bill.” In effect, groups are being cut out of the dialogue on major national issues.

The Supreme Court has repeatedly held that speech that express advocacy, as currently defined, can be subject to campaign finance controls. Shays-Meehan redefines express advocacy in a way that covers our legitimate speech, which is not telling voters to vote for or against a particular candidate. If we dare applaud, criticize or even mention a candidate’s name during the day “blackout” period, we would have to create a PAC where donor names would have to be disclosed to the FEC in a way never before upward the courts.

We believe that no group that wants to express its views through broadcast ads should be forced to bear the significant and costly burden of establishing a PAC just to communicate during this period. Separate accounting procedures, new legal compliance costs and separate administrative processes would be imposed on these groups—a high price to exercise their First Amendment rights to merely mention a candidate’s name or comment on candidate records. Moreover, having a PAC created by definition would obligate the organization a participant in partisan politics. Rather than risk violating this new requirement, absorbing the cost of compliance or being forced to take out advertising during elections, it is very likely that some groups will remain silent.
It is clear that the intent and net effect of Shays-Meehan is to shut down legitimate, constitutionally protected issue advocacy. Are you voting to do this to groups who represent millions of Americans? We urge you to reject this approach. Please vote against Shays-Meehan.

Sincerely,
Laura Murphy, Director, ACLU Washington Office; Joel Gora, ACLU Campaign Finance Counsel, Professor of Law, Brooklyn Law School; David N. O'Steen, Executive Director, Douglas Johnson, Legislative Director, National Right to Life Committee; Gregory S. Casey, President & CEO, Bipartisan Policy Center (Bipartisan Policy Center's former name); Ellen Ratner, President, U.S. Chamber of Commerce; Charles H. Cunningham, Director, Federal Affairs, National Rifle Association Institute for Legislative Action.

AMERICAN CIVIL LIBERTIES UNION,

DEAR REPRESENTATIVE: On behalf of the American Civil Liberties Union we are writing to express our opposition to the Shays-Meehan bill, the Bipartisan Campaign Reform Act of 2001, H.R. 2366 as originally introduced and in its subsequent permutations. Shays-Meehan (in all its various iterations) and its provisions:

1. Violate the First Amendment right to free speech and enumerates the rights and individual interests that would:

   a. Create draconian penalties for non-partisan interactions between groups and federal candidates (so-called coordination).
   b. Unconstitutionally restrict robust political speech by average citizens prior to federal elections (issue advocacy restrictions).
   c. Place restrictions on soft money contributions that support issue advocacy activities (partial bans on soft money).
   d. A virtual ban on issue advocacy achieved through redefining express advocacy in an unconstitutionally value and over-broad manner. The Supreme Court has held that only express advocacy, narrowly defined, can be subject to campaign finance controls. The intent of the legislation to express advocacy is the inclusion of an explicit directive to vote for or vote against a candidate. Minus the explicit directive or so-called "key to the existing definition of express advocacy activity. Any concern with large contributions to political parties may be addressed through the less drastic alternative of disclosure.
   e. Shays-Meehan would burden and abridge the right of the people to express their opinions about those issues. An expanded definition of "coordination" through burdensome reporting requirements on soft money, PACs and the press. We have enclosed a fact sheet that presents our objections to Shays-Meehan in more detail. We urge all members of Congress to vote against this legislation.

Sincerely,

LAURA W. MURPHY.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC.

ACLU CAMPAIGN FINANCE REFORM FACT SHEET

WHY SHOULD MEMBERS OF CONGRESS VOTE AGAINST H.R. 2366, THE SHAYS-MEEHAN BILL?

1. Shays-Meehan is patently unconstitutional.

The American Civil Liberties Union believes that key elements of Shays-Meehan violate the First Amendment right to free speech because the legislation contains provisions that would:

   a. Violate the constitutionally protected right of the people to express their opinions about issues through broadcast advertising if they mention the name of a candidate.
   b. Restrict soft money contributions and uses of soft money for non constitutionally justifiable reason.
   c. Create an "electioneering" prohibition that would be in the full-time business of candidates—wealthy individuals, PACs and the media. Further, members of congress need only wait until days before a primary or general election to vote for legislation or engage in controversial behavior so that their actions are beyond the reach of public comment and, therefore, effectively immune from judicial review.
   d. Shays-Meehan redefines "coordination" with a candidate so that heretofore legal and constitutionally protected activities of issue groups and their candidates would be deemed illegal.
   e. The ACLU decided to place an ad lauding—by name—Representatives or Senators for their effective advocacy of constitutional protections for these purposes, and will not be funded through new disclosed dollars only, not existing non-profits, and the candidates themselves. Unless they undertook the complicated process of forming a PAC, they would risk violating the issue ad restriction in HR 2366 (the Shays-Meehan bill). Any broadcast ad decrying the candidates behavior that uses the name or likeness of a candidate 30 days before a primary or 60 days prior to a general election—nothing that does not involve candidates—would have to be funded through new disclosed dollars only, not existing non-profits. Further, the Shays-Meehan restrictions on soft money would allow dollars to parties that need to conduct voter registration and issue advocacy activity. Any concern with large contributions to political parties may be addressed through the less drastic alternative of disclosure.
   f. Shays-Meehan does not do anything to "Big Money" in politics except push money into other forms of speech that are beyond the reach of the campaign finance laws. The Shays-Meehan bill contains misguided and unconstitutional restrictions on issue group speech and, as a consequence, further empowers the media to influence the outcome of elections. None of the proposals seek to eliminate the ability to produce print, electronic, broadcast or cable—to exercise its enormous power to direct news coverage and editorialize in favor or against candidates. This would be unconstitutionally value and over-broad restrictions on corporation and union contributions to parties not only trample the First Amendment rights of parties and their supporters in a manner well beyond any compelling government interest. None of the major proposals have funds to train or defend citizens or interest groups under the proposed new regulatory regime. Yet the penalties for failure to comply with the new laws.

What would happen, for example, if a candidate runs racist, sexist ads during the last days of an election and interest groups like the NAACP, NOW or the National Gay and Lesbian Task Force want to advertise that candidates—wealthy individuals, PACs and the media. Further, members of congress need only wait until days before a primary or general election to vote for legislation or engage in controversial behavior so that their actions are beyond the reach of public comment and, therefore, effectively immune from judicial review.

2. Shays-Meehan would burden and abridge the right of the people to express their opinions about those issues. An expanded definition of "coordination" through burdensome reporting requirements on soft money, PACs and the press. We have enclosed a fact sheet that presents our objections to Shays-Meehan in more detail. We urge all members of Congress to vote against this legislation.

Sincerely,

Laura Murphy, Director, ACLA Washington Office; Joel Gora, ACLU Campaign Finance Counsel, Professor of Law, Brooklyn Law School; David N. O' Steen, Executive Director, Douglas Johnson, Legislative Director, National Right to Life Committee; Gregory S. Casey, President & CEO, Bipartisan Policy Center (Bipartisan Policy Center's former name); Ellen Ratner, President, U.S. Chamber of Commerce; Charles H. Cunningham, Director, Federal Affairs, National Rifle Association Institute for Legislative Action.
8. How does the Shays-Meehan bill compare to the Ney-Wynn bill? H.R. 2369?

The Ney/Wynn bill is far less constitutionally flawed than Shays-Meehan in that it regularly and soft moderates restrictively. But Ney/Wynn is still problematic legislation in that it imposes unwarranted regulation of issue advocacy thought regulation and disclosure that is tantamount to a kind of “Free Speech Registry” for any organized criticism of incumbent politicians. A group would still have to register with the FEC if it sends written, Internet and broadcast communications. These very same kinds of regulations have been struck down by the federal courts (See United States v. National Committee for Impeachment, 469 F.2d 1135 (2d Cir. N.Y. 1972) and American Civil Liberties Union v. Jennings, 368 F. Supp. 1041 (D.D.C. 1973)). The Ney/Wynn bill would adversely affect issue group publications such as an ACLU Civil Liberties Voting Index unless it was communicated only internally to members. Such a communication would be subject to onerous and burdensome regulations. Although both bills embody the flawed limit-driven approach to political speech, the Shays/Meehan bill is far more onerous.

Shays-Meehan is unconstitutional, unwise and ineffective legislation. The ACLU urges Representatives to vote against H.R. 2356.

Mr. MCCONNELL. Although this legislation will pass today, I am confident the Supreme Court will step in to defend the Constitution.

I commend the proponents of this bill for acknowledging the serious constitutional questions that are wrapped up in this legislation and for providing an expedited route to the Supreme Court for an answer to these questions. I am consoled by the obvious fact that the courts do not defer to the Congress on matters of the Constitution, and they should not.

Today is a sad day for our Constitution, a sad day for our democracy, and for our political parties. We are all now complicit in a dramatic transfer of power from challenger-friendly, citizen-action groups known as political parties to special interest groups, wealthy individuals, and corporations that own newspapers.

After a decade of making my constitutional arguments to this body, I am eager to become the lead plaintiff in this case and take my argument to the branch of Government charged with the critical task of interpreting our Constitution.

Today is not a moment of great courage for the legislative branch. We have allowed a few powerful editorial pages to prod us into infringing the First Amendment rights of everybody but them. Fortunately, this is the very moment for which the Bill of Rights was enacted. The Constitution is most powerful when it is most underused.

Madam President, I congratulate Senator Mccain and Senator Feingold for their long quest on behalf of this legislation and also Congressmen Shays and Meehan.

I particularly thank my devoted staff, who have been deeply involved in this issue—some of them going back to the late 1980s. The Minority Staff Director of the Rules Committee, Tam Somerville, was with me in 1994 when we had the last all-night filibuster in the Senate. It was on this issue. That was a time when we really did get out the cots because we really meant to use them, not just to have a photo op. Hunter Bates, my former Chief of Staff and a member of the Rules Committee, has been a tower of strength on this issue and will still be, hopefully, involved in our effort as we go forward in the courts. Brian Lewis, my Chief Counsel at the Rules Committee, will be a valuable member of this team. He is a very skillful lawyer, with a good political sense as well. He also has been deeply involved in the election reform issue, which Senator Dodd and I hope to move in the coming weeks. Leon Sequeira, my Counsel at the Rules Committee who works with Brian, is sitting to my right. He is also a valuable member of our team and a terrific lawyer who has made important contributions to this debate.

John Atkin, my Counsel in my personal office, is another bright lawyer, well steeped in the first amendment, who has made an important contribution.

Chris Moore and Hugh Farrish of the Rules Committee staff have also been helpful to me. I say to all my staff who have worked on this issue, you make me look a lot better than I deserve, and I thank you so much for your outstanding work, not just in this, but for the principles involved in this impeachment debate.

In conclusion, this may be the end of the legislative chapter of this bill, but a new and exciting phase lies ahead as we go to court to seek to uphold the Constitution and protect the rights of individuals, parties and outside groups to comment and engage in political discourse in our country.

Madam President, how much time do I have remaining?

The PRESIDENT OF THE SENATE (Ms. LANDRIEU). The Senator has 18 minutes. Mr. MCCONNELL. I reserve the remainder of my time.

The PRESIDENT OF THE SENATE. Who yields time?

Mr. MCCONNELL. Madam President, I ask that the time be charged to both sides during the quorum call, and I suggest the absence of a quorum.

The PRESIDENT OF THE SENATE. Without objection, it is so ordered. The clerk will call the roll. The senior assistant bill clerk proceeded to call the roll.

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

The PRESIDENT OF THE SENATE. Without objection, it is so ordered.

Mr. MCCONNELL. Madam President, the Senator from Pennsylvania wishes to address this issue. I yield him 10 minutes if he needs it. If he does not, we will reserve the remainder of the time.

The PRESIDENT OF THE SENATE. The Senator from Pennsylvania.

Mr. SANTORUM. I thank the Chair.

Madam President, first and foremost I congratulate the Senator from Kentucky. He is truly a lawyer for the first amendment and for the Constitution of the United States. I listened to most of his remarks. They are about as thorough a discourse on this issue as I have ever heard. None of them is not added, but I will make a couple of comments about what I think we are doing today and the impact it is going to have on the political system.

Assuming this bill will be held to be constitutional, I agree with my colleagues from Kentucky. I have grave doubts whether that will be the case, but assuming it will all be held constitutional, this will do several things. No. 1, I got to the Senate and the House of Representatives as a challenge. I came out of nowhere in almost both those situations. I did it the hard way. I had support basically from only one special interest group: the Republican Party. That was it.

In my first race for Congress, I was outspent 3 to 1. I think I got $10,000 in PAC contributions. I was a nobody. I was a guy who was knocking on doors. The Republican Party said: We will help him a little bit, but get the free organization to help us; they gave me a little money. Guys like me are going to have a lot harder time getting to the Senate or the House of Representatives. None of the special interest groups was fighting for me because they did not think I had a chance. They are going to be the ones to hold the power now.

Political parties are not going to have the resources to support challengers. I heard this comment among my colleagues over and over—it is this frustration level, and I do not mean to point fingers and I will not, but I hear this frustrating comment from my colleagues who support this bill: I am sick and tired of all these people running ads in my election. I am tired of all these outside groups running ads in my election.

Well, excuse me. Excuse me, Gee, I did not realize when I ran for office that this was my election. You see, I thought this was an election for the Senate or, before that, for the Congress. I certainly did not believe I had ownership of this election. But I will tell you, in private meetings, over and over I hear this comment: I am sick and tired of all these people—I am sick and tired of all these people, all these speeches—speeches meaning ads—all these outside groups attacking me in my election; I want control back over my election.

“Me election.” If you do not think this is an incumbent protection plan, I guarantee you have not been listening. This is all about protecting incumbents. Do my colleagues think we are going to pass something which helps folks who run against us? How many folks are going to say: I like being harassed by all these folks, who takes me on a better shot at me? I can guarantee if my colleagues read this bill, there is no way they can see that.
All you bothersome people out there in America who believe you have some right to participate in my election, it keeps you at home. You just stay home. Leave me alone 60 days before my election so I can do what I want to do and tell the people what I want to tell them.

That is the first thing this does—it shuts you up because—you know what?—you are an annoyance. You guys go out there and say things I do not like, I do not agree with, and it may be we are just going to shut you up. That is the first thing this bill does.

The second thing this bill does is it destroys political parties. One of the great things about this country is that we have had a stable two-party system. Travel around the world and look at other democracies and see fragmented governments, all these very narrow parties. We do not have that in America. We have two very broad mainstream parties. People say that does not leave room for dramatic advances in ideological thought at one end of the spectrum or the other end. That may be true, but it has served this country pretty well.

What we are doing with this bill is shifting power from those broad, mainstream parties that support people not because of any litmus test on the issues, but support them because they run under the broad banner of center or right of center if you are a Republican, or center or left of center if you are a Democrat. We are now going to replace that with very highly specialized interests that I believe in the end will begin to develop parties, although not in a formal sense, but begin running candidates because of their ability to funnel undisclosed money to those candidates. We will begin to see more fringe players on the horizon. We may even see many elected.

If you look at Europe and other places, other democracies, in many cases these fringe or extreme parties tend to hold the balance of power. It is not a very constructive thing at all for this country.

I do not know what possesses someone to think that political parties, for all their good or all their bad, are somehow negative for this country; that having political parties supporting their candidates is somehow bad, is somehow destructive to our political process when, in fact, it is just the opposite. Political parties protect us from extremism by their support of more mainstream ideas.

So this bill destroys, in most respects, political parties and their ability to have influence on elections. It shuts you up. It shuts you up, the average voter in America. It says you need not participate in what we are doing. Who is the greatest beneficiary? Well, obviously, I mentioned before the greatest beneficiary is the incumbent, the person with incredible deep pockets who can spend their money. Those are the great beneficiaries. If you have a lot of money or you happen to be in here—I got mine, too bad about you—you are going to be OK in this legislation.

I do not know that I would necessarily wave the banner of reform and say that is the end result of this process. Who else is going to benefit? Senator McConnell mentioned this, too. The greatest beneficiaries are the folks who do not have to shut up 60 days before the election. The greatest beneficiaries are the incumbent and the media. The media is a huge winner.

All of you, Americans, unless you have a newspaper or a radio station or a television station, have to sit on the sidelines when people begin to focus on elections 60 days before. Not the media. If all of you are quieter, their voice naturally becomes louder because it is the only voice out there other than the candidate. Of course, those supporting this measure want to shut you up any way.

So we now have a system where candidates and the media become the dominant voices in our political structure, and the average American is shut out. And this is reform.

I argue that what we are doing is a direct assault on the first amendment. If one has any doubts about that, in the Senate, at least the last two times that I recall that we debated this issue, there was an amendment offered to McCain-Feingold to amend the Constitution to allow these provisions to be constitutional. Think about this. In the Senate, there was an amendment offered to, in essence, amend the first amendment of the Constitution so this bill would be seen constitutionally.

Over a third of the Senate voted to limit political speech in the Constitution, which brings me to the point I have made many times. I guarantee if we had a vote right now on the first 10 amendments to the Constitution, the Bill of Rights, the Senate they would not pass, because we know better. We want to keep this power with us, not the people.

Those first 10 amendments were there to protect you, Mr. and Mrs. America; not us, Mr. and Mrs. Senator. The PRESIDING OFFICER. The Senator’s time has expired.

Mr. SANTORUM. I yield the floor. The PRESIDING OFFICER. The Senator’s time has expired.

Mr. FEINGOLD. How much time do we have remaining?

THE PRESIDING OFFICER. Sixty-one minutes.

Mr. FEINGOLD. I thank the Chair. Now I am delighted to yield 5 minutes to one of the earliest supporters of this legislation from the State, more than any other State at this time in our history, that represents campaign finance reform and somebody who worked every day for 5 or 6 years to make this happen, the Senator from Maine, Ms. COLLINS.

The PRESIDING OFFICER. The Senator from Maine.
hundreds of thousands of dollars in order to buy access. One gave $325,000 to the Democratic National Committee in order to secure a picture with the President of the United States. Another was the infamous Roger Tamraz, who testified the $300,000 he donated was not enough and that next time he was prepared to double the amount he would give.

According to the Congressional Research Service, soft money donations nearly tripled in the 2000 election cycle, from $262 million in 1996 to $488 million in the year 2000. Other estimates set the explosion in soft money donations at even higher levels.

Just two Presidential elections ago, soft money contributions totaled $56 million. At the same time, during this period, regulated hard money donations, which all of us wish to encourage to get individuals more involved in the political process, grew by only about 10 percent.

The Federal Election Campaign Act of 1971 has served our country well in many aspects, but the loopholes in the law have swallowed the rules themselves. If left unchecked, soft money threatens to swamp our campaign finance system, and that is why this legislation we are on the threshold of clearing today is so important.

I am also pleased the bill includes an amendment that Senator WYDEN and I offered to raise the level of discourse in campaign ads. Our amendment requires that candidates be clearly identified when they or their authorized committees air negative advertising. When a candidate launches an ad that refers directly to an opponent, whether it is a high-minded discussion of policy differences or a vicious attack on an opponent's character, the candidate should be required to stand by his ad and not hide behind a committee that may not include the name of the candidate.

Our amendment requires the candidate to clearly identify himself or herself as the sponsor of the ad, thus putting an end to disingenuous stealth attack ads.

Finally, I pay tribute to a principled opponent of this legislation, Senator MCCONNELL. We could not disagree more on the substance of this issue, but I respect his tenacity and the strength of his convictions.

The problems in our country campaign finance system are well known. Today, finally, at long last, due to Senators JOHN MCCAIN and RUSS FEINGOLD and Senator JOHN McCAIN, we are going to make tremendous progress. I am delighted to have been part of this fight. I am so pleased we are on the verge of sending this landmark legislation to the President of the United States for his signature.

Mr. FEINGOLD, Madam President, I thank the Senator from Maine for her kind words. I am delighted to have been part of this issue. It is so fitting that the next speaker is the other Senator from Maine. Without Maine, without these Senators, we would not be winning this battle today. That is all there is to it. My hat is off to the State of Maine.

I yield 7 minutes to the senior Senator from Maine.

Ms. SNOWE, I thank Senator FEINGOLD.

Madam President, I am delighted to be here this afternoon to join my colleagues from Maine, Senator COLLINS, in support of this campaign finance legislation that clearly will be the landmark law for campaign finance in the beginning of this new century.

Ms. SNOWE, Mr. President, I rise today in support of this landmark campaign finance reform bill that has passed the House of Representatives and is before us today. That bill, the so-called "Shays-Meehan" bill, of course is very close to the McCain-Feingold campaign finance reform legislation that we passed in this body last April.

As I have said before, this bill reminds me of that old Beatles song, "The Long and Winding Road." Because, for certain, the road to this day has been marked by long stretches of nothingness, interrupted periodically by attacks on the campaign way by dangerous curves, rock-slides, pot holes, jersey barriers, you name it.

And while there were times it looked as though we might fly off the cliff, never to be seen again—or that we might run head-long into one of the myriad procedural roadblocks placed before us here we are, finally at the doorstep of real and meaningful campaign finance reform for the first time in a quarter century.

Without question, we never would have arrived here safely if not for the extraordinary skills of the two men at the wheel—Senators JOHN MCCAIN and RUSS FEINGOLD. Their names have become synonymous with campaign reform, and with good reason. No one has devoted more of themselves to this cause. No one has poured more effort, energy and innovation into bringing about necessary changes in the way in which we finance campaigns in this country.

We say it all the time in this body, but these two truly have worked tirelessly for the success of this legislation. And I can tell you I've been privileged to work with them in trying to address one of the most frustrating aspects of our campaign finance system, which is that money that is raised and spent outside the purview of federal election laws, even though it unquestionably effects the outcome of Federal elections.

That's the fundamental reason why it's time for soft money to go. Because it's no longer about building up the parties something I have absolutely no problem with whatsoever. It's about money that's being raised in unlimited amounts from unlimited sources to fund candidates for office—something for which we already have well-established rules—rules that are being flouted on a grand and disturbing scale.

This soft money must be incredibly effective in what it does, because every year the parties come more and more under its spell. Just ten years ago, during the Presidential election cycle of 1992, soft money accounted for just 17 percent of total receipts by the two major political parties. But in the last cycle, soft money skyrocketed to 40 percent. To put it another way, the $86.1 million in soft money raised by the two parties in 1992...
increased by well over 500 percent in the 2000 elections. And just think about this—the total amount of soft money raised by both parties in the first half of this current election cycle—$160.1 million—is more than in 1997, the first year of the most recent non-presidential cycle. Even more telling is the fact that the current numbers are almost 50 percent more than the $107.2 million raised in 1999—and that was during a Presidential election cycle when spending is typically higher. Where will we be in 10 years, Mr. President? In 20 years?

The amount of money is staggering. But just as bad is the complete lack of accountability assigned to it—even though it is being used to affect the outcome of Federal elections.

No wonder there is a strong sense that campaigns in this country have spiraled out of control. There is a strong sense that elections are no longer in the hands of individual Americans. As the old saying goes, perception becomes nine tenths of reality. And the reality is, we have a system in need of an overhaul.

That’s why one of the most critical components of this bill bans soft money for the national parties. But to do that alone is simply not enough. We can’t just shut off the flow of soft money to parties and call it a day. We also must close off the use of corporate and union treasury money used to fund ads influencing Federal elections.

That’s the only way we can claim to have enacted truly balanced and fair reform. As far back as 1997, I worked to address this thorny issue—how do we ensure freedom of speech while also ensuring the integrity of our election laws? And what I eventually developed in partnership with Senator Jeffords and noted constitutional scholars is an easily understandable, narrowly drawn, constitutional method of applying disclosure and restrictions on the sources of funding for electioneering ads masquerading as so-called “issue ads.”

What we are talking about are broadcast advertisements that are influencing our Federal elections and, in virtually every instance, are designed to influence our Federal elections. Every focus group and every study groups. And that’s what the Snowe-Jeffords provision in this bill does, in simple, straightforward, and unambiguous terms.

Here’s how it works. First, it requires disclosure on individuals and groups running broadcast ads within 30 days of a primary and 60 days of a general election that mention the name of a Federal candidate and are distributed from a broadcaster or cable or satellite service and is received by 50,000 or more persons in State or district where Senate/House election occurs. And the disclosure threshold is $1,000 which incidentally is five times the contribution amounts candidates are required to disclose.

And second, it prohibits the use of union or corporate treasury money to pay for these ads, in keeping with longstanding provisions of law. Corporations have been banned from direct involvement in campaigns since the Tillman Act of 1907. Unions were first addressed in the Smith-Connally Act of 1943 and the prohibition was finally made permanent in 1947 with the Taft-Hartley Act.

And these laws have stood because the Court has recognized—as recently as 1990 as this quote from Justice Marshall in the Austin versus Michigan Chamber of Commerce decision shows—“the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the purpose and intent of removing these restrictions on speech in order to preserve a moneyed power that has little or no correlation to the public’s support for the corporation’s political ideas.”

Now, the Snowe-Jeffords provision has been around for a while, and during that time I have heard some pretty outrageous and flat-out false statements made about it, and I would like to take this opportunity to set the record straight on what it does and doesn’t do. Indeed, it was said on the floor last March, in defense of an amendment to remove the Snowe-Jeffords language from the bill an attempt that failed by a vote of 28-72 I might add that:
Now, here is a real issue ad that wouldn’t be covered at all by Snowe-Jeffords in any way, shape or form. It says:

(Woman): “We can’t pay these bills, John.”

(Man): “Prices are as low as when my dad started farming.”

(Woman): “It’s bad, alright.”

(Man): “Farmers are suffering because foreign markets have been closed to us and our own government won’t even help.”

(Woman): “I hear the Thompsons are going to have to quit farming after four generations.”

(Man): “I can’t even bear to think about it.”

(Announcer): Tell Congress we need a sound, strong trade policy. Call 202-225-3121.

And there are graphics on the screen that show the phone number, that direct viewers to tell Congress that we need past initiatives like “IMP-Funding” and “Sanctions Reform,” and they give the number for the Capitol switchboard. Again, this is a pure issue ad that we wouldn’t touch.

Now, some of our opponents have said we are simply opening the floodgates in allowing soft money to now be channeled through these independent groups for electioneering purposes. To that, I would say that this bill would prohibit members from directing money to these groups to affect electioneering. And therefore, this bill would not open an alternative avenue of solicitation for funds, not to mention any real or perceived “quid pro quo”.

Furthermore, I find it both interesting and remarkable that in many cases our opponents who are making this claim on the one hand are at the same time claiming that we’re choking off free speech. That the provision “restricts citizen speech” by “severely limiting the sources of money that can be used for such speech,” as FEC Commissioner Bradley Smith wrote in a Wall Street Journal piece on March 20, 2001. So my question is, which is it? Is it opening the floodgates, or is it choking off speech? Because you can’t have it both ways.

Opponents have also referred to the NAACP versus Alabama Supreme Court case to say that our disclosure provisions are unconstitutional. And I want to take this opportunity to refute what I consider to be misrepresentations of the facts. The truth is, the Supreme Court has made clear that, for constitutional purposes, campaigning which make no mistake, these ads do—is different from other speech. It builds upon bedrock legal and constitutional principles, extending current regulations on campaign advertising to the areas in which the first amendment is at its lowest threshold, such as disclosure and prohibitions on union and corporate spending.

I would also to craft to keep with the spirit of the Supreme Court’s requirements that any laws we pass that might have an impact on speech not be overly vague or substantially overly-broad. In fact, let me quote from a scholar’s letter from the Brennan Center which was signed by 70 law professors and scholars from all over the country in support of the constitutionality of McCain-Feingold in general and of this provision specifically.

In the letter, they say, “the Court did not declare that all legislatures were stuck with these magic words—in other words, the terms like “vote for” or “vote against” that denote whether or not an act contains express advocacy, and therefore is currently subject to regulation—or words like them, for all time. To the contrary, Congress has the power to enact a statute that defines electioneering in a more nuanced manner, as long as its definition adequately addresses the vagueness and overbreadth concerns expressed by the Court.”

And the fact of the matter is, Mr. President, we do address those two concerns, and we do so very well. No wonder that every living person to have served as ACLU President, ACLU Executive Director, ACLU Legal Director, or ACLU Legislative Director— with the exception of current leadership—has signed onto a letter supporting our approach. Every single one of them.

Already I have established how our provision is not even remotely vague. As that Brennan Center scholars’ letter says that was signed by 70 scholars, “Because the Act’s prohibited electioneering is defined with great clarity, it satisfies the Supreme Court’s vagueness concerns. Any sponsor will know, with absolute certainty, whether the ad depicts or names a candidate and how many days before an election it is being broadcast. There is little danger that a sponsor would mistakenly censor its own protected speech out of fear of prosecution under such a clear standard.”

As for the issue of overbreadth—that we’d be capturing all kinds of ads that aren’t electioneering—well, the evidence belies those claims. Just consider how well this test works when compared to what’s going on in real life. In the final 2 months of an election, 95 percent of those ads Annenberg studied in the top 75 media markets mentioned the names of candidates.

They do it because they know what’s effective. These people don’t spend untold amounts of dollars on ads hoping that maybe they work. They know their message is clear. And they know that using the name of Federal candidates in their ads near the election is an effective way of influencing the election. That’s why Snowe-Jeffords keys in on independent candidates as one of the triggers of our disclosure regulations.

And the numbers bear out how effective the ads really are. In the final two months before the 2000 election, 94 percent of all the televised issue ad spots were seen as making a case for or against a candidate by the Annenberg study. Ninety-four percent. Now, what was the content of these ads? Well, in the final 2 months of the election, fully 84 percent of those ads seen as electioneering ads were also seen as having an attack component. Over 8 out of every 10 ads were attacking—not comparing or offering information but attacking.

But perhaps most compelling is a recent joint study between the Brennan Center and Kenneth Goldstein of the University of Wisconsin and Jonathan Krasno, visiting fellow at Yale. The report specifically studied issue ads within the context of the Snowe-Jeffords test, during the 2000 elections in and the top 75 media markets.

And you know what they found? They found that just one percent of all those ads run during the year that were viewed as actual genuine issue ads and mentioned Federal candidates were captured by our provision. In other words, all of the so-called issue ads that ran last year and mentioned Federal candidates, 99 percent of those that ran in the last 60 days were seen as electioneering ads. If you had any test that was accurate 99 percent of the time, I believe you’d say that was a pretty good test.

I must emphasize once again that the Supreme Court has never said there is one single, permissible route to determine if a communication is influencing a Federal election. And to explain why that is the case, let me refer to a colleague, Norman Ornstein, who was instrumental in developing the Snowe-Jeffords provision along with numerous other constitutional experts.
He said, in 1974, “the Supreme Court rejected as overly broad the 1974 Congressional decision to include in its regulatory net any communication for the purpose of influencing” a Federal election. Instead, the court drew a line between direct campaign activities, or “express advocacy,” and other political speech. The former could be regulated, at least in terms of limits on contributions; the latter had greater first amendment protection.

“Where do we define express advocacy? The High Court in a footnote gave some suggestions to fill the resulting vacuum and to define the difference between the two kinds of advocacy. Express advocacy, the justices said, would cover communications that included words such as ‘vote for,’ ‘vote against,’ ‘elect,’ or ‘defeat.’ The Court did not say that the only forms of express advocacy are those using the specific words above. Those were examples.”

The bottom line is, Buckley versus Valeo established the law of the land and because Congress has not superseded it by filling the vacuum in the quarter century that followed. In other words, since 1976, Congress has not passed a law concerning campaign financing, and so hasn’t shot any new laws to the Court because we haven’t done anything in the last quarter century. So the Court has no guidepost. If Congress acts, the Supreme Court will give its due deference to what we do on behalf of protecting our system of elections.

We will now look at what has happened in the quarter century since. We have seen the kind of development and evolution of these ads—we have a record of how they are seen to be influencing Federal elections. This is a monstrosity that has evolved in terms of the so-called sham ads that are having a true impact on our election process in a way that I do not think the Supreme Court could foresee back in 1976 and we, as candidates, could not possibly see. Now we will.

This is a narrowly crafted, well-ventilated provision that is vital if we are to say with a straight face that we have done something to enact real campaign finance reform. Again, I’m pleased to have been able to work so closely with Senators McCain and Feingold and others in helping make campaign finance reform both comprehensive and meaningful. This will be a victory for the United States Senate, but most of all a victory for the voters of America.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I thank the Senator from Maine for the critical role she has played in this effort and the victory we are about to have.

Now I have the pleasure of yielding to the Senator from Connecticut, who I must say is the person most responsible for what we actually the first piece of campaign finance reform legislation in decades, the bill that addressed the 527 problem. He then was a magnificent candidate on our party for Vice President. Despite his national prominence on that issue, and the wonderful job he did on that, and the heartbreaking loss, he didn’t waste any time. He came right back in his own modest way, as a team player, and worked with us to help us pass this bill. I am grateful for that and just think he is a class act.

I am happy to yield 7 minutes to the Senator from Connecticut, Mr. LIEBERMAN.

Mr. LIEBERMAN. Madam President, I thank my friend and colleague from Wisconsin for his extraordinary leadership and for his very gracious words, which I appreciate personally.

With the vote on final passage of the McCain-Feingold/ShaYES-MeCIIAn bill about to occur, we are fast approaching the end of an incredible odyssey, one that, while perhaps not as long as that of the mythical Odyssey, has certainly been every bit as challenging, suspenseful, and epic.

Time and again, the efforts to reform our campaign finance system have faced ruin as its proponents have been forced to defend its own versions of Scylla and Charybdis, required to resist their own special calls of the Sirens.

But, due to the incredible tenacity and profound principle of our leaders in this struggle, Senators McCain and FEINGOLD, Congress has found the strength to reach our own Ithaca here today, and to finally try to clear our house of suitors seeking special favors at the expense of the greater good. For that extraordinary leadership, I thank Senator FEINGOLD and I thank Senator McCain. They have made an enormous difference.

I must say, in some senses I joined this odyssey—though I had been interested in it before, I joined it with a new sense of commitment in 1997, when the Governmental Affairs Committee conducted its year-long investigation into campaign finance abuses in the 1996 Federal elections. With the passage of time, the stakes of that investigation’s revelations have started to fade. But it is critical that we remember them because they represent precisely what is most wrong with the system we plan to change and precisely what helped to begin in full force the effort that is about to reach a successful conclusion.

We should not forget the cast of characters that we all became familiar within those investigations, hustlers such as Johnny Chung—remember the name—who bought the White House to a subway saying:

You have to put coins in to open the gates.

Or Roger Tamraz, who told us that he didn’t even bother to register to vote because he knew that his huge donations would get him so much more than the average person. These men were on the margins. Though they never got what they wanted for their money, their stories and the many more like them contributed to the cynicism too many Americans have about their elected leaders and the skepticism they have about their own ability to influence their Government.

Mr. Chung, Roger Tamraz, and all the rest may have been unusual in the unsophisticated built-in-China-shop way in which they tried to play the system. But their essential insight, if I can call it that, that big dollar does not buy the same privileges as you to get what you want, is one that does pervade our political culture. That insight is shared and acted upon daily by the mainstream special interests whose soft money donations have exponentially dwarfed those of the 1996 investigation’s and 1997 election’s most colorful characters, who use the access they buy to try to mold the Nation’s policies and agenda in their own image.

The result has been a system that often leaves the average person disengaged, disempowered, disinterested, and disengaged from our political process where the average person’s annual income, in many cases—mostly doesn’t even approach the cost of the ticket to our political parties’ most elite fundraising events. This means the average people, the majority, to continually question why their leaders are taking the actions they take. It causes those of us in public life to work, too often, under a cloud of suspicion, with our colleagues wondering whose interests are being served.

The demise of the Enron Corporation in the last several months is but the most recent example of this phenomenon. It is, I know, regularly stated that Enron is a corporate scandal but not necessarily a political one. That at this moment is quite literally true. It is too early to conclude whether anyone in Government did anything inappropriate or illegal for Enron. But I believe that a critical insight is that ultimately insecure and unethical business model run by individuals of shakier business ethics yet, repeatedly found you to get what you want, is one that big money does not buy the same privileges as you to get what you want. That is the key point that we need to make. The American people whose confidence in the integrity of our system has been shaken.

So this is not Enron’s political scandal alone. It is all of ours. That is probably why the Enron scandal may have given this noble effort the final boost it needed to make it to Ithaca, and disempowered, disinterested, and disengaged from our political process where the average person’s annual income, in many cases—mostly doesn’t even approach the cost of the ticket to our political parties’ most elite fundraising events. This means the average people, the majority, to continually question why their leaders are taking the actions they take. It causes those of us in public life to work, too often, under a cloud of suspicion, with our colleagues wondering whose interests are being served.

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through our political system. But this bill will have an impact. It will be a very good one. That impact will result from the closing of the large soft money loophole that has been allowed to open up in the post-Watergate campaign finance reform laws.

Before yielding the floor, I would like to point with pride to one other part of this bill. This bill includes an amendment that Senator THOMPSON and I have been working on since shortly after the conclusion of the Governmental Affairs Committee's 1997 investigation. That amendment resulted from our frustration that some of the worst actors in the 1996 scandals, individuals who clearly broke the law and were convicted for breaking it, escaped without significant punishment. The reason? The criminal provisions of our campaign finance laws just are not strong enough.

Our amendment remedies that by authorizing felony charges for violations of the Federal Election Campaign Act, expanding FECA's statute of limitations, and directing the U.S. Sentencing Commission to promulgate a specific guideline for sentencing for those who violate our campaign finances laws. The combination of these changes will put teeth into our campaign finance laws and ensure that those who willfully violate them will not again escape without serious consequences.

Finally, Senator's Pryor and I, for his reference to the so-called 527 legislation that we worked on together and passed in the Senate. It is a sad irony that on this very day, when we are about to pass the McCain-Feingold/Shays-Meehan bill, the House Ways and Means Committee has adopted a version of 527 which really guts it. I hope my colleagues in the Senate will not accept that undermining of that important campaign finance law.

In closing, let me share with you our Nation's greatest treasure, our commitment to democracy, be pillaged by the ever escalating money chase. It is time to say enough is enough. It is time to restore political influence to where our Nation's founding principles say it should be: with the people, with the voters. That is what this proposal will do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FEINGOLD. I thank the Senator from Ithaca— I mean the Senator from Connecticut, for his very fine remarks. I would be remiss if I did not say the occupant of the chair, the Senator from Louisiana, pledged her support at a very historic time. Senator stood with us all the way through this debate. I thank her for her help on this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. MCCAIN. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Utah.

Mr. MCCONNELL. Madam President, I yield 7 minutes of my 8 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. MCCAIN. Madam President, I rise as the sponsor of the campaign finance reform bill that was passed last year by the Senate and a few weeks ago by the House, and is currently before the Senate one final time. We have worked for a number of years now for what is believe to be a substantial significant campaign finance reform legislation and send it to the President for his signature.

Over these years, many have explained why it is imperative that we fix our campaign finance laws, close loopholes that have been exploited to the point of making a mockery of our laws, and put an end to the corrupting influence of big money on our democracy.

I would like to address the two central themes of the bill—the soft money ban and the provisions dealing with sham issue ads. Working with our friends in the House, we have drafted a bill that promotes important first amendment values, promotes enhanced political participation, our democracy, and is workable, and is carefully crafted to steer clear of asserted constitutional pitfalls.

Anyone who reads this bill and the debates should come away with the realization that we have approached this task with a fealty and dedication to the Constitution, and with a desire to get it right. We are acting today to fix a real problem and have made our best effort to do so in a way that will be upheld by the courts. This bill represents a balanced approach which addresses the very real danger that Federal contribution limits could be evaded by diverting funds to State and local parties, which then use these funds for Federal election activity. At the same time, the bill does not attempt to regulate State and local party spending where this danger is not present, and where State and local parties engage in purely non-Federal activities. We will not succeed in closing the soft-money loophole unless we address the problem at the State and local level.

We do this, however, while preserving the rights and abilities of our State and local parties to engage in truly local activity.

In order to close the existing soft money loophole and prevent massive evasion of Federal campaign finance laws, the soft money ban must operate not just at the national party level but at the State and local level as well. We have authority to extend the soft money reforms to the State and local level where it is necessary, as it is here, to prevent the integrity of Federal elections. Closing the loophole is crucial to prevent evasion of the new Federal rules.

As we all know, state party spending may not always clearly divide between Federal and non-Federal purposes. For example, when a State party conducts a “get-out-the-vote drive,” it benefits both its Federal and non-Federal candidates. Consequently, if the State party committee pays for the drive with soft dollars, the committee is using federally prohibited contributions in connection with a Federal election to benefit federal candidates.

Currently 14 States, Arkansas, California, Florida, Georgia, Idaho, Illinois, Maine, Missouri, Nebraska, Nevada, New Mexico, Utah, New York, Wyoming, allow unlimited contributions—that would be barred at the Federal level—from individuals, unions, PACs, and corporations. In addition, 36 States do not restrict soft money transfers from national parties to State and local parties. To illustrate the size of these transfers, in the 2000 election, the national Democratic Party funneled approximately $145 million and the Republican Party transferred $129 million to their affiliated State parties to take advantage of the soft money ban and the ability to spend a larger percentage of soft money on advertisements featuring Federal candidates.

The reports issued by the majority and minority of the Senate Governmental Affairs Committee are fraught with investigating campaign finance abuses in the 1996 elections illustrate the extent to which the coffers of Federal and State political parties are interwined. In 1996, the State parties spent more than the national parties on advertisements considered key to their Presidential candidate's election. The Minority Report makes clear that State parties often act as mere conduits, exercising no independent judgment over the ads. For example, in an internal memo discussing how to run so-called issue ads using soft money that would benefit Senator Dole's campaign, an RNC official wrote: "Some have voiced concern that State parties will buy through the State parties in order to avoid the national party's media. This could result in a loss of control on our part. There is absolutely no reason to be concerned about this.” The bottom line is, whatever the technical niceties, soft money is being spent by State parties to support Federal campaigns. In fact, much of the soft money spent in the 2000 elections to support Federal campaigns was spent by State parties.

Congress has a compelling interest in ensuring that State parties do not use backdoor tactics to finance Federal election campaigns in this way. It has an interest in ensuring that Federal elections activities are paid for with funds raised in a non-corrupting manner and in accordance with the Federal guidelines. State parties receive soft money to influence Federal elections in the form of direct contributions to State parties and transfers from national parties for this purpose. Much of this money is then spent on television advertisements at costing or promoting Federal candidates and other activities that we all know are designed to, and do, influence Federal elections. State parties
also use soft money to fund “party building activities,” such as get-out-the-vote and voter registration drives. But, again, all of us know that these activities, while vitally important to our democracy, are designed to, and do have an unmistakable impact on both Federal and non-Federal elections. Currently, State parties pay for these activities using a mixture of hard and soft money pursuant to allocation formulae set by the Federal Election Commission. But current allocation rules are wholly inadequate to guard against the use of soft money to influence Federal campaigns.

While national parties will no longer be able to transfer soft money to State parties, some State parties will still be able to receive large contributions from corporations, labor unions, and wealthy individuals, subject to state laws. So unless we close the loophole at the State and local level, we will be right back to the unacceptable situation in non-Federal elections: huge contributions from corporations, labor unions and wealthy individuals—used to affect Federal elections. That is because, one, many States allow unlimited contributions from individuals, unions, corporations to both Federal and non-Federal elections. We have a Federal Government with the constitutional authority to regulate the collection and use of funds by State and local parties. There can be no serious doubt, however, that the Federal Government lacks the constitutional authority to regulate these activities used only for party building that in design or practice influences Federal elections. This is demonstrably false. The fact is, much of the soft money that goes to State parties is spent on activities that influence Federal elections. In the 1996 Presidential election, for example, State parties spent many millions of dollars on television ads that promoted their Presidents. The soft money for these ads, moreover, in many cases was either transferred from the national parties or contributed by donors directly to the State parties. So some might argue that the Federal Government lacks the constitutional authority to regulate activity that affects Federal elections, and that soft money is used at the State and local level for this purpose. In fact, existing law already prohibits State and local parties from using soft money to explicitly support a Federal candidate. All that the bill does is extend this existing law to close existing loopholes, thereby ensuring that activities that actually influence Federal elections are subject to Federal limitations and rules, while leaving in place State and local campaign activities by State parties subject to applicable State law.

Finally, the argument that the bill would somehow undermine the status of State and local parties and prevent them from being a competitive force in our elections is similarly incorrect. If anything, the massive influx of soft money from the national parties has turned State and local parties into mere pass-through accounts for the national parties and for large, direct contributions from corporations, unions, and wealthy individuals. If anything, the bill will return the State and local parties to the grassroots and encourage them to broaden their bases and reach out to average voters.

It is a key feature of the bill to stop the use of soft money as a means of buying influence and access with Federal officeholders and candidates. Thus, we have established a system of prohibitions and limitations on the ability of Federal officeholders and candidates to raise, spend, and control soft money. The bill prohibits Federal officeholders, Federal candidates, their agents, and entities they directly or indirectly establish, finance, maintain, or control from soliciting, receiving, directing, transferring or spending funds in connection with an election for Federal office, including funds for any Federal election activity, unless such fund are “hard money.” Furthermore, it prohibits Federal officeholders, Federal candidates, their agents, or entities they directly or indirectly establish, finance, maintain or control from soliciting, receiving, directing, transferring or spending funds in connection with Federal election from sources prohibited from making “hard money” contributions. It likewise prohibits such individuals and entities from soliciting, receiving, directing, transferring or spending funds—in connection with a non-Federal election—from individuals or Federal PACs that are in excess of the “hard money” amounts permitted to be contributed to candidates and political committees by individuals and Federal PACs.

These provisions break no new conceptual grounds in either public policy or constitutional law. This prohibition on solicitation is no different in form or substance from the Federal laws and ethical rules that prohibit Federal officeholders from using their offices or positions of power to solicit money or other benefits. Indeed, statutes like these have been on the books for over 100 years for the same reason that we’re prohibiting certain solicitations to deter the opportunity for corruption to grow and flourish, to maintain the integrity of our political system, and to prevent any appearance that our Federal laws, policies, or actions are inappropriately compromised or sold.

For example, the Ethics Reform Act of 1989 generally prohibits Members of Congress or Federal officers and employees from soliciting anything of value from anyone if official action from them, does business with them, or has interests that may be substantially affected by the performance of official duties. No one could seriously argue that this provision is any less important than the one we face. The same holds true here. We are prohibiting Federal officeholders, candidates, and their agents from soliciting funds in connection with an election, unless such funds are from sources and in amounts permitted under Federal law. The reason for this is to deter any possibility that solicitations of large sums from corporations, unions, and wealthy private interests will corrupt or appear to corrupt our Federal Government or undermine our political system with the taint of impropriety.

The solicitation rules in the bill are also consistent with Federal criminal laws that prohibit Congressional candidates and incumbents, among others, from knowingly soliciting political contributions from any Federal officer or employee or from any contractor who renders personal services. It is also directly akin in purpose to the Federal criminal law that prohibits any person from soliciting or receiving any political contributions in any Federal room or building occupied in the discharge of a Federal officer’s or employer’s duties.

The rule here is simple: Federal candidates and officeholders cannot solicit soft money funds from any candidate or entity that do not comply with Federal contribution limits and source prohibitions, for any party committee—national, State or local.

This, of course, means that a Federal candidate or officeholder may continue to solicit hard money for party committees. A Federal candidate or officeholder may solicit up to $25,000 per
year for a national party committee from an individual.

Similarly, the Federal candidate or officeholder may solicit up to $15,000 per year for a national party committee from a PAC.

Under the bill, a Federal candidate or officeholder may solicit hard money donations for State party committees to spend in connection with a Federal election, including for voter registration and GOTV activities, of up to $10,000 per year from an individual and up to $5,000 per year from a PAC.

In addition, a Federal candidate or officeholder may solicit money for a State party to spend on non-Federal elections. The amount, however, would be subject to the Federal limits and source prohibitions. Therefore, a Federal candidate or officeholder may solicit up to $10,000 a year from an individual and $5,000 a year from a PAC for a State party’s non-Federal account, even if that same individual or PAC has already given a similar amount to the State party’s Federal, or hard money, account.

State parties must fund “Federal election activities,” including voter registration and get-out-the-vote drives, with hard money, except for certain non-Federal funds that may be used pursuant to the “Levin amendment” to fund such activities. The Levin amendment, however, expressly provides that Federal candidates and officeholders may not solicit such non-Federal funds to be spent under the Levin amendment.

One important restriction in the bill applies to fundraising for so-called Leadership PACs, which are political committees, other than a principal campaign committee, affiliated with a Member of Congress. A Federal officeholder or candidate is prohibited from soliciting contributions for a Leadership PAC that do not comply with the Federal hard money source and amount limitations. Thus, the Federal officeholder or candidate could solicit up to $5,000 per year from an individual or PAC for the Federal account of the Leadership PAC and an additional $5,000 from an individual or a PAC for the non-Federal account of the Leadership PAC. The Federal officeholder or candidate could not solicit any corporate or labor union treasury contributions for either the Federal or non-Federal accounts of the PAC. Moreover, under the bill, a Federal candidate or officeholder could not directly or indirectly establish, finance, or control a PAC that raises or spends contributions that do not comply with these limits. Nor could a Leadership PAC be controlled by a Federal candidate or officeholder spend funds from its non-Federal account on Federal election activities or in connection with a Federal election.

The bill also restricts fundraising for state candidates. A Federal officeholder or candidate may solicit no more than $2,000 per election from an individual for a State candidate and no more than $5,000 per election from a PAC for a State candidate. These limits correspond to the Federal hard money source and amount limitations for contributions to Federal candidates. Moreover, a Federal officeholder or candidate may not ask a single individual to donate more than $5,000 to a Federal or state candidate in a 2-year election cycle that in the aggregate exceed $37,500, which corresponds to the aggregate amount of “hard money” that individuals may donate to all Federal candidates over a 2-year cycle.

The bill also restricts fundraising for certain other 527 organizations. A Federal officeholder or candidate may not solicit more than a $5,000 donation in a calendar year from an individual or a PAC for a non-party 527 that is not a Federal committee or State candidate’s campaign committee. Furthermore, a Federal officeholder or candidate may not ask a single individual to donate amounts in a 2-year election cycle that in the aggregate exceed $37,500—which corresponds to the aggregate amount of “hard money” an individual may donate to PACs over a 2-year cycle.

Proposed new section 323(c)(4)(B) of the Federal Election Campaign Act authorizes the only permissible solicitations by Federal candidates or officeholders for donations to a 501(c)(4) organization whose principal purpose is to engage in a non-candidate and non-registered activities described in new section 301(20)(A)(i)&(ii) of the Federal Election Campaign Act. The new section also authorizes the only permissible solicitations for a 501(c) organization that can be made by Federal candidates or officeholders explicitly for funds to carry out such activities.

In these instances, a Federal candidate or officeholder may solicit only individuals for donations and may not receive less than the aggregate of $25,000 or more than $50,000 per year. Section 323(c)(4)(B) applies only to 501(c) organizations. The section does not authorize any such solicitations for other entities, and it does not authorize solicitations for funds to be spent on so-called “issue ads.” Thus, a Federal officeholder or candidate may not solicit corporate or union treasury donations, or donations from an individual of more than $20,000 per year, from any candidate, PAC, or political organization the principal purpose of which is to engage in get-out-the-vote or voter registration activities as defined in new 2 U.S.C. section 431(20)(A)(i)&(ii), 1. Likewise, a Federal officeholder or candidate may not solicit corporate or union treasury donations or donations from an individual of more than $20,000 per year for any 501(c) tax-exempt organization where the solicitation is explicitly to obtain funds for the organization to engage in such activities.

Conversely, the bill permits a Federal officeholder or candidate to solicit funds without source or amount limitations for a 501(c) tax-exempt organization that is not an organization whose principal purpose is to engage in get-out-the-vote or voter registration activities as defined in new 2 U.S.C. section 431(20)(A)(i)&(ii), provided that the solicitation is not specifically to obtain funds for the organization to engage in Federal election activities or activities in connection with elections.

For example, the bill’s solicitation regulations would not affect a Federal candidate soliciting funds for the Red Cross explicitly to be used for a blood drive—as this is not an organization whose principal purpose is to engage in get-out-the-vote or voter registration activities and the solicitation is not expressly to obtain funds for such activities.

Finally, the purpose of section 323(c)(4) is to permit only individual candidates or officeholders to assist, in limited ways, these 501(c) organizations. This permission does not extend to an officeholder or candidate acting on behalf of an entity—including a political party.

In addition, I would like to address the growing sham issue advocacy loophole.

What are these so-called “issue ads”? The Supreme Court in its Buckley decision made a distinction in the context of speech by individuals and entities other than candidates and political parties, between speech that promoted a candidate, which the Court called “express advocacy,” and speech that addressed a public issue, which it called “issue advocacy.” The Court held that expenditures for public communications by both candidates and political parties “are, by definition, campaign related,” and so are always covered by the campaign finance laws, regardless of the language these ads use. With respect to ads run by non-candidates and outside groups, however, the Court indicated that to avoid vagueness, federal election law contribution limits must disclose ad content by whether it applies only if the ads contain “express advocacy.” In a footnote, the Court gave examples of express advocacy, such as “vote for,” “elect,” “support,” and “defeat.” The Supreme Court did not foreclose the possibility that ads with strong electioneering content that omitted the “magic words” could also be limited.

Despite the Buckley holding regarding political parties, the FEC has allowed political parties to raise soft money. Outside groups, meanwhile, have exploited the “magic words” test, using it to justify advertisements that plainly support or attack presidential candidates without using the “magic words.”

The Senate Governmental Affairs Committee investigation found flagrant abuses by both Presidential campaigns in the 1996 elections. Both Presidential candidates raised soft money to spend on sham issue ads. Both Presidential campaigns were directly involved with their party committees in
creating and running soft-money funded TV ad campaigns designed to support their candidates.

One example, an RNC commercial entitled “The Story,” movingly depicts Senator Bob Dole’s recovery from wounds he sustained in World War II. On ABC News, Senator Dole described how the RNC disguised this ad campaign as issue advocacy: “It never says that I’m running for President, though I hope it’s fairly obvious, since I’m the only one in the picture.”

Similar abuses have occurred in congressional races. In the 2000 election, the Democratic party, DNC, DSCC and NY State Democratic Party, spent a combined $7.1 million in New York’s highly contested Senate race. In one soft money-funded ad, aired in July 2000, the New York State Democratic Committee criticized Republican Representative Rick Lazio’s record on prescription drugs for seniors. The ad showed an elderly couple who were forced to return to work to pay for their medicines. The ad then accused Lazio of voting against a Medicare Drug benefit when he was a member of the House. Another New York Democratic money advertisement criticized Lazio’s record on the Patients’ Bill of Rights. The ad said, “Rick Lazio voted against the real enforceable Patients’ Bill of Rights. The one endorsed by nurses, doctors, the heart, lung and cancer societies.”

In the November 1997 Special Election to fill Representative Molinari’s seat, the RNC poured $800,000 into candidate-specific attack advertisements. For example, the RNC bought this so-called “issue ad”:

The tax bite. Today New Yorkers pay the highest taxes in the country because politicians like Eric Vitaliano keep raising our taxes. Vitaliano raised taxes on families over $7 billion and forced New Yorkers to pay more in Welfare spending up 46 percent. Then Eric Vitaliano took a big bite for himself, raising his own pay 74 percent. Call Eric Vitaliano. Tell him to cut taxes, not take another bite of his own pay 74 percent. Call Eric Vitaliano.

Even though this was a special election with only one Republican federal candidate on the ballot, the RNC contended that these ads were issue advertisements intended to educate the voters on the Republican Party’s positions.

Likewise, the California Democratic Party ran issue advertisements attacking Republican Representative Steve Kuykendall, who was being challenged by former Representative Jane Harman for the 36th District in California during the 2000 Elections. One of the Democratic ads attacked Kuykendall for taking “and our contributions from Philip Morris Tobacco.” The ad went on to say that Kuykendall “voted for weaker penalties for selling tobacco to minors.” The ad ends with, “Tell Steve Kuykendall to give the tobacco money back.”

The problem of political party soft money ads is addressed in this legislation by banning national parties from raising and spending soft money, and by requiring state parties to spend only hard money on ads that promote or attack Federal candidates, regardless of whether they contain express advocacy.

But the sham “issue ad” problem is not limited to political parties. In 1996, the AFL-CIO spent $35 million on a so-called “issue ad” campaign designed to restore a Democratic majority in the House. It ran ads in 44 Republican districts, spent up to $250,000 to $300,000 on media in the districts of the 32 House Republicans it targeted. To counter the AFL-CIO campaign, the Chamber of Commerce organized 32 business groups to spend $5 million on a sham “issue ad” campaign of their own. The purpose of this spending was overtly to affect Federal campaigns, as a guide for corporate spending published the same year by the Business-Industry PAC illustrates. The guide listed “issue advocacy” as one of five tools “to be used to help reelect imperiled pro-business Senators and Representatives, defeat vulnerable anti-business incumbents, and elect free-enterprise advocates.”

Federal election law has long barred unions and corporations from making expenditures in connection with Federal elections. However, by sponsoring their own putative “issue ads,” they circumvent this law. The Snowe-Jef-fords elecctioneering communications provision will help restore the original intent of the law: to keep a tidal wave of union and corporate money out of Federal elections.

A comprehensive study of political ads by the Brennan Center for Justice shows just how parties and outside groups are financing campaign ads with soft money. They evade campaign finance laws prohibiting the use of soft money on campaign ads by studiously avoiding the use of the so-called “magic words” of “vote for” or “vote against” in such ads. But these soft money-funded ads are nonetheless patronized “in “issue ads.” Indeed, 97 percent of the electioneering communications reviewed as part of the Brennan Center’s “Buying Time 2000” study did not use “magic words.” The increasing irrelevance of “magic words” as a criteria for distinguishing between campaign ads and issue discussion is also illustrated by close examination of campaign ads run by candidates, financed with hard money. Even these hard money-funded ads used magic words only 10 percent of the time in 2000—and 4 percent of the time in 1998.

The sham issue ad subterfuge—permitting outside groups to spend supposedly prohibited soft money on campaign ads without disclosing even a dime of that spending—will continue unless Congress draws a more accurate line between campaign ads and issue ads. Clearly, even a casual observer would concede that “magic words” is a dramatically underinclusive test for determining what constitutes a campaign ad.

This bill would simply subject soft money-funded campaign ads that mas-
definitions and provisions of this bill, like every other law, are subject to the Supreme Court’s decisions.

Mr. FEINGOLD. Madam President, I thank the Senator from Arizona for his excellent presentation on the central provisions of this bill. I wholeheartedly agree with the points he has made.

WEALTHY CANDIDATES

Mr. LEVIN. Mr. President, I would like to ask my colleagues a question concerning the various new limits with respect to individual contributions to candidates in the bill. There is a general increase of the individual contribution limits, and there are also provisions that raise the possibility of additional increases if a candidate faces an opponent who spends a great deal of his or her personal fortune in a race. Can the sponsors discuss their analysis of how these provisions might affect Congress’s authority to limit individual contributions?

Mr. MCCAiN. I thank the Senator from Michigan for his question. The bill increases the individual contribution limit to a candidate from $1,000 to $2,000 per election. It provides, in addition, higher limits for contributions made to candidates running against opponents of lesser, or lower, means. These limits are not intended to allow candidates to raise an amount sufficient to keep pace with that opponent’s personal spending. As the Court’s decisions indicate, a range of contribution limits would be constitutional depending on the circumstances. Certainly, the determination through difficult negotiations in this bill that the limit should be increased to $2,000 per election, but not higher, is an indication that Congress believes that in most races contributions of greater than that amount present the appearance of corruption.

EFFECTIVE DATE

Ms. COLLINS. Madam President, when the MCCAiN-FEINGOLD bill passed the Senate, it was to be effective 30 days after enactment. Would the sponsors please explain the decision to change the effective date of the bill to November 6, 2002, and discuss the transition and implementation problems involved? In addition, can they please clarify their intent concerning the campaign finance rules that will govern runoff elections should there be any in 2002?

Mr. MCCAiN. I thank the Senator for her question. Because of the delay in getting the bill through the House, it became clear that there would be a number of very complicated transition rule issues and implementation problems if we were to try to put the bill into effect for the 2002 elections. We reluctantly determined that it would simply not be practical to apply new rules in the middle of the election cycle. To change the rules in the middle of the campaign would have created uncertainty. Congressional unfairness—particularly since primaries are imminent in some States.

It is our intent, however, that the provisions of this bill will be fully in effect for the 2004 election cycle. In order to provide a certain end to the soft money system, and completely insulate the 2004 elections from that system, the bill provides for an effective date of Wednesday, November 6, 2002, the day after the 2002 elections. After the November 6 date, limits that will be raised. The November 6, 2002, effective date will permit an orderly transition to the new soft money free world.

Now as to the transition rules, we do allow soft money that the parties raise before November 6, 2002, to be used on expenses incurred in connection with the 2002 elections, and we intend that permission to apply to runoff elections, recounts, or election contests arising out of this year’s elections as well. We also do not intend the bill substantive provisions, such as Title II and the “stand by your ad provisions”, wealthy candidates, sections 304, 316, and 319, and contributions by minors, section 318, to apply to 2002 runoff elections. In addition, in the event that a runoff election occurs after November 5, 2002, the national party would—until January 1, 2003, be able to spend soft money received before that date—enough to permit candidates to raise those greater contributions in those particular circumstances.

Mr. FEINGOLD. I agree with the comments of the Senator from Arizona. I believe the Court’s decisions indicate that a range of contribution limits would be constitutional depending on the circumstances. Certainly, the determination through difficult negotiations in this bill that the limit should be raised to $2,000 per election, but not higher, is an indication that Congress believes that in most races contributions of greater than that amount present the appearance of corruption.

The Supreme Court in Buckley upheld the $1,000 contribution limit established by the 1974 law as a permissible measure that serves the compelling governmental interests of deterring corruption and the appearance of corruption. This ruling was in substance reaffirmed by the Court’s decision in 2000 in Nixon v. Shrink Missouri PAC. It is now very well settled law that Congress has the power to set reasonable limits on individual contributions to candidates. The Court has never said that the number picked by Congress is a permissible amount. It has said that the number picked by Congress is a reasonable determination. Indeed, it rejected the argument in Shrink, that the diminished purchasing power of the Missouri contribution limit because of inflation caused it to be an unreasonably low amount.

It is possible that someone would attempt to challenge the $2,000 contribution limit in light of the higher limits provided for some races in section 304, and to argue that both limits cannot serve the purpose of preventing corruption. Congress has concluded that contributions in excess of $2,000 present a risk of actual and apparent corruption. Congress has concluded that the contribution limits—despite their fundamental importance in fighting actual and apparent corruption—should be relaxed to mitigate the countervailing risk that they will unfairly favor those who are willing, and able, to spend a small fortune of their own money to win election.

We believe that Congress can reasonably determine that in the case of a candidate running against a wealthy opponent and having to raise extraordinary amounts of money to keep pace with that opponent’s personal spending, that the risk of actual or apparent corruption from higher, yet still limited, individual contributions is small enough to permit candidates to raise those greater contributions in those particular circumstances.

Mr. FEINGOLD. I agree with the comments of the Senator from Arizona. I believe the Court’s decisions indicate that a range of contribution limits would be constitutional depending on the circumstances. Certainly, the determination through difficult negotiations in this bill that the limit should be raised to $2,000 per election, but not higher, is an indication that Congress believes that in most races contributions of greater than that amount present the appearance of corruption.
for Federal office, regardless of whether a State candidate is also mentioned. This restriction, however, only applies to communications that promote, support, attack or oppose the Federal candidate, regardless of whether the communication expressly advocates a vote for or against a candidate. Thus, it is not our intention to prohibit State candidates from spending non-Federal money to run advertisements that mention that they have been endorsed by a Federal candidate or say that they identify with a position of a named Federal candidate, so long as those advertisements do not support, attack, promote or oppose the Federal candidate, regardless of whether the communication expressly advocates a vote for or against a candidate. The test for whether a communication is covered by §323(f)(1) will be whether the advertisement supports or opposes the Federal candidate rather than simply promoting the candidacy of the State candidate who is paying for the communication. That will be up to the FEC to determine in the first instance, but I believe that State candidates will be able to fairly easily comply with this provision. But I believe the problem will be prevented by the provision. This provision is the laundering of soft money through State candidate campaigns for advertisements promoting, attacking, supporting or opposing Federal candidates.

Mr. LEVIN. Madam President, section 212 of the bill modifies reporting requirements for independent expenditures. Can the sponsors discuss the changes to current law that they intend to make in this section?

Mr. MCCAIN. I would be happy to explain this provision. Section 212 is intended to increase the disclosures of independent expenditures. Current law requires such reports to be filed within 24 hours of the making of expenditure aggregating $10,000 or more. If the threshold amount of expenditures is reached within the last 20 days before an election. We add a provision requiring disclosure within 48 hours if independent expenditures totaling $10,000 or more are made prior to the 20th day before the election.

As part of the Department of Transportation appropriations bill for 2001, Public Law No. 106–46, Congress required that these ‘‘24 hour reports’’ be received by the Commission within 24 hours, rather than simply mailed within that time, which is the standard interpretation of the term ‘‘filing’’ in the law. We do not intend in §212 to change that requirement. Because these reports are very time sensitive, we believe they should be received by the Commission within the time period specified. Indeed, we believe that the Commission should have the authority to require any other time sensitive report required by this bill, such as the 24 hour reports under §318. Mr. SHAYS and §319 also to be received within 24 hours. The ready availability of fax machines and other forms of electronic communications should make it fairly easy to comply with this requirement.

Mr. FEINGOLD. Madam President, as my colleagues are aware, the House passed the McCain-Feingold/Shays-Meehan campaign finance reform bill in the early morning hours of February 14, 2002. The bill that we are debating today, and that we will pass and send to the President this week, is the exact bill that the House passed. During the debate on the bill, Congressman Thompson, the Ranking Republican, spoke on the floor at some length about the compelling need for the Congress to ban soft money. He related the enormous growth of soft money over the last decade and the appearance of corruption that these unlimited contributions from unions, corporations, and wealthy individuals cause. Using examples such as the Enron debacle, the Hudson Casino controversy, the tobacco industry, and the infamous Ruckelshaus-Raymond example illustrated how soft money damages public confidence in the legislative process. He includes statements from former Members of Congress of the power of money in providing access to the lawmakers and the ethicism that results when these stories become known.

Mr. SHAYS’ remarks appear in the CONGRESSIONAL RECORD of February 13, 2002, at pages H351–H353. I entirely agree with Mr. SHAYS’ statement. In my view, it explains very well the appearance problem that soft money creates and provides an excellent justification for the action we are about to take in this bill.

Mr. MCCAIN. I agree with my friend from Wisconsin, and I endorse Mr. SHAYS’ discussion on the reasons that Congress must act to ban soft money. Let me also call to my colleagues’ attention a statement that Mr. SHAYS made concerning the functioning of the soft money ban, and in particular, the Levin amendment. The Levin amendment concerning state parties’ use of nonfederal funds was added to the bill here on the floor last year. It was modified, and in my view improved, on the House side. My colleague from Wisconsin and I participated in the negotiations that yielded the final terms of the Levin amendment contained in the House bill. I will try to explain the way that the Levin amendment in the final bill is supposed to function, and the restrictions, or what some have called ‘‘fences,’’ that we hope and believe will prevent the Levin amendment from becoming a new soft money loophole. Mr. SHAYS’ discussion appears in the RECORD on pages H608–H610 on February 13, 2002.

Mr. FEINGOLD. I thank the senior Senator from Arizona for highlighting that particular part of the legislative history. I also believe that Mr. SHAYS did an excellent job of explaining how the Levin amendment is supposed to work. In addition, Mr. SHAYS discussed how the provisions of the bill dealing with electioneering communications permit the FEC to promulgate regulations to exempt certain communications that are clearly not related to an election and do not promote or attack candidates. I also endorse that approach, which appears in the RECORD of February 13, 2002, at pages H410–411.

Mr. MCCAIN. I agree with my friend from Wisconsin that these statements express our intent in this bill quite well.
or constructing a State or local party office building. It is the intent of the authors that State law exclusively govern the receipt and expenditure of non-Federal donations by State or local parties to pay for the construction or purchase of local party office buildings. Thus, non-Federal donations received by a State or local party committee in accordance with State law could be used to purchase or construct a State or local party office building without any required match consisting of Federal contributions.

**Clarifying Terms in the Bill**

Ms. COLLINS. Madam President, I would like to ask the sponsors a question concerning the term “refers to” in certain provisions of the bill. I have heard the argument made that the definitions of “Federal election activity” and “electioneering communication” are somehow vague because they are defined to include a communication that “refers to a clearly identified candidate for Federal office.” Can the sponsors address that argument?

Mr. FEINGOLD. I would be happy to respond to my friend from Maine, and I appreciate her question. In the bill, the phrase “refers to” precedes the phrase “clearly identified candidate.” That latter phrase is precisely defined in the Federal Campaign Election Act to mean a communication that includes the name of a federal candidate for office, a photograph or drawing of the candidate, or some other words or images that identify the candidate by “unambiguous reference.” A communication that “refers to a clearly identified candidate” is one that mentions, identifies, cites, or directs the public to the candidate’s name, photograph, drawing, or otherwise makes an “unambiguous reference” to the candidate’s identity.

**Section 213**

Mr. THOMPSON. Madam President, I would like to ask the sponsors to explain section 213 of the bill concerning independent and coordinated expenditures made by party committees. Can the sponsors also discuss how this provision is consistent with the Supreme Court’s decision in the Colorado cases?

Mr. MCCAIN. I would be happy to respond to the Senator’s question. Section 213 of the bill allows the political parties to choose to make either coordinated expenditures or independent expenditures for each of their candidates, but not both. This choice is to be made after the party nominates its candidate, when the party makes its first post-nomination expenditure—either coordinated or independent—on behalf of the candidate.

The provision is entirely consistent with the Supreme Court’s rulings in the two Colorado Republican cases. In the first of those cases, the Court held that a party had a constitutional right to make unlimited independent expenditures for hard money funds in support of its candidates. Of course, those party expenditures must be fully and completely independent of the candidate and his campaign. The second Colorado Republican case held that Congress may limit the size of coordinated expenditures made by parties on behalf of their candidates, in order to deter corruption and the appearance of corruption that could result from unlimited expenditures that are coordinated.

This provision fully recognizes the right of the parties to make unlimited independent expenditures. But it helps to prevent one arm of the party that has been held to be completely independent of the can-

**SECTION 214**

Mr. FEINGOLD. I agree with the Senator from Arizona’s answer to the question from the Senator from Tennessee.

Mr. LIEBERMAN. Madam President, I would like to ask the sponsors a question concerning section 214 of the bill, which deals with coordination. Some concern has been expressed about this provision by outside groups that participate in the legislative process through lobbying and grassroots advertising and also participate in electioneering through their PACs. Currently, through sham issue ads. Can the sponsors explain what is intended by section 214, and answer the concerns expressed by some of these organizations?

Mr. FEINGOLD. I would be happy to address this question, and I thank the Senator from Connecticut for raising it. It is important that our intent in this provision be clear:

“The concept of ‘coordination’ has been part of Federal campaign finance law since Buckley versus Valeo. It is a common-sense concept recognizing that when outside groups coordinate their spending on behalf of a candidate with a candidate or a party, such spending is indistinguishable from a direct contribution to that candidate or party. Accordingly, such coordinated spending by outside groups is, and should be, treated in the same manner as a direct contribution to the candidate or party that benefits from such spending. As such, it is subject to the source and amount limitations under federal law for contributions to federal candidates and their committees. An effective restriction on outside groups coordinating their campaign-related activities with federal candidates and their political parties is needed to prevent circumvention of the campaign finance laws.

The bill bans soft money contributions to the national political parties, which totaled $463 million during the 2000 election cycle. Specifically, the bill prohibits national parties and their political committees from receiving expenses for personal appearances, such as national conventions, and any other plan to circumvent the law. The legislation shut down the soft money loophole by prohibiting the receipt and expenditure of non-Federal donations from special interests and then use these donations for support of federal candidates.

The reason for the provision by outside groups that parl-incidentally, and candidates or parties that, if permitted, could frustrate the purposes of this provision. This provision is intended to ensure that a party committee which chooses to engage in unlimited spending for a candidate is in fact independent of the candidate.

Mr. FEINGOLD. I agree with the Senator from Arizona’s answer to the question from the Senator from Tennessee.

Mr. LIEBERMAN. Madam President, I would like to ask the sponsors a question concerning section 214 of the bill, which deals with coordination. Some concern has been expressed about this provision by outside groups that participate in the legislative process through lobbying and grassroots advertising and also participate in electioneering through their PACs.

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The bill bans soft money contributions to the national political parties, which totaled $463 million during the 2000 election cycle. Specifically, the bill prohibits national parties and their political committees from receiving donations from special interests and then use these donations for support of federal candidates.

Absence a meaningful standard for what constitutes coordination, the soft money ban in the bill would be seriously undermined. In the place of outside special interests donating six-figure checks to the national parties to be spent on Federal elections, these entities could simply work in tandem with the parties and Federal candidates to spend their own treasury funds—soft money—on federal electioneering activities. This would be incompatible with one of the main purposes of the bill to get national parties and Federal candidates out of the business of raising and spending soft money donations.

Fortunately, based on a single district court decision, the Federal Election Commission’s current regulation defining when general public political communications funded by outside groups are considered coordinated with candidates or parties fails to account for certain types of coordination that may well occur in real-world campaigns. The FEC regulation is premised on a very narrowly defined concept of “collaboration or agreement” between outside groups and candidates or parties.

This current FEC regulation fails to cover a range of de facto and informal coordination between outside groups and candidates or parties that, if permitted, would frustrate the purposes of the bill. For example, if an individual involved in key strategic decision-making for a candidate’s political advertising resigned from the candidate’s campaign committee, immediately after the candidate’s financial organization, and then used the strategic information from the campaign to develop the organization’s imminent soft
money-funded advertising in support of the candidate, a finding of coordination might very well be appropriate. The FEC regulation, however, would find coordination neither in this circumstance nor in various other situations when reasonable people would recognize that outside activities’ activities were coordinated with candidates. This would leave a loophole that candidates and national parties could exploit to continue controlling and spending huge sums of soft money to influence elections.

The dangers of coordinated soft money spending were noted by Senator FRED THOMPSON during his Committee’s review of 1996 election activity. The Minority Report of the Senate Committee on Governmental Affairs states:

The fact that coordination of soft money spending and fundraising has become commonplace and expected should be examined by Congress. Such coordinated efforts to raise soft money and spend it on political activities that advance the interests of presidential campaigns, the federal election laws create a tremendous loophole to both contribution limits and spending limits. As the Chairman [Senator Thompson] has acknowledged:

Acceptance of this activity would allow any candidate and his campaign to direct and control the activities of a straw man . . . For such activity, these straw men could use funds subject to no limit and derived from any source . . . If the interpretation is that this is legal and this is proper, then we have no campaign finance system in this country anymore.

To remedy this problem, the bill requires the FEC to reexamine the coordination issue and promulgate new coordination rules. These rules need to make more sense in light of real life campaign practices than do the current regulations. The bill accordingly repeals the FEC regulation and requires that the Commission promulgate a replacement regulation. The bill does not change the basic statutory standard for coordination—explicit agreement or formal collaboration. This standard is codified at 11 C.F.R. § 110.1(i)(2), children under the age of 18 who have made contributions or donations to and worked for a candidate or a committee of a political party.

On one issue, section 214 does direct the outcome of the Commission’s deliberations on new regulations. The current FEC regulations say that a communication will be considered to be “coordinated” if it is created, produced or distributed “after substantial discussion” between the spender and the candidate about the communication, “the result of which is collaboration or agreement.” This standard is now contained in 11 C.F.R. § 100.23(c)(2)(iii).

This regulation’s intuitively defined standard of requiring collaboration or agreement sets too high a bar to the finding of “coordination.” This standard would miss many cases of coordination that result from de facto understandings. Accordingly, section 214 states that the Commission’s new regulations “shall not require agreement or formal collaboration to establish coordination.” This, of course, does not mean that the requirement of “finding of coordination” in those cases where there is “agreement or formal collaboration.” But it does mean that specific discussions between a candidate or party and an outside group about campaign-related activity result in a finding of coordination, without an “agreement or formal collaboration.”

Existing law provides that a campaign-related communication that is coordinated with a candidate or party is a contribution to the candidate or party, regardless of whether the communication contains “express advocacy.” Accordingly, the bill provides that an “electioneering communication” that is coordinated with a candidate or party is considered a contribution to the candidate or party.

Mr. MCCAIN. If the Senator from Wisconsin would yield, let me elaborate a bit on his discussion, with which I completely agree, and address the specific concern raised by some of these groups.

It is important for the Commission’s new regulations to ensure that actual “coordination” is captured by the new regulations. Informal understandings that lack written documentation or result in actual coordination as effectively as explicit agreement or formal collaboration. In drafting new regulations to implement the existing statutory standard for coordination—an expenditure made “in cooperation, consultation or concert, with, or at the request or suggestion of” a candidate—we expect the FEC to cover “coordination” whenever it occurs, not simply when there has been an agreement or formal collaboration.

On the other hand, nothing in the section 214 should or can be read to suggest, as some have said, that lobbying meetings between a group and a candidate concerning legislative issues could alone lead to a conclusion that ads that the group runs subsequently concerning the legislation that was the subject of the meeting are coordinated with the candidate. Obviously, if the group and the candidate discuss campaign strategy, then coordination might exist, even without an explicit agreement. The key consideration is whether campaign strategy was discussed.

Section 214 represents a determination that the current FEC regulation is far too narrow to be effective in defining coordination in the real world of campaigns and elections and threatens to seriously undermine the soft money restrictions contained in the bill. The FEC is required to issue a new regulation, and everyone who has an interest in the outcome of that rulemaking will be able to participate in it, and appeal the FEC’s decision to the courts if they believe that is necessary.

Ms. COLLINS. Madam President, I wanted to ask the sponsors about a provision that was not included in the Senate bill—the prohibition on contributions by minors. Can you explain the justification for this new provision?

Mr. MCCAIN. The Senator is correct that section 318 was added in the House. It is an important provision, and the Senator from Wisconsin and I supported it being included in the bill.

Under the FEC’s current regulations at 11 C.F.R. § 110.1(i)(2), children under the age of 18 may make contributions to political candidates and committees as long as the child knowingly and voluntarily makes the decision to contribute. In addition, the child must make the contribution out of his or her own funds, which the child is in control of, such as the proceeds of a trust or money in a savings account in the child’s own name.

Unfortunately, notwithstanding these regulations, we believe that wealthy individuals are easily circumventing contribution limits to both political candidates and parties by directing their children to make contributions. Indeed, the FEC in 1998 notified Congress of its difficulties in enforcing the current provision. Its legislative recommendations to Congress that year cited “substantial evidence that minors are being used by their parents, or others, to circumvent the limits imposed on contributors.”

Accordingly, Section 318 of the bill prohibits individuals 17 years old or younger from making contributions or donations to and worked for a candidate or a committee of a political party.

We believe it is appropriate for Congress to prohibit minors from contributing to campaigns because we agree with the Commission that there is substantial evidence that individuals are evading contribution limits by directing their children to make contributions. According to a Los Angeles Times study, individuals who listed their occupation as student contributed $10 million to political parties between 1991 and 1998. Upon further investigation, some of these contributions where made by infants and toddlers. In another instance, the paper found that two high school students contributed $80,000 to the Democratic Party in 1990. Mr. Chairman, how about the contribution, the high school sophomore answered that it was a “family decision.”

We believe that this and other examples justify the prohibition on minor contributions. We believe the provision serves to make the bill as a way to prevent evasion of the contribution limits in the law. In our view, this provision simply restores the
integrity of the individual contribution limits by preventing parents from funneling contributions through their children, many of whom are simply too young to make such contributions knowingly.

We recognize that many individuals under the age of 18 support candidates with great fervor and feel passionately about public issues. We do not mean to suggest that children should not be able to participate in the political system. They are free to volunteer on campaigns and express their views through speaking and writing. We simply believe that allowing them to contribute to candidates presents too great a risk of abuse, especially since the existing, more limited, FEC regulation has failed to prevent such abuse.

Mr. FEINGOLD. I thank the Senator from Arizona for his remarks on this topic. I agree that this provision addresses a serious problem of abuse that has been amply demonstrated.

Mr. MCCAIN. Madam President, I ask unanimous consent that several news reports detailing numerous instances in which wealthy individuals have circumvented contribution limits by diverting their children’s campaign contributions be printed in the Record.

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

MEMBERS CASH IN ON KID CONTRIBUTIONS

(by Alex Knott)

Nine-year-old John Baxter of Knoxville, Tenn., didn’t even know that he had donated $2,000 in 1994 to Republican Fred Thompson’s Senate campaign. Yet he’s one of the 2,100 students whose names appear at the Federal Election Commission as having made campaign contributions in the 1993-94 election cycle.

The third-grader at Shannon Dale Elementary School has donated $3,000 to political campaigns since he was eight years old, according to FEC records.

“I don’t know about that,” said Baxter. “My dad takes the money out of our account, but he never tells me about the ‘Contract with America,’ and did not know whether Thompson is a Republican or a Democrat. Though many parents make donations to candidates without their children knowing about their participation, the FEC warns that these donations are illegal unless made with the child’s full knowledge.

According to Ian Sterling, an FEC public affairs spokesman, students who are minors can legally contribute funds to federal elections, “but it says in the law that the donations must be made ‘knowingly and willingly.’”

“Now for an 8-year-old to be able to make these donations ‘knowingly and willingly,’ they would be pretty precocious, but it is legal for them to do so,” Stertton said.

“I guess I’m into politics a little,” Baxter said.

“My dad has made a few contributions,” Joe Baxter said.

Joseph’s two younger sisters, Jennifer, 12, and Elizabeth, 14, have also made political donations. Together, the four children have donated a total of $4,000 in the last three years.

Their father, William Baxter, is the president of Holston Gases Inc. in Knoxville. He says the donations made by his children are legal because they each have accounts in their names from which the money is drawn, even though some of them are unaware of the contributions. He said:

“We have custodial accounts set up for all our children,” William Baxter said.

The money in those accounts has accumulated through inheritance and annual gifts from their parents, according to their father. William Baxter said he has control of the money, but he doesn’t know what is being spent.

“People can’t just donate money in the names of others,” Stertton said. “It would make the laws of disclosure ineffective.”

In the past the FEC has investigated incidents in which campaign donations have been made without the named contributor’s consent. No specific cases were mentioned by Stertton, but he said that parents who are found to have knowingly and willingly broken these FEC laws could face up to $10,000 in fines or civil penalties or 20 percent of any contribution made.

All the donations made by the Baxter children were in amounts of $1,000 and consisted of contributions to Sens. Paul S. Sarbanes (D-Md.) and Alexander’s presidential bid.

“It’s very admirable,” William Baxter said about his family’s contributions. “I think more people should make contributions. A real change took place during the last election, and I’m glad we were a part of that change.”

Thompson’s spokesman, Paul Clark, said the Baxter children may have forgotten about their donations because of their age.

“It is possible that they were made knowingly and willingly and that they were fully aware of the contributions,” Clark said. “It’s not some laundering operation.”

Clark also said that Thompson’s campaign officials tried to be “extremely careful to follow FEC regulations.”

Clark also said that Thompson’s campaign officials tried to be “extremely careful to follow FEC regulations.”

“Members to receive campaign funds from donors listed as students in the 1993-94 election cycle, with the attorney/actor-turned-political campaigner raking in more than $25,000.”

A Roll Call study of FEC records from that year shows that Thompson and Alexander were the top recipients in the Senate in political donations from 1991 through 1998.

The study found that students gave a total of $7.5 million in political donations from 1991 through 1998, according to a Times study of federal election laws.

In the last election cycle, Maryland Lt. Gov. Kathleen Kennedy Townsend’s campaign received $2,000 from an 8-year-old who was listed as a student, according to FEC documents.

In the past, the FEC has investigated incidents in which campaign donations have been made without the named contributor’s consent.

Not all of the students listed by the FEC are minors. Some are university undergraduates, law students, and even politicians.

In the last election cycle, Maryland Lt. Gov. Kathleen Kennedy Townsend’s campaign (D-Mass.) donated $250 to the Senatorial campaign of her uncle, Ted Kennedy, while she was listed as a student, according to FEC documents.

Jennifer Croopnick, a freshman at Newton Mass., was surprised to find out that she had donated $1,000 to Rep. Joe Kennedy (D-Mass.), the Massachusetts Democrat, in November 1992.

“I don’t know where the money came from,” said Croopnick, who was then a graduate student at New York University. “I never donated money for any campaigns. I don’t have any money.

Though Croopnick said she hasn’t personally donated any money for political campaigns in the past, she did offer a solution as to where the funding may have come from.

“I’m not exactly sure how those donations were made,” she said. “My father probably made the donation in my name.”

A statement released last week by Kennedy’s office read: “We made a great deal of effort to make sure contributions are properly made and have never knowingly accepted any improper contribution. We assume that when we receive a contribution, the donor knows that they have made a political contribution.”

“In this case, it was a donation from a 24-year-old individual. We had no reason to believe she was unaware of the contribution.”

SUNDAY REPORT: MINOR LOOPHOLE; YOUNG DONORS ARE INCREASINGLY PADDING POLITICAL COFFERS. OFFICIALS FEAR THAT CHILDREN ARE BEING USED TO EVADE ELECTION LAWS

(by Alan C. Miller, Times Staff Writer)

At age 10, Skye Stolnitz of Los Angeles contributed $1,000 to the 1996 presidential campaign of Republican Lamar Alexander. Her dad said the funds came from Skye’s personal checking account.

Asher Simon was 9 years old when he gave $1,000 each to Sen. Dianne Feinstein (D-Calif.) and two other Democrats in 1994. Asher’s mother said the boy “supports candidates he agrees with.”

Lindsey Tabak, then 15, donated $20,000 to the Democratic Party in 1996. Asked about the source of the money, Lindsey said: “I know my parents have in my name because they know that the contributions are part of a developing trend in the world of political money: contributors who donate generously even though they’re not old enough to drive a car or register to vote. The girls of 15 at least, children and high school and college students gave a total of $7.5 million in political donations from 1991 through 1998, according to a Times study of federal election records.

In many cases, as with Skye, Asher and Lindsey, the children’s donations came on the same day or about the same time that their parents gave the maximum contribution allowed under federal law.

Campaign finance law requires the practice of student giving has become one of the most blatant ways that affluent donors circumvent federal limits.

In other cases, there is an area of great abuse where you have the absurd situation of small children supposedly contributing their own money to a candidate of their own choice,” said Don Parnell, executive director of the watchdog group Common Cause. “Obviously, in many cases, what’s going on is simply a way for the parents to beat the contribution limits.”

Parents interviewed for this story insisted that the children contributed their own
funds and were not part of any scheme to skirt federal limits. But the Federal Election Commission has regarded student giving as such a potentially serious loophole that it has urged Congress to ban donations by minors, based on the "presumption that contributors below age 16 are not making contributions on their own behalf," according to the commission's 1998 legislative recommendations.

Federal law places no minimum age on donors but requires that the funds be "owned or controlled" by contributors and that they give "knowledgeably and voluntarily." Also, parents are specifically prohibited from giving money to their children to make political donations.

In each election, the law allows individual donors of any age to give $1,000 to a candidate and $30,000 to a political party in so-called hard money, which can only be used to advocate the election or defeat of specific candidates. There are no contribution limits on "soft money," which funds the parties for a broad range of political uses.

The analysis, conducted for The Times by the independent Campaign Study Group of Spring, Vt., found that young contributors are giving increasingly large amounts to federal candidates and campaign committees. Since 1991, donors identified as "students" or "academic" recipients have given $300 or more and in 163 instances gave $5,000 or more.

Student donors gave nearly $2.6 million for the 1997-98 election cycle — a 45% increase over 1995. Complete computerized data for the 1998 elections are not yet available.

The study understates the full extent of donations because political committees often fail to report a contributor's occupation as required by law and donors are not asked to provide their ages. The Times identified the age of donors through public records and interviews.

**ONLY ONE PARENT FINED SINCE 1975**

Youthful donors attract little scrutiny from the FEC, which is responsible for civil enforcement of U.S. election laws. The agency rarely investigates allegations arising from federal laws to the Democratic Congressional Campaign Committee. Since 1991, donors identified as "students" or "academic" recipients have given $300 or more and in 163 instances gave $5,000 or more.

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Checchi’s business partner, who controlled the Checchi children’s trust accounts, sent $500 checks in the names of Adam and Kristin Checchi to the 1990 gubernatorial primary campaign of Democrat John K. Van de Kamp. That same day, Checchi and his wife each gave Van de Kamp $1,000, the legal limit under California law at the time. Checchi’s daughter ages 12 and 9 at the time—were unaware of the donations. He said he did not know that such donations would pose a problem; they were returned by the campaign.

Campaign finance experts said that some parent donors, who are unfamiliar with the intricacies of election laws, may unwittingly use their children as conduits. "Citizens Campaign Legal Fund authorized our giving to the Democratic Party," said Ira A. Lipman, an election law attorney and former FEC enforcement chief, said that his advice for clients is simple: “I certainly discourage any giving by children.”

The book on student giving

Contribution between 1991 and 1998:

Number of federal campaign contributions: 8,867 (Includes only contributions of $200 or more.)

Total amount contributed by students: $7.5 million.

Number of students contributing a total of $5,000 or more: 163.

Source: Federal Election Commission records.

DEEP POCKETS, SHORT PANTS

Each of these students gave the same maximum donations to federal candidates or political parties as their parents. Their parents or representatives defended the contributions, saying that the money was their children’s that the youths contributed voluntarily and that the parents were not trying to evade federal limits by giving through their children.

Donor, Recipient and Parents: (Student)

Skye Stolnitz (age 10*)
Amount: $1,000
Date: Jan. 25, 1996
Donor, Recipient and Parents: (Recipient)

Lamar Alexander for President
Donor, Recipient and Parents: (Parents)
Dr. Scott A. Stolnitz (father)
Cindy B. Stolnitz (mother)
Amount: $1,000
Date: Jan. 25, 1996
Explanation: “It was my decision based on what I thought was in her best interest,” her father said.

Donor, Recipient and Parents: (Student)

Asher Simon (age 9)
Amount: $1,000
Date: Sept. 12, 1994
Donor, Recipient and Parents: (Recipient)

Sen. Dianne Feinstein (D-Calif.)
Donor, Recipient and Parents: (Parents)
Herbert Simon (father)
Amount: $1,000
Date: May 12, 1994
Donor, Recipient and Parents: (Parents)
Diane Meyer Simon (mother)
Amount: $1,000
Date: Oct. 21, 1993
Explanation: “I was a supporter of the Senate campaign.”

Donor, Recipient and Parents: (Student)

Lindsey Taback (age 15)
Amount: $30,000
Date: Oct. 29, 1996
Donor, Recipient and Parents: (Recipient)
Democratic Congressional Campaign Committee
Donor, Recipient and Parents: (Parents)
Mark H. Tabak (father)

Amount: $20,000
Date: Oct. 17, 1996
Donor, Recipient and Parents: (Parents)
Judy Wais Tabak (mother)
Amount: $10,000
Date: Oct. 17, 1996
Explanation: The contribution “was like a family decision that we would donate money to the Democratic Party,” said Lindsey.

* * * *

Donor, Recipient and Parents: (Student)

Elizabeth Heyman (age 7)
Amount: $1,000
Date: Sept. 9, 1988
Donor, Recipient and Parents: (Recipient)
Sen. Joseph I. Lieberman (D-Conn.)
Donor, Recipient and Parents: (Parents)
Samuel J. Heyman (father)
Amount: $2,000**
Date: Dec. 12, 1987
Donor, Recipient and Parents: (Parents)
Ronnie F. Heyman (mother)
Amount: $2,000**
Date: Dec. 15, 1987
Explanation: “The children were asked and they thought it was a great idea,” said Michael Kemper, a spokesman for the Heymans.

* * * *

Donor, Recipient and Parents: (Student)

Benjamin Lipman (age 9)
Amount: $1,000
Date: June 19, 1987
Donor, Recipient and Parents: (Recipient)
Pierre S. “Pete” du Pont IV for President
Donor, Recipient and Parents: (Parents)
Ira A. Lipman (father)
Amount: $1,000
Date: June 18, 1987
Explanation: That was a way “to expose the children to political candidates and get them involved in the process,” Ira Lipman said.

All ages given were at time of donation

Total includes maximum contributions for both primary and general elections.

Sources: FEC Annual Report

CONTRIBUTION PROPOSAL BY FEC

This is the Federal Election Commission’s 1998 recommendation of legislation to prohibit contributions by minors:

Recommendation: The commission recommends that Congress establish a presumption that contributors below age 16 are not making contributions on their own behalf.

Explanation: The commission has found that contributions are sometimes given by parents in their children’s names. Congress should address this potential abuse by establishing a minimum age for contributors, or otherwise provide guidelines ensuring that parents are not making contributions in the name of another.

Source: FEC Annual Report

Mr. LUGAR. Madam President, I rise today to speak on the campaign finance reform bill that is before us. I have been involved in elections for the school board, for mayor of a major city, for the U.S. Senate, and for the Republican presidential nomination. My experiences suggest that our present system is outdated and often distorted. Yet I have never believed that we needed to do anything just because it has been labeled “reform.” As dysfunctional as our current campaign finance system is, it can be made worse.

But in 2001, the U.S. Senate held a genuine debate on campaign finance reform that embraced multiple points of view on the issue. Amendments were considered and debated on their merits. The underlying bill changed dramatically. It is the Senate’s conclusion that could not have been predicted before the debate began.

This conclusion did not correspond to the ideal system of even a single Senator reviewing the 28 votes that we cast on that bill. I found that I had disagreed with the position of every other Senator at least five times during the votes. I expect that most other Senators would find that they also took a unique path through the bill. We all have our own ideas about what a campaign finance system should look like. Although, I do not support every provision of this bill, on balance, I believe that it is a constructive attempt to improve a deeply flawed campaign finance system.

Even as we move to pass this bill it is important to admit the limitations of our work. The compromise bill before us will not bring an end to corruption or attempts to influence politicians improperly. We should be skeptical of both extravagant claims of success and dire predictions of disaster.

This update was necessary, in part because the lines between soft and hard money were becoming indistinguishable. The development of so-called “victory funds” and other schemes for transferring party soft money to candidates was undermining the meaningfulness of hard money contribution limits. In addition, soft money fundraising clearly had been linked to malfeasance in the 1996 presidential election and had assumed a role within the campaign finance structure that allowed guaranteed future instances of campaign finance violations and improper influence.

The bill also takes the important step of raising contribution limits for candidates facing an opponent who commits large amounts of personal wealth to a campaign. Our current campaign finance system ensures huge advantages for independently wealthy candidates, because their personal funds are not subject to contribution limits. Parties now spend a great deal of energy recruiting millionaires to run for office, because it is the simplest way to apply millions of dollars—sometimes tens of millions—to a political race virtually free of regulation. As more restraints on fundraising are added, the incentive to recruit millionaire candidates increases. The risk is that personal wealth will become a driving force in the campaign.

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finance law does not provide optimism that restrictions aimed at preventing the entry of money into politics will succeed. Our experience has been that when one inlet for political money is closed or narrowed, that money flows into other inlets. By increasing hard money limits left untouched since the mid-1970s, the bill encourages some soft money contributions to flow toward hard money, the most accountable form of political contribution. But we also will see increases in spending through other inlets.

In addition, any campaign finance reform proposal must come to grips with the U.S. Constitution and its guarantee of freedom of speech. Protection of political speech was at the heart of the founding of our nation. We have little leeway in passing laws that regulate the exercise of the right of political expression. The fact that Congress is charged in the Constitution with the responsibility to hold elections does not relieve it from the requirement that it do so in a manner that is consistent with free speech.

I do not believe that it is possible for Congress to write a comprehensive campaign finance bill in this era without stimulating a Court challenge. With the passage of this bill, Congress has made it far too easy to attempt to improve disclosure and protections against corruption. However, even proponents should admit that this bill raises legitimate First Amendment questions that will have to be reviewed by the Supreme Court.

This bill will not be the end of the campaign finance debate. I am hopeful, however, that our experience with McCain-Feingold will improve the conduct of future debate. Too often, despite good intentions by many participants, the debate on campaign finance reform has not always been constructive. Too often the debate has centered on simplistic absolutes and cynical implications that all money is corrupting.

We know that virtually every reform proposal involves complex trade-offs between preventing corruption and protecting Constitutionally-protected freedoms of political expression. Americans don’t like to think in these terms because they believe that measures to prevent corruption and ensure freedom of speech are goals that should not be subject to compromise. We don’t like the idea of having to make hard choices that might result in less freedom or more corruption.

Those who support the stricter campaign finance laws should admit that many such proposals raise legitimate Constitutional questions, negatively impact First Amendment freedoms of expression, and could produce unintended consequences for political participation. Those who have supported the status quo, must recognize that our current system is seriously flawed and that campaign contributions have been corrupting in some very important cases.

Campaign finance is an issue that demands elevated debate on the nature of freedom of speech and fair elections—the two most basic instruments of our democracy. Reasonable people should be able to differ on prescriptions without questioning each other’s motivations or integrity. The U.S. Senate should strive to be a model of civility and reasoned deliberation.

Mr. KERRY. Madam President, today we take an important first step toward reforming our campaign finance system. After an election in which $3 billion was spent in an effort to elect or defeat candidates, we are finally taking action to attempt to make our campaign finance laws meaningful. However, there are predictable consequences from this legislation that will not be positive and will require further attention to the issue of campaign finance.

The money spent on the 2000 election should come as a surprise to no one. Soft money, an important target of this bill, has increased at a remarkable pace. Year after year, there has been a steady increase in the amount of money raised and spent on elections. For example, in 1992, Democrats raised $30 million in soft money. In 1996, the Democrats more than tripled that amount and raised $107 million in soft money. In the 2000 Democratic primaries, Democrats raised $243 million in soft money.

The Republican party has consistently proven itself to have even more fund-raising prowess than the Democrats, but the trends are exactly the same, with substantial increases year after year. In 1992, the Republican party raised $45 million in soft money. In 1996, they raised $120 million in soft money. And in 2000, the Republican party raised $244 million in soft money.

The people have become almost numb to these kinds of staggering figures, and they have come to expect fund-raising records to be broken with each election cycle. And, what is far worse for our Democracy is that the public also believes that this money buys access and influence that average citizens don’t have.

In addition to the overwhelming amounts of soft money that were raised and spent in 2000, hundreds of millions of dollars were also spent on so-called issue ads. Now, I’m not talking about television ads that truly discuss the issues of the day. I’m talking about ads that air just before an election that show candidates, surrounded by their families, American flags waving in the background, that tell of the candidates’ service to the Nation, or heroic actions during a war. Anyone who sees an ad like this believes it is a campaign ad. But, because of a quirk in the law, even these most blatant of ads. As such, the contributions that pay for them are unlimited and relatively undisclosed. Yet, in many cases, these ads shape the debate in a race, and they most certainly are intended to shape the outcome.

Those ubiquitous television ads are purchased by all kinds of organized special interests to persuade the American people to vote for or against a candidate. These ads, usually negative, often inaccurate, are driving the political process today. Do they violate the spirit of the campaign finance laws in this country? They do. But, don’t take my word for it. Listen to the executive director of the National Rifle Association’s Institute for Legislative Action, who said, “It is foolish to believe there is a difference between issue advocacy and advocacy of a political candidate. What separates issue advocacy and political advocacy is a line in the sand drawn on a windy day.”

The bill that we are sending to the President takes a step toward reform. It is important to note that it is also firmly rooted in prior laws. Federal law has prohibited corporations from contributing to Federal candidates since 1907. Labor unions likewise have been barred from contributing to candidates since 1943. In addition, the post-Watergate campaign finance law caps individual contributions at $25,000 per calendar year, and permits individuals to give no more than $20,000 to a national party, $5,000 to a political action committee, and $2,000 to a candidate. These limits were put in place after the country learned a hard lesson about the corrupting influence of money in politics.

Nowhere in these laws are there any provisions for soft money. Soft money was never part of the debate.SERIES  CONGRESSIONAL RECORD — SENATE
the seminal case on campaign finance. Buckley, the Supreme Court held that campaign finance limitations applied only to “communications that in express terms advocate the election or defeat of a clearly identified candidate for Federal office.” The Court’s interpretation of the context in which the words “vote for," “vote against," “elect," “support," “cast your ballot for," “Smith for Congress," “vote against," “defeat," “reject," and the other phrases in the footnote have become known as the “magic words” without which a communication, no matter what its purpose or impact, is often classified as issue advocacy, thus falling outside the reach of the campaign finance laws.

Until the 1992 election cycle, most for-profit, not-for-profit, and labor organizations did not attempt to get into electoral politics via issue advocacy. That year, one advocacy group pushed the envelope and aired what was, for all intents and purposes, a negative campaign ad attacking Bill Clinton. Because the ad never used Buckley’s “magic words,” the Court of Appeals decided that the ad was a discussion of issues related rather than an exhortation for Clinton in the upcoming Presidential election.

That ad and others like it opened the flood gates to more so-called issue advocacy in 1996, when countless special interest groups, overwhelming the airwaves with billions of dollars worth of ads that looked like campaign ads, but, because they avoided those magic words, were deemed issue-ads.

Opponents of this proposal will also argue that any attempt to control or limit sham issue ads would violate the First Amendment. They argue that as long as you don’t use the so-called “magic words” in Buckley, such as “vote for" or “vote against," you can say just about anything you want in an advertisement that is similar to what the Supreme Court said in Buckley. It said that one way to identify campaign speech that can be regulated is by looking at whether it uses words of express advocacy. But the Court never said that Congress was precluded from adopting another test so long as it was clear, precise and narrow.

A final argument opponents of reform like to make is that we spend less on campaigns than we do on potato chips or laundry detergent. But if we would ask the proponents of this argument whether what we are seeking in our democracy is electioneering that has no more depth or substance than a snack food commercial. Despite the ever-increasing sums spent on campaigns, we have not seen an improvement in campaign discourse, issue discussion or voter education. More money does not mean more ideas, more substance or more depth. Indeed, it means more of what voters complain about most: More 30-second sound bites, and an increasingly longer campaign period. Less money might actually improve the quality of discourse, requiring candidates to more cautiously spend their resources. It might encourage more debates, as was the case in my own race against Bill Weld in 1996, and it would certainly focus the candidates’ voter education efforts during the run-up to elections. The importance of what most voters are tuned in, instead of starting the campaign 18 months before election day.

Shays-Meehan takes an important step that begins to tackle the problems of soft money and issue advocacy, I support this legislation that has been championed by two very able colleagues, but I would note one serious shortcoming of the bill. It won’t curb the rampant spending that drives the quest for money. Unfortunately, we all recognize that creating spending limits is not a simple proposition. In the 1976 Buckley case, the Supreme Court struck spending limits as an unconstitutional restriction of political speech. An important caveat to its decision is that spending limits could be imposed in exchange for a public benefit. I wish we had at our disposal a number of bargaining chips, public benefits that we could trade in exchange for spending limits. However, unless the Supreme Court revisit itself, something I am certainly not expecting in the near future, we must accept that if we want to limit the amounts spent on campaigns, we must provide candidates with some sort of public funding.

I realize that a lot of my colleagues aren’t ready to embrace public funding as a way to finance our campaigns. But it is, in my opinion, the best constitutional means to the important end of limiting campaign spending and the contributions that go with it. Ultimately, I would support a system that provides full public funding for political candidates. I will continue to support clean money as the ultimate way to truly and completely purge our system of corporate money. I would also support a partial public funding system as a way to wean candidates from their reliance on hard money and get them used to campaigning under generous spending limits. I offered an amendment to McCain/Feingold that would have provided sweeping reform in the form of a partial public funding system, but I recognize that we are a long way away from enacting such a program. Nevertheless, Congress should work for that type of reform as a way to end the cycle of unlimited money being raised and spent on our elections.

This bill is a way to break free from the status quo. However, as with any reform measure, there are always going to be possibilities for abuse. The fact that some people will try to skirt the law is not a reason for us to fail to take this incremental movement toward repairing the system. But, it does mean we must ensure that this reform measure is not the last, step for fundamental reform. I have supported campaign finance reform for 18 years and I believe that even legislation that takes only a small step forward is necessary to begin to restore the dwindling faith the average American has in our political system. We can’t go on leaving our citizens with the impression that the only kind of influence left in American politics is the kind you wield with a checkbook. I believe this bill reduces the power of the checkbook and I will therefore support it.

Mr. DURBIN. Madam President, today we are at the pivotal point where the long-sought, long-engaged was truly the United States Senate at its finest, and an experience I had hoped to enjoy when I sought this office.

This bill isn’t a magic elixir. It won’t cure all ills. No one has suggested it is a gleaming pot at the end of the rainbow.

Personally, I am disappointed that it doesn’t include what I think is an essential ingredient of true democracy, ensuring non-preemptible, lowest unit broadcast rates for candidates, which this body approved overwhelmingly by a vote of 69-31 on March 21, 2001, one year ago tomorrow. Until we deal with both sides of the supply and the demand, I do not believe we will have solved the whole problem of money in politics.

But this bill does go a long way to change the system set up over 27 years ago, a system which over time has been severely exploited and eroded so far beyond the intent of Congress that the levels of unregulated soft money are growing at a far faster rate than increases in hard, regulated dollar donations.

I stand in support of this bill and urge my colleagues to join me in voting to send this bill to President Bush.

I also salute and congratulate Senators RUSS FEINGOLD and JOHN MCCAIN, valiant partners in a tireless, seven-year roller-coaster ride loaded with some spills and turns, filled with a few detours and disappointments. These two leaders are true models of how bipartisanship and tenacity in legislation can triumph over adversity. I trust that the history books will reflect how their persistence and stewardship on this issue truly made a positive difference and profound impact.

To them, I say, thank you. The American people owe you a debt of gratitude.

Mr. KENNEDY. Madam President, as the Senate concludes debate on campaign finance reform, I want to commend Senator DASCHLE for his leadership in bringing this important issue to a successful conclusion. I thank Senator MCCAIN and Senator FEINGOLD for
their commitment and hard work in crafting meaningful, bipartisan campaign finance reform legislation.

The enormous amounts of special interest money that flood our political system have become a cancer in our democracy. And we are not alone, for there are many other nations that are struggling with the same challenges. Our system has become a target for special interests, and we must act now to ensure that it remains free and fair.

The bill we are currently debating. For years, lobbyists and large corporations have conducted huge sums of money directly to candidates and parties. These so-called "soft-money" contributions have become increasingly influential in elections. In 2000, soft money contributions have skyrocketed from $50,000 a year to $463 million—an increase of over 2000 percent. We cannot restore accountability to our political system, until we bring an end to soft money. McCain-Feingold does just that.

Another vital component of meaningful reform is ending special interest gimmickry in campaign advertising. Today, corporations, wealthy individuals, and others can spend unlimited amounts of money running issue ads, as long as they do not ask people to vote for or against a candidate. These phony issue ads, which are often confusing and misleading, have become the weapon of choice in the escalating war of negative campaigning. The limits McCain-Feingold places on these ads will help clean up the system and make it more accountable to the American people.

Although the reforms in the McCain-Feingold bill are not a magic bullet that will solve all our problems, they do represent important and long overdue changes to the system. Passage of campaign finance reform legislation is also a signal to the American people that their elected representatives care and will put the interests of the people above those of wealthy special interests.

Mr. MURkowski. Madam President, I rise to debate the vote on S. 2002, the latest effort at campaign finance reform. I voted against the McCain-Feingold bill earlier this Congress, and I see little improvement in the bill we are currently debating. For this reason, I will vote against the latest attempt at campaign finance reform.

I oppose this legislation on two grounds. First, the bill creates new loopholes for groups to exploit, and fails to create a level playing field in which the political power of special interest groups is reduced. The bill continues to impose unconstitutional restrictions upon every American's right to free speech and association. After 7 years of debate over this legislation, we are still left with a framework that attempts to strip away long-held protections cherished by Americans and restrict access to the marketplace of ideas.

I am particularly dismayed that the proponents of this legislation have decided to create loopholes and exceptions for 501(c)(4) organizations. Some would suggest that the bill bans "issue ads" from corporate and nonprofit interest groups 30 days before a primary, and 60 days before a general election. Yet, the language the language has allowed non-profit advocacy groups, 501(c)(4) organizations, a free shot at candidates and limited restrictions on their poisonous "issue ads." As long as their advertisement is not targeted, by name, at a politician, they face no restriction 60 days, or even 1 day, before an election.

These independent groups will be allowed to accept special interest contributions, and then fill the airwaves with issue ads, often distorting facts in their attempt to attack a candidate's record. While these ads will not name a specific candidate, so as to not be deemed "targeted" communications, they will continue to influence elections in the favor of special interest groups.

Also, I continue to object to the proponents' efforts to extinguish constitutionally protected free speech rights. The last time Congress passed through a "reform" bill, in 1974, the Supreme Court, in Buckley v. Valeo, struck down all provisions. The courts, again, will protect the right to free speech and association.

The Buckley Court wrote that: "in a republic where the people (not their legislators) are sovereign, the ability of the citizen to make informed choices among candidates for office is essential; for those elected will inevitably shape the course that we follow as a nation.

Participating in government—getting your voice heard, so to speak—is one of the most valuable and treasured rights each citizen enjoys. This is particularly true when an individual or group wants to express their views during the election of those who govern.

Citizens, candidates, groups, and national parties all should have a voice in elections and government. It is at that moment when there is a true marketplace of ideas, that democracy lives up to its meaning. Any attempt to stifle comments, criticism, or expression is an attempt to limit speech. Political speech is speech, plain and simple.

Efforts to regulate political speech are the real reason we're here in the first place. Today's abuses are the natural consequence of attempts to control free speech. Current campaign finance laws are complex and antiquated.

We need to be enforcing the laws that are currently on the books. We need to make sure that each political contribution is accounted for, and that disclosures are immediately posted for public scrutiny. Clearly the American public has a right to know who is paying for ads, and who is attempting to influence elections. Sunshine is what the political system needs—not restrictions on basic rights.

The debate over campaign finance reform is not over, and I look forward to swift review of this measure by the Federal judiciary. I am confident the courts, again, will protect the rights of citizens and preserve the openness of our political system.

Mr. NELSON of Nebraska. Madam President, I rise today to talk about campaign finance reform. As a veteran of four statewide campaigns, I believe, as many of my colleagues do, that the current campaign finance laws are—in a word—defective. Our country was founded on the principles of freedom and justice. As I see it, the present system for financing federal campaigns undermines those very principles.

I believe that in its current form, the campaign finance system tends to benefit politicians who are already in office—some folks call it incumbent insurance. I prefer to call it a problem.

Thus, I whole-heartedly believe that the time has come for meaningful campaign finance reform. Before us today, we have a bill that purports to fix the problem. Unfortunately, I do not believe the Shays-Meehan bill does the job. In fact, in some respects, I think this bill will make the current system worse.

In the effort to find a culprit for the faults in the present campaign finance system, soft money has become a scapegoat. While I agree that unlimited soft money contributions raise important questions, banning soft money to the parties would be unproductive and, ultimately, ineffective. Choices we make at one stage of the process are often reversed at another stage.

Furthermore, some soft money contributions are used for get-out-the-vote efforts—funds for the promotion of voter registration and party building—valuable efforts that encourage voter participation. Though some changes were made to ease the inevitable burden on GOTV and voter registration efforts, as a practical matter, the effects will still be felt by the political parties and their activities.

A more realistic approach in lieu of banning soft money would be to cap
the contributions at $60,000, as prescribed by the Hagel-Nelson bill that we debated and voted upon last year. I would have offered that proposal as an amendment again this year, but I can count the votes as easily as everyone else. As I have said before, the bill before us should be allowed to stand or fall on its own merits—on a final vote that decides the direction this issue will take once and for all. We’ve been at a stalemate on this issue for too long and it is time to move on.

As an individual who has spent a lot of time on the campaign trail, I have put a great deal of thought into what I believe is the right direction for campaign finance reform. My campaign experience with one group in particular has helped me realize that the bill before us should be allowed to stand or fall on its own merits—on a final vote that decides the direction this issue will take once and for all. We’ve been at a stalemate on this issue for too long and it is time to move on.

For that reason, I do support cloture on this bill. Although I believe it is fundamentally flawed, the bill before us should be allowed to stand or fall on its own merits—on a final vote that decides the direction this issue will take once and for all.

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Accordingly, I simply cannot vote for this bill.

Mr. CORZINE. Madam President, today the Senate approved historic legislation that will change the way we manage our democracy in the new century. The provisions in the McCain-Feingold/Shays-Meehan legislation are long overdue and vitally important to restoring the integrity of our electoral process.

For the past several years, the amount of unregulated soft money in our campaign system has reached staggering proportions. Soft money has had the insidious effect of holding too many political candidates accountable to large individual donors rather than the people they are elected to represent. In the 1999-2000 campaign season, $495.1 million poured into the coffers of both the Democrats and the Republicans. This was a truly bipartisan problem, and now we have a truly bipartisan solution. Soft money was a scourge. And the provisions of this bill that we are about to consider will hold us accountable for distorting the truth.

This group was accountable to no one and did not have to disclose its true sources or the money that flowed through it. It was impossible to hold them accountable for distorting the truth.

In 1998, for example, I am pleased with the Snowe-Jeffords provision in the bill before us, which addresses some of the problems created by so-called issue ads funded by special interest groups and corporations. This provision will hold these groups more accountable for their ads by imposing strict broadcasting regulations and increasing disclosure requirements, effectively putting light where the sun doesn’t shine in issue advocacy.

Unfortunately, as many of my colleagues have pointed out, this provision is arguably the most susceptible to being struck down as unconstitutional by the Supreme Court. If the Shays-Meehan bill had a non-severable clause that would protect it from selective dissection by the Supreme Court—which we unsuccessfully tried to include in the McCain-Feingold bill last year—I would be much more inclined to support this bill.

I am concerned that parts of this bill will be struck down in court, creating, in effect an off-balance piece of legislation that will penalize some groups—the political parties—while giving “issue advocacy” groups more influence. This will alter the very basis of our politics and our democracy of these shadow groups, while at the same time taking away much of their ability to respond.

I cannot support any legislation that will not only not fix our current problems but will create new ones by putting candidates of all parties at the mercy of these shadow groups, while at the same time taking away much of their ability to respond.

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concerns about this legislation and explain why I decided to vote for it in spite of those concerns.

I believe there are problems with the way we finance campaigns in this country. Many Americans feel there is too much money in politics. They believe this spending influences the political process of the politicians they send to represent them in Washington, D.C. Reports of politicians taking money from foreign sources, while already illegal, has served to strengthen the perception that our campaign finance system is broken.

The large number of extremely wealthy candidates who spend large amounts of their own money to finance their campaigns reinforces this perception. Many people believe that candidates are attempting to buy their way into office. For that reason, I am very pleased that the version we will be voting on contains my wealthy-candidate provision. By enacting this common sense provision, the playing field will no longer be set by those who can—rather than those who will—not be able to spend unlimited amounts of their own money. Instead, this legislation will raise the limits on contributions to their campaigns in proportion to the amount of personal money that they are willing to spend.

Reports of large donations by corporations and unions lead many to believe that access to politicians is for sale only to the highest bidders. Many will argue that a few corrupt politicians are the problem rather than the system. I believe this is true, but for many disenchanted voters, perception is reality. Because people are disgusted with the system, many choose not to participate. Our system is lesser for that lack of participation.

It is for these reasons that I have decided to vote for Campaign Finance Reform.

When I voted for McCain-Feingold in the Spring of last year, I did so with reservations expressed publicly that the House would improve on it and, if it came back to the Senate, we would have an opportunity to clear up any remaining problems.

While this legislation did pass the House, and the House did improve it in some ways, the House did not address all of my concerns. In the original Senate-passed version, we added the Levin amendment so State parties could compete with other outside groups. Unfortunately, the House weakened this provision, and now the State parties will be at a significant disadvantage when it comes to promoting candidates and issues. I think it is only fair that these two groups should be able to compete on a level playing field. An additional concern I have with this legislation is the "Coordination" provision. As this legislation currently defines it, there will be a great deal of uncertainty about what is considered "coordination." I believe we should keep the current rule which requires agreement or formal collaboration to establish "coordination."

Perhaps my greatest concern is about the constitutionality of the provision that prohibits "electioneering communication" within the last 60 days of a general election or 30 days of a primary. There is very little doubt that the constitutionality of this and other provisions will be tested shortly after this legislation is signed into law. Fortunately, the expedited review clause requires anyone who challenges the constitutionality of this legislation file suit in the U.S. District Court for the District of Columbia. The three-judge panel will decide the case and any appeal will be directly to the U.S. Supreme Court. This expedited review process will ensure that all questions about the constitutionality of this legislation will be resolved swiftly so that any unconstitutional provisions are quickly stricken.

Normally, the Senate would have the opportunity to make the small changes that most agree would make this legislation much more effective. I am disappointed that the most adamant Senate proponents of this legislation bunkered down to prevent any improvements. I understand that they are concerned about the success of this legislation; I want to make sure that we have as much momentum for this legislation as possible. The Senate is poised to pass H.R. 2356, the bipartisan campaign finance reform bill. The momentum for the bill is building. The President has indicated that he is inclined to sign this bill. We could be on the brink of enacting the first significant campaign reforms in a generation.

I would like to make a couple of observations: First, I want to salute the sponsors of S. 27, the Senate companion measure, Senators McCAIN and FEINGOLD. We are considering this bill only because of the sheer force of their collective will. They have suffered incredible setbacks pushing for this legislation over the past several years. But they never got discouraged; they never let up. Their dedication to this cause has been extraordinary.

Second, public opinion polls have indicated that the American people overwhelmingly support campaign reform, but do not rank the issue as a priority. I think that's because they have grown discouraged about the likelihood of Congress passing such reform. Maybe, just maybe, we will show the American people that we are capable of beating the odds, of coming together and doing something difficult.

The Senate voted 84–16 to approve the compromise we worked out. Our compromise: doubles the limit on hard money contributions to individual candidates from $1,000 per election to $2,000 per election; increases the annual limit on hard money contributions to the national party committees by $5,000, to $25,000; increases the annual aggregate limit on all hard money contributions by $12,500 to $37,500; doubles the limit that the national party committees can contribute to candidates, from $7,500 to $35,000; and indexes these new limits for inflation.

Most importantly, both bills get so-called "soft money" out of Federal elections. The bill we are about to pass prohibits all soft money contributions from corporations, labor unions, and individuals to the national political parties or candidates for Federal office. Political parties in the States that are permitted under State law to collect these unregulated contributions would be prohibited from spending them on any activities relating to a Federal election.

The soft money ban is the most significant, and necessary, campaign finance reform we can make. Soft money threatens to overwhelm our system and the public's confidence in its integrity.

In 1988, Michael Dukakis, the Democratic candidate for President, and Vice President Bush, the Republican candidate, raised a total of $45 million in unregulated soft money donations. Just 8 years later, President Clinton raised $24 million. The Republican candidate for President, former Senator Dole, raised $138 million. In the 1999–2000 election cycle, Democrats raised $245 million, and Republicans raised just under $250 million.

If we get back the very large soft money donors during the 1999–2000 cycle was Enron.

In its 1976 ruling in Buckley versus Valeo, the Supreme Court upheld limits on so-called "hard money" campaign contributions. The Court argued that such contributions, unregulated, could lead to corruption through quid pro quo relationships, or at least the appearance of corruption, which is also harmful to a democracy.

Well, if we are worried about corruption, or the appearance of corruption, with regard to hard money contributions, which are limited and disclosed, we ought to be doubly worried about soft money contributions, which can be unlimited, and are largely undisclosed.

Fortunately, we are about to put an end to soft money contributions.

The soft money ban will work because we came to a reasonable compromise with regard to raising some of the existing hard money contribution limits by modest amounts, and indexing those limits for inflation.

I am proud that I helped to negotiate that compromise, along with the senior Senator from Tennessee and several Members from both sides of the aisle.

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So under the Thompson-Feinstein amendment to S. 27, the individual aggregate contribution limit, the amount that can be given to PACs, parties, and candidates combined, is increased from the current $25,000 per year to $37,500 per year.

That is a $75,000 per cycle limit, but only $37,500 of that can be given to candidates because all contributions to candidates are charged against the aggregate in the year of the election.

The House bill creates a $95,000 per cycle aggregate limit. Of that, $37,500 can be given to candidates and $57,500 can be given to parties and PACs. But to actually max out, an individual must contribute $20,000 of the aggregate to national party committees.

This all sounds very complicated, but the net change is that the House bill adds an additional $20,000 per cycle to the aggregate limit, but that increase is reserved for contributions national parties. That is a reasonable change.

The hard money increases will reinforce individual giving. They will reduce the incessant need for fund-raising. They will give candidates and parties the resources they need to respond to independent campaigns. They will reduce the relative influence of PACs.

The Thompson-Feinstein amendment, by increasing the limit on individual and national party committee contributions to Federal candidates, will reduce the need for raising campaign funds from political action committees, PACs.

Our amendment, therefore, will reduce the relative influence of PACs, making it easier to replace PAC monies with funds raised from individual donors.

The concern about PACs seems unimportant now, compared with the problems that soft money, independent expenditures, and issue advocacy present. But we shouldn’t dismiss the fact that PACs retain considerable influence in our system.

I know that some campaign reform advocates are uncomfortable raising any hard money contribution limits by any amount. I would argue that modest increases are imperative for the simple reason that the current limits were established under the Federal Election Campaign Act, FECA, Amendments of 1974, Public Law 93-443, and haven’t been changed since. They were last increased and the American people: campaigning for office will continue to get more and more expensive because television spots are getting more and more expensive.

Regrettably, one action the House took during its consideration of H.R. 2356 was to strip the provision Senator Torricelli successfully offered to S. 27 that enhanced, post-9/11 political parties to receive the “lowest unit rate” for non-preemptible broadcast advertisements within 45 days of a primary election or 60 days of a general election.

Under the House bill broadcast television, radio, cable, and satellite providers will be able to continue charging candidates and national committees of political parties higher advertising rates. I am disappointed the House took this action but will support the bill nonetheless. A half of a loaf of bread is better than no bread.

Independent campaigns conducted by groups that are accountable to no one threaten to drown out any attempt by candidates or the parties to communicate with voters.

Spending on issue advocacy by these groups, according to the Congressional Research Service, rose from $135 million in 1996 to as much as $340 million in 1998. Then it rose again, to $509 million in 2000. Most of this money is used for attack ads that the American people have come to loathe.

It is likely that spending on so-called issue advocacy, most of which is thinly disguised electioneering, probably will surpass hard money spending, and very soon. It has already surpassed soft money spending.

Clearly, the playing field is skewed. More and more people are turning to the undisclosed, unregulated independent campaign.

The attacks come and no one knows who is actually paying for them. I believe this is unethical. I believe it is unjust. I believe it is unreasonable and it must end.

Fortunately, the House kept intact the “Snowe-Jeffords” provisions regarding disclosure of “electioneering communications.” The House bill defines “electioneering communications” as any broadcast, cable, or satellite communications which refer to a clearly identified candidate for Federal office and are made within 60 days of a general election or 30 days of a primary.

Anyone making electioneering communications costing $10,000 a year or more must disclose to the Federal Election Commission, FEC, the sponsor of the communication within 24 hours, and the names of those who contribute $1,000 or more to the sponsor within that election cycle.

The bill prohibits union or corporate treasury funds from being used for electioneering communications.

The bill we are about to pass will staunch the millions of unregulated soft dollars that currently flow into the coffers of our political parties, and replace a modest portion of that money with contributions that are fully regulated and disclosed under the existing provisions of the Federal Election Campaign Act.

People aren’t concerned about individual contributions of $1,000, and I don’t think they will be concerned about donations of $2,000. No, what concerns people the most about the current system are the checks for $250,000, or $500,000, or even $1 million flowing into political parties.

These gigantic contributions are what warp our politics and cause people to lose faith in our Government and they must be halted. They give the appearance of corruption.

Let’s be honest with each other and the American people: campaigning for office will continue to get more and more expensive because television spots are getting more and more expensive.

In 1990, a couple of years ago, I was in California, which has more people, 34 million, than 21 other States combined. I just finished my 12th political campaign. For the 4th time in 10 years, I ran statewide. Running for office in California is expensive. I have had to raise more than $55 million in those four campaigns. I can tell you from my experiences over the years that I am committed to campaign reform, and I am heartened that we are about to pass H.R. 256. Is it a perfect bill? No. Will it be subject to challenges in court? Undoubtedly. But I think it is a strong bill and I’m optimistic that it will withstand the courts’ scrutiny. And as I said earlier, it is our best chance at reform in a generation.

Campaign reform goes to the heart of our democracy. The way we currently finance and conduct our campaigns is a cancer metastasizing throughout the body politic.

It discourages people from running for office and it disgusts voters. So they simply tune out, in larger and larger numbers.

Discouragement, disgust, frustration, apathy, these feelings don’t bolster our democracy, they weaken it.

We have an opportunity here, a rare opportunity, to do the right thing and pass H.R. 256.

Mr. DODD. Madam President, today is, in fact, an historic day. As the Senate prepares to go to final passage on the McCain-Feingold/Shays-Meehan legislation on campaign finance reform, we are taking necessary action that the American people have been seeking for years.

Today’s Senate action will accomplish a fundamental rewrite of our Nation’s federal campaign finance laws. The Senate will approve legislation addressing what the American people believe is the single most egregious abuse...
of our campaign financing system, the raising and spending of unlimited and unregulated “soft money” in our Federal elections.

The exploding use of soft money that permeates our campaign system is having a corrosive influence suggesting that large contributions by donors to officeholders, candidates, and political parties provide those donors with preferred access and influence over public policy.

The average voter of average means who cannot contribute thousands of dollars to campaigns has neither the access nor influence in Washington. Even the mere appearance of corruption erodes public confidence in the integrity of our electoral process and the independence of our democracy.

The use of “soft money” is not the only problem. This legislation is not the only answer. But it is the answer around which a majority of members could coalesce.

If the Shays-Meehan legislation does nothing else but eviscerate the soft money loophole, it would still be effective and relevant.

But my colleagues in both Chambers have accomplished much more with this legislation. I enumerate the provisions that are most important in this Senator’s opinion: First and foremost, the bill essentially bans the raising, spending and transferring of unregulated and unlimited “soft money” by national parties in Federal elections.

The bill prohibits the use of soft money to purchase any broadcast advertisement that mentions a Federal candidate within 30 days of a primary and 60 days of a general election.

The bill prohibits the use of treasury funds of corporations, labor unions, and nonprofit interest organizations to purchase broadcast, cable or satellite television advertisements that mention a Federal candidate, target the ad to the candidate’s voting population and air within 30 days of a primary or 60 days of an election.

The bill allows an exception for the use of soft money to purchase any broadcast advertisement that mentions a Federal candidate within 30 days of a primary and 60 days of a general election.

The bill triples hard-money limits for House candidates facing wealthy, self-financed candidates spending $350,000 of their own money on a campaign. Senate candidates would qualify for up to six times the individual limit depending on the amount spent by their wealthy opponents and the population of their State.

Finally, the effective date is this November 6, 2002, one day after the congressional general elections. In addition, the effective date is January 1, an unnecessary protection.

The individual limit is increased from $20,000 to $25,000 to national committees of a political party; and the aggregate individual contribution limit to parties, PACs, and candidates per year is increased from $20,000 to $25,000. 

This means that the 2002 Federal elections will be unaffected by this new law.

As I noted previously, while I may disagree with certain aspects of a few provisions, I believe this legislation as the best effort that Congress can make to enact real campaign finance reform.

There are two provisions, in particular, that continue to cause me some concern.

First is the so-called “millionaire’s provision” which purports to level the playing field for candidates who face wealthy challengers. Arguably a laudable goal, the provision ignores the fact that many incumbent who face wealthy challengers have healthy campaign treasuries, sometimes amounting to several million dollars. In such cases, this provision serves mainly as a burden on taxpayers.

Second, although I reluctantly supported the Senate amendment to increase the individual hard money contribution limits, I did so only in the context of achieving broader reform.

Quite simply, at that time, the increase in the hard money limits was the price to be paid to gain sufficient support from our Republican colleagues for banning soft money and placing restrictions on so-called sham issue ads.

Of particular concern to me is the indexing of these contribution increases to inflation. That only ensures the continuing upward spiral of more money into our campaign finance system.

Notwithstanding these two concerns, I am convinced that this legislation is narrowly tailored to strike the appropriate, and a constitutionally sound, balance between the two competing values articulated by the Supreme Court in Buckley v. Valeo, protecting free speech and limiting the “actuality and the appearance of corruption.”

It has been decades since Congress took similar comprehensive action with the enactment of the Federal Election Campaign Act of 1971. The one thing we cannot afford to do is wait any longer, now is the time to enact the McCain-Feingold/Shays-Meehan legislation. The American people have waited long enough.

I am privileged and honored to be part of the majority in support of campaign finance in general and this legislation in particular. In fact, there has not been a perfect campaign financing system because adjustments will always have to be made as legal and factual ingenuity outpaces the laws.

It is an issue I have supported over the years since arriving in the Congress, including my time in both the House as well as the Senate.

I stand ready to do what I can to make reform a reality in the 107th Congress.

This final debate may find its place in history, along with the Senate debate during the weeks of March 19, 2001—April 2, 2001, as one of the greatest Senate debates in the last decade, both in terms of substance and impact on our system of democracy.

We have been privileged and honored to serve as floor manager of this measure, along with the Senator from Kentucky, Senator MITCH MCCONNELL. As my colleague from Kentucky has alluded to, the stakes in this legislation are considerable for many members.

I thank all of my colleagues for their patience and cooperation throughout this winding-down process and compliment them all for a difficult job well done in enacting comprehensive campaign finance reform.

First, I must acknowledge that the Senate would not be here today in this historic posture if not for the determined leadership of TOM DASCHLE. No individual Member has been more consistent in support of campaign finance reform than our leader. And, no Member has worked harder behind the scenes to hold the Democratic caucus together in support of this issue.

Majority Leader DASCHLE took several procedural actions to formally ensure timely final passage of this measure before recess. The talk of overnights and virtually “around the clock” sessions to accommodate a filibuster, if necessary, were not a threat but a reality. Campaign finance reform is serious business. It is a major priority on the majority leader’s agenda.

It is only with his leadership that the Senate’s work was completed by not only guaranteeing a timely vote on the legislation but also guaranteeing an opportunity for all Members to represent their views on the matter. I further compliment the majority leader for his willingness to provide the opportunity for a free debate even in the rush of final passage. This issue is of paramount importance to the continued health of this democracy.

The majority leader’s handling of this winding-down process of campaign
finance debate exemplified the Senate at its best. The freeflow of ideas, the unrestricted opportunity to offer and debate amendments, and the ability of all Members to be heard are the hallmarks of this Senate, the world’s greatest deliberative body.

At the same time, I must also acknowledge the powerful influence of my colleagues, the ranking member of the Rules Committee, for his devotion to the principles of free speech and association. His unyielding belief that most proposed campaign finance reforms are not only unwise, but unconstitutional.

I think all my colleagues would agree that Senator MCCONNELL is a formidably advocate for his position. While we hear from the good Senator today, we are sure to hear from him in the future, even if in a different capacity.

I congratulate my esteemed colleagues and good friends and the foremost leaders in campaign finance reform. Senator FEINGOLD and MCCAiN, including Bob Bumpus.

I must express my great respect to this fight fearlessly and courageously. It makes no difference to me personally because this is an incumbent protection bill. It virtually guarantees that parties will be handicapped in their effort to recruit challengers since the parties can no longer promise the challenger loses control of his campaign and is at the mercy of unknown special interest groups actually damage the people they are supposed to help.

That, I believe, is a genuine and proper aspect of the future that we face. It brings much to consider. I believe the courts will side with him, and we will see it pop up in campaigns in which the challenger is going to be associated with this legislation. But I have had a number of conversations with Senator FEINGOLD in which we both expressed our affection will continue even as the disagreement does.

I close by paying tribute to Senator MCCONNELL for the leadership he has shown, for the valiance that he has demonstrated, and for, in my view, the constitutional loyalty and fidelity he has given the United States in this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I thank the Senator from Utah, who has been in every one of these debates over the last decade. He has been a stalwart, articulate supporter of the first amendment. I am grateful for his time and for his fight. I have fought vigorously. I have had a number of conversations with Senator FEINGOLD in which we both expressed our affection for each other but our deep disagreement on this issue. I trust that affectation will continue even as the disagreement does.

Finally, I want to thank Shawn Maher and Sheryl Cohen of my personal office staff, and Kennie Gill, the Democratic staff director and chief counsel of the rules committee as well as Veronica Gilliespie, my elections counsel and chief of staff.

This has been one of the most remarkable legislative experiences I have had the pleasure of working on during my time in the Senate. For all these reasons, I am privileged and honored to be associated with this legislation. But most important, the primary winners are all American citizens.

Mr. BENNETT. Madam President, like the Senator from Kentucky, I have done everything I could throughout my time in the Senate to see that this bill does not become law. As the Senator from Kentucky, I can count and have thrown in the towel and become somewhat philosophical about it.

I read in the newspapers about lawyers who are meeting down on K street and raising their alternative plan on the assumption that the President will sign this measure. It becomes very clear that the amount of money in politics will not diminish as a result of this bill. It will simply stop flowing in one area it is regulated and reported, and start flowing into dark corners where we will have no idea how it is gathered. We will have no idea who is behind it, and we will see it pop up in campaigns in ways that political parties would never use.

That, I believe, is the future. But...
The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I yield 6 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Madam President, I thank the Senator from Wisconsin for yielding time and offer my congratulations to Senator FEINGOLD and Senator McCain for an extraordinary effort against all the odds over a long period of time which brings the Senate to this moment.

Like many of my colleagues, I intend to join in only a matter of moments in voting for the most fundamental campaign finance reform to reach this Congress in several decades. It is an important moment for the Congress. It is an attempt to restore public confidence and also to give ourselves a sense of confidence.

None of us feels good about the financial pressures under which this institution operates. None of us feels good knowing that the public believes that all Americans do not stand equally in the eyes of the Senate. It is a situation that cannot endure.

Today, we decide that it will not endure. I have supported every form of campaign finance reform for each of the 20 years in which I have served in the Congress. This is the most important.

There are critical components of the legislation that I think make a great contribution: Elimination of soft money, raising the hard money limits, and the controlling of independent expenditures in the final weeks of a campaign. But I also think it is important not to raise expectations that all problems are being solved or that this is the last time our generation will need to make adjustments in the manner in which we operate in America.

First, the legislative fight over campaign finance reform is about to end. The judicial fight is about to begin. All of us recognize that the attempt to control independent expenditures may not be constitutional. If the courts indeed find that this is an infringement on free speech, the delicate balance of this legislation will be broken. Soft money will have been eliminated and fundraising by the political parties will be controlled. Independent groups and Federal candidates are to be nothing more than spectators in American elections with interest groups controlling the debate, raising the funds, and distorting the process.

The challenge for this Congress, if that is the ruling of the court, is that we must return and find a way to ensure that candidates and political parties are not dominated by these independent voices.

Second, this is an extraordinary victory for the controlling of campaign fundraising in large amounts to restore some sense of equality among donors, and also importantly among citizens.

But the greatest unfinished aspect of the agenda in political reform is campaign spending. Campaign fundraising will never be brought into permissible limits with an acceptable demand on candidate time or amounts of money in the final weeks of a campaign. If the problem of campaign expenditures is addressed.

This Senate met that responsibility. By a vote of 69 to 31, the Senate voted to reduce the cost of television advertising to the lowest unit cost. It was a critical reform, because most Federal candidates will tell you, it isn’t just how much money is being raised, it is the time spent raising it, the extraordinary amounts of money that need to be accumulated. And 85 percent of that money is going to television networks.

In an extraordinary act of hypocrisy, the same television networks, which have championed the cause of campaign finance reform, spent millions of dollars on lobbyists and exerted the greatest financial pressure on the Senate. This legislation is intended to eliminate in saving themselves from being part of campaign finance reform.

The provisions reducing the cost of television advertising were eliminated in the final weeks of our deliberations. We must never give up on that fight. Without these provisions reducing the costs of Federal campaigns by some manner or some form, money will find its way into the political system.

In this legislation, we may vote to eliminate soft money to political parties, but if that demand remains on Federal candidates, some system will be invented or found, some loophole developed, to get the money into the system.

I am proud to vote for this legislation. But I challenge the Senate, as McCain-Feingold is passed: Make it the beginning of a reform, not the end of reform. Let us return, next year, or the beginning of a reform, to be far behind.

Mr. FEINGOLD. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I thank the Senator from New Jersey. I certainly agree, there is much more to do in our generation on campaign finance reform. I look forward to participating in that.

Madam President, how much time do we have remaining?

The PRESIDING OFFICER. Twenty-nine minutes.

Mr. FEINGOLD. Madam President, I yield myself such time as I need.

Madam President, I thank the many Members of this body, past and present, who have helped to bring us to this moment. Most important, as I mentioned in my other statement, the most important person I have to thank is, of course, my friend, JOHN MCCAIN.

I also thank our earliest supporters, working for their support the McCain-Feingold bill when it was first introduced in the 104th Congress, Senators such as John Glenn, Paul Simon, Nancy Kassebaum-Baker and Alan Simpson, who gave us crucial bipartisan support when this effort was just getting off the ground and they put the bi-partisan bill wasn’t totally unprece-dented. But it was pretty unusual, and the support of those distinguished Senators lent important credibility to our effort in its early days.

I particularly thank Senator CARL LEVIN for his leadership and support during every debate we have had on this bill since 1996. His insight on the substance of the issue, and on the workings of this body have been absolutely crucial to the success of this legislation. Senator LEVIN is as tenacious and committed as any Member of this body. We truly would not be here today if he were not on our team.

I also thank our distinguished colleagues Senator SNIJDERS COLLINS, for her invaluable contributions to this effort. She came on board our bill as a freshman Senator in 1997, despite tremendous pressure from her caucus. Over the years, we have met together with her and her colleagues. We have been a tireless advocate for reform, a terrifically in this fight, and I am proud to call her a friend and a colleague.

I, again, thank Senator JOE LIEBERMAN, who has been a steadfast supporter of reform, and who helped to build crucial momentum for this legislation with his leadership on the 527 disclosure bill in the last Congress. The success of that legislation was a great breakthrough after so many years when any reform effort was stonewalled by our opponents. The day that bill passed the Senate, I remember thinking that enactment of the McCain-Feingold bill was not going to be far behind.

And, of course, the great breakthrough at the beginning of this Congress was the day when Senator THAD COCHRAN joined us in introducing this bill. I have great respect for Senator COCHRAN, and his support on this bill has been invaluable. I cannot thank him enough for his support of this legislation. Once he joined our effort, he was with us with every ounce of determination and grace that he brings to all of his work here in the Senate.

One of our newest Members, Senator MARIA CANTWELL, also gave us important momentum when she made campaign finance reform a central issue in her campaign, and gave this bill her strong support. After her victory, the oft repeated claim that no Senator has ever lost an election over this issue could simply no longer be made.

Senator JOHN EDWARDS and Senator CHUCK SCHUMER have both been terrific
assets on this issue, especially right here on the Senate floor. Both of them have devoted a great deal of their time, and skill as debaters, to this bill, and I am very grateful for their efforts.

The efforts of Senator OLYMPIA SNOWE and Senator TED JEFFORDS to craft the provision on pay equity issues that came to be known as the Snowe-Jeffords legislation have been essential to this bill. They worked tirelessly to put together a balanced provision that gets at the heart of the issue, a problem, and I thank them for their tremendous contribution. The Snowe-Jeffords provision is an integral part of our bill, and their mastery of this topic was invaluable to us.

I am deeply grateful to Senator FRED THOMPSON for his longstanding and steadfast support of this bill, and for his great skill and fairness in negotiating an agreement on hard money limits that the vast majority of this body could support. Without that agreement, this body could not have moved this bill through the Senate. I also pay special tribute to Senator THOMPSON for the work he did investigating the 1996 campaign finance scandals. Senator THOMPSON cut his political teeth on another great scandal in our Nation’s history known as watergate, but his work in 1997 showed the Nation that the campaign finance issue is truly a bipartisan problem with a bipartisan solution. It was FRED THOMPSON leadership in the Senate. I also thank Senator CHRIS DODD for his tremendous work as floor manager on the Democratic side, especially during the extraordinary and sometimes unpredictable debate we had last year. He led us through those 2 weeks with grace and humor and a fierce passion for reform that I deeply respect and for which I am deeply grateful.

I of course, thank the Democratic Leader, Senator TOM DASCHLE, and his very able staff, for everything they have done to bring about the success of this legislation. In the fall of 1997, the entire Democratic Caucus united behind this legislation, and that unity has been crucial to our success.

We are soon to have the vote on final passage because TOM DASCHLE was true to the principles of this party and led our caucus to follow through on our commitment we made to reform 4½ years ago. His is the bipartisan effort we have made, but I am also proud to be a Democrat, and I deeply appreciate the solid support of my caucus on this issue.

This list of thank-yous would not be complete without thanking my own staff. They have worked tirelessly to help me move this legislation forward, and they have done so with great skill and dedication. First I thank my chief counsel, Bob Schiff, for the standout contribution he has made to this legislation and to the cause of reform, and for the various all-night efforts he had to put in to get this thing done. I also thank my chief of staff, Mary Murphy, and other staffs, past and present, who have worked to make this moment possible, including Kitty Thomas, Andy Kutler, Sumner Slichter, Bill Dauster, Susanne Martinez, and Tom Wails. I also thank Jeanne Bumpus, Mark Salter, Mark Busche, and Senator McCain’s staff, past and present—in some ways it seemed as if we merged our staffs to accomplish this—and I thank them for their outstanding contributions to this bill. They have been a great source of other the occur and former staffers from my office, and from other Senate and House offices, have also made vital contributions to the progress of this bill. Madam President, I ask unanimous consent that a list of their names be printed in the RECORD.

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

From Senator FEINGOLD’s staff and former staff members of the Ar Geller, Ben Hawkinson, Rebecca Kratz, Anne McMahan, Brian O’Leary, Mary Frances Repko, Thomas Reynolds, Mary Ann Richmond, Hillary Wenner, Ewen McMillan, Brad Jaffe, Tom McCormick, Rea Holmes, Rebecca Kratz, and many others who have worked for Senator FEINGOLD and currently are on his staff.

Other Senate Staff: Linda Gustitus, Elise Bean, Andrea LaRue, Laurie Rubenstein, Michael Bopp, Mary Mitshow, Steve Diamond, Jane Rush, Eileen Buehman, Hannah Sistare, Bill Outhier, Brad Pruit, Maureen Mahon, Martin Siegel, Sharon Levin, Beth Stein, Nancy Ives, Glenn Ivey.

From the House staff: Amy Rosenbaum, Glen Sher, Dan Manatt, Paul Pimental, Katie Levinson, Alison Rak, Kristin Miller, Len Wolfson, Kit Judge, Steve Elmdorf, George Candian.

From the Congressional Research Service: Joe Cantor and Paige Whitaker.

Mr. FEINGOLD. Madam President, I deeply appreciate the hard work of so many Members of the other body who fought for years to pass this legislation. Of course, especially, my thanks and those of Senator MCCAIN go to Representatives CHRIS SHAYS and MARTY MERRIN for their determination and outstanding leadership on this issue, as well as to the House Minority Leader, DICK GEPhardt.

I also recognize the contributions made by many other House Members, including Representatives ZACH WAMP, MIKE CASTLE, LINDSEY GRAHAM, NANCY PELOSI, JIM MATHESON, HAROLD FORD, SANDER Levin, JIM TURNER, JIM LEACH, JIM GREENWOOD, SHERWOOD BORHILERT, AMO Houghton, NANCY JOHNSON, MARK KIRK, TOM PETRI, TODD PLATTS, MARIE ROUKEMA, ROB SIMMONS, JOHN LEWIS, CHARLIE STENHOLM, BARNEY FRANK, STENY HOYER, JOHN CONYERS, and SILVESTRE REYES, and former Representatives TOM CAMPBELL and LINDA PELOSI, JIM MATHESON, HAROLD FORD, and former Representatives TOM CAMPBELL and LINDA PELOSI, JIM MATHESON, HAROLD FORD, and former Representatives TOM CAMPBELL and LINDA PELOSI.

Our bill also benefitted immeasurably from the incredible effort put in by outside organizations in support of this legislation. I recognize the outstanding contributions made by Fred Werthheimer and Democracy 21. I also thank Don Simon, Scott Harshbarger, Meredith McGehee, Matt Keller and the staff of Common Cause for their tireless work to pass this legislation. Joan Claybrook and the staff of Public Citizen, including Frank Clemente and Steve Neumann have made tremendous contributions to the progress of this bill. I also very much appreciate the work of Jerome Kohlberg, Cheryl Perrin, and Elaine Franklin of Campaign for America and Charles Kolb and Ed Kangas of the Committee on Economic Development to move this legislation forward. I realize that is a long list of people and organizations to thank. But it has been almost 7 years, and the praise I offer is well deserved. Without the work of these people, not just during this Congress but over many years, we would not have reached this exciting moment for reform and for our democracy.

President, I ask unanimous consent that the order for the quorum call be rescinded. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, it gives me enormous pleasure to yield 15 minutes for the last major comments on this bill on our side to the man who made it all happen and started the whole thing and carried it to the finish, the Senator from Arizona, Mr. MCCAIN.

Mr. MCCAIN. Mr. President, I thank my colleague and friend for yielding this time to me. I am grateful to my colleagues and the many people who have brought us to this point. This legislation will provide much-needed reform of our Federal election campaign laws.

With the stroke of the President’s pen, we will eliminate hundreds of millions of dollars of unregulated soft money that have caused Americans to question the integrity of their elected representatives.

This is a good bill. It is a legally sound bill. It is a fair bill that benefits neither party but that profits our political system and that will, I hope, help to restore the public’s faith in government.

So much has been said about the substance of this bill which has been hashed out literally for years and considered and reconsidered and perfected on the Senate floor in preparation for House passage. Therefore, I would like to take this opportunity to say thank you to a few people who have made this happen.

First, I extend my sincere appreciation and gratitude to my friend Senator FEINGOLD for his unwavering commitment to this cause. He has been a
wise counsel and a stalwart partner through these years, and I will forever be proud to have my name associated with him on this issue and other reform issues.

On occasion, politicians step up and match their actions to their words. Senator FEINGOLD, at a time when there was about to be a flood of soft money advertising into his State in a very close and hard-fought political campaign, said no. Senator FEINGOLD showed enormous courage because he was willing to put his political career on the line for what he believed.

I thank the majority leader, Senator DASCHLE, for his steadfast support that enabled us to pass the McCain-Feingold bill last April and to bring it back this week for a final vote. I thank the Republican leader, Senator LOTR, for his commitment to an open debate and for keeping the process fair. The majority and minority whips, Senators REID and NICKLES, have my sincere thanks as well.

Senator DODD managed our side of the debate with his typical skill and good humor. I thank Senator LEVIN as well for his critical contributions to the compromises that attracted majority support for the bill in both Houses of Congress.

I am grateful to all my colleagues, supporters and opponents alike, for their contributions to the bill and to the debate. I want to personally thank Senator McConnell a few weeks ago, to attempt to facilitate a resolution today. I am greatly indebted to him.

I welcome the Members who signed the discharge petition that forced House consideration of this bill, and the brave Republicans in particular who voted for its passage.

As I told my colleague Senator MCCONNELL a few weeks ago, I won’t miss our annual contests on this issue. No one in his right mind would want to continue against so formidable a foe. I can only hope, however, that should I ever find myself again in a pitched legislative battle—shy as I am of entering into them—that my opponent is as principled as Senator Mcconnell was. I am grateful for his effort by all involved, and I will always appreciate the dedication shown by all of my colleagues in their efforts to champion their beliefs.

I am compelled to mention a few indispensible supporters. In particular, I thank Fred Wertheimer of Democracy 21; all the good, dedicated folks at Common Cause; Scott Harshbarger, Meredith McGeehee, Matt Keller, and Don Simon; including Scott Harshbarger’s talented and wonderful predecessor Ann McBride; Jerry Kolberg’s Campaign for America; and the Committee for Economic Development. I am thankful also to Trevor Potter, a former FEC Commissioner, for his insight and sound political advice, and to Rick Davis who kept us focused on the big picture and provided invaluable strategic advice.

I can’t begin to name the many thousands of people not in this Chamber who have fought so hard and long and who gathered under the umbrella of a group called Americans for Reform. I want to mention the efforts by AARP, the League of Women Voters, Public Citizen, a broad coalition of religious organizations, Carla Eudy and the staff and supporters of Straight Talk America, for their tireless contributions in this effort and the honor of their friendship. Thanks also to my friend John Weaver for his help and guidance. I ask unanimous consent to print in the Record a list of the staffers of the Senators who contributed significantly to this legislative effort.

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

SENATE STAFFERS:
Senator COCHRAN—Brad Prewitt and Clayton Heil.
Senator COLLINS—Michael Bopp and Lynn Dondis.
Senator DASCHLE—Andrea LaRue and Mark Childress.
Senator DODD—Kennie Gill and Veronica Gillespie.
Senator FEINGOLD—Mary Murphy, Bob Schiff, Bill Dauster.

The supporters of campaign finance reform have differences about what constitutes ideal reform, but we have subordinated those differences to the common good. We all recognized one very simple truth: that campaign contributions from a single source that run to the hundreds of thousands or millions of dollars are not healthy to a democracy. Is that not self-evident? It is to the American people Mr. President, that we are dedicated to pass an honest plan to clean up the abuse.

The reforms I believe we are about to pass will not cure public cynicism about politics. Nor will it completely free politics from influence peddling or the appearance of it. But I believe it will cause many Americans who are at present quite disaffected from the practices and institutions of our democracy to begin to see that their elected representatives value their reputations more than their incumbency. And maybe that recognition will cause the House majorities to have more faith, to identify more closely with political parties, to raise their expectations for the work we do. Maybe
it will even encourage more Americans to seek public office, not for the privileges bestowed on election winners, but for the honor of serving a great nation. If by today’s vote we make even small progress in this direction, I think we have done a service to our country, and I am proud of it.

I respectfully ask my colleagues for their votes in support of final passage of this bill. I reserve the remainder of my time.

Mr. FEINGOLD. Mr. President, how much time remains?

The PRESIDING OFFICER. Nine minutes.

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

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

Mr. MCCONNELL. Mr. President, I understand I have 2 minutes left.

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCONNELL. Mr. President, regretfully this bill is going to pass and, in all likelihood, be signed by the President. I say “regretfully” because, for those who wanted to reduce the amount of money in politics, this certainly will not do that. Not even close. It will dramatically take money away from the parties and then shift it to outside groups. The reason we know how much soft money the parties raise is because it is disclosed. But we will not know how much is given to the outside groups and who gives it because it is not disclosed. After this bill passes, outside groups will continue to raise unlimited amounts of soft money from all sources. In fact, Members of Congress will be able to raise unlimited amounts of soft money for those groups, completely legal, and permitted by this legislation.

We could have dealt with the issue of corruption, or the appearance of corruption—and I have to say “appearance” because there has been no evidence whatsoever of actual corruption—we could have dealt with an appearance problem by capping soft money, just as we capped hard money 25 years ago. That would have allowed the six national party committees to still be national committees, to still be able to support State and local candidates with non-Federal dollars. But, no, we decided to completely eliminate nonfederal money to the parties only—certainly a step not required to deal with the alleged appearance of corruption.

So, first, this bill will greatly weaken the parties and shift those resources to outside groups that will continue to engage in issue advocacy, as they have a cost-effective way to do it, with unlimited and undisclosed soft money.

Ironically, the bill allows Members of Congress to raise that unlimited soft money for outside groups but not political parties. We are now able to do more for outside groups than we are able to do for our own political parties.

Secondly, the bill seeks to impose a gag order on groups that have the audacity to mention people like us within 60 days of an election by saying they have to go to the Federal Government—to register with the Federal Election Commission—and raise hard dollars just so they can mention candidates like us within 60 days of an election.

For those two reasons, and for many more, I urge colleagues to vote no on final passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, thanks to the courtesy of Senator McCAIN, it is my honor to bring the debate to a close. I will make a few brief comments as we proceed to final passage of the bill.

First of all, I wish to indicate my respect for the Senator from Kentucky. This has been a tremendous battle. We have had in this Chamber 3 weeks debating this issue. I think it has been a very good process, and I certainly take seriously his arguments. Although we may have to pursue this matter in the courts, as we have done in some other matters, it is always an honorable venture.

The main point I make, in conclusion, is that I believe in maybe 20 or 30 years people will say: You know, there was a time when Members of Congress could actually ask people for $100,000, $500,000, or a million-dollar contribution, and it was perfectly legal. I think it will remind people of the stories we have heard about how there used to be briefcases full of cash floating around this building.

It is almost unbelievable that there ever was a time in our recent history—in the last few years when these kinds of almost inherently corrupt contributions could be given from corporate treasuries, union treasuries, or by individuals. It was a loophole that completely swallowed all the laws we had. They were imperfect laws. The hard money rules were the rules we had concerns about when we started this initiative. We wanted to fix that.

This soft money system grew in such a way that we invited some of the greatest corruption in the history of our country. So it is my hope that 25 or 50 years from now people will say: How could you have possibly had a time when unlimited contributions were allowed? I look forward to people saying that.

The reason I mention that time in the future is that, more than anything else, I care about this issue because of the young people in this country. I care about it because, believe it or not, I was once 18. I am looking at the pages here who help us. When I was 16, 17, 18, I thought maybe I would have a chance to go into politics someday. Not a single person ever said to me: Well, you have to be a millionaire or you have to be able to access $500,000 or a million-dollar contribution. I was a person of average means, so it looked to be an area that maybe I could go into, and it excited me.

Nothing has bothered me more in my public career than the thought that young people, looking to the future, might think that it is necessary to be multimillionaires or somehow have access to the soft money system, in order to participate—being able to participate as a voter and, yes, even being able to participate as a candidate as part of the American dream.

Today, we hope to return a little bit of that dream to you. Yes, someday, as John McCAIN has said, you are going to have to clean it up again because every 20 or 30 years the system needs some work.

In the name of the young people of this country, whom I know will provide the enthusiasm to support future reform, I want to bring the debate to a close.

I yield the floor and the remainder of my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. If there are no amendments to be offered, the question is on third reading and passage of the bill.

The bill (H.R. 2356) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 60, nays 40, as follows:

(Read call Vote No. 54 Leg.)

YEAS—60

Akaka  Domenici  Lincoln
  Baucus  Dorgan  Lugar
  Bayh  Durbin  McCain
  Bentsen  Edwards  McAllen
  Bingaman  Feingold  Miller
  Boxer  Feinstein  Murray
  Bayh  Fitzgerald  Nelson (FL)
  Breaux  Graham  Reed
  Byrd  Hollings  Reid
  Cantwell  Harkin  Rockefeller
  Caras  Carper  Sarbanes
  Chrysler  Collins  Schum
  Chafee  Conyers  Snowe
  Chiles  Craig  Snowe
  Cochran  Cleland  Specter
  Collins  Corker  Stabenow
  Conrad  Cox  Specter
  Corzine  Deal  Torricelli
  Crumb  DeBakey  Waxman
  Dayton  Levin  Wellstone
  Dodd  Lieberman  Wyden

NAYS—40

Allard  Campbell  Grassley
  Allen  Craig  Gregg
  Bennett  Crapo  Hagel
  Bond  DeWine  Hatch
  Breaux  Duren  Helms
  Brownback  Enzi  Hutchinson
  Browning  Frist  Hutchison
  Burns  Grass  Inhofe

S2160  CONGRESSIONAL RECORD — SENATE  March 20, 2002
TO CLARIFY ACCEPTANCE OF PRO BONO LEGAL SERVICES

The PRESIDING OFFICER. Under the previous order, the Senate will consider a resolution.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 227) to clarify the rules regarding the acceptance of pro bono legal services by Senators.

Mr. MCCONNELL. Mr. President, this Senate resolution S. Res. 227 is very similar to a Senate resolution passed by this body in 1996. That 1996 resolution—S. Res. 321—was passed to ensure that any Member of this body may receive pro bono legal services in connection with any action challenging the constitutionality of that law.

It is clear that the campaign finance bill that passed today—H.R. 2356—will be challenged in court if the President signs it into law. The Senate resolution which passed today makes it clear that any Member of this body may receive pro bono legal services in connection with any action challenging the constitutionality of that law.

This body is in agreement on this issue. There is no need for debate or a vote. This new Senate resolution ensures that the Senate will continue its tradition of permitting Members to utilize unlimited pro bono legal services when challenging legislation that raises serious constitutional questions.

The PRESIDING OFFICER. Under the previous order, the resolution is agreed to and the motion to reconsider is laid upon the table.

The resolution (S. Res. 227) was agreed to, as follows:

Resolved, That (a) notwithstanding the provisions of the Standing Rules of the Senate or Senate Resolution 328, adopted by the Senate on September 4, 1990, or Senate Resolution 321, adopted by the Senate on October 3, 1996, pro bono legal services provided to a Member of the Senate with respect to any civil action challenging the constitutionality of a Federal statute that expressly authorizes a Member either to file an action or to participate in an action—

(1) shall not be deemed a gift to the Member;

(2) shall not be deemed to be a contribution to the office account of the Member;

(3) shall not require the establishment of a legal expense trust fund; and

(4) shall be governed by the Select Committee on Ethics Regulations Regarding Disclosure of Pro Bono Legal Services, adopted February 13, 1997, or any revision thereto. The Bipartisan Campaign Finance Reform Bill that passed today—H.R. 2356—will be challenged in court if the President signs it into law.

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This body is in agreement on this issue. There is no need for debate or a vote. This new Senate resolution ensures that the Senate will continue its tradition of permitting Members to utilize unlimited pro bono legal services when challenging legislation that raises serious constitutional questions.

The PRESIDING OFFICER. Under the previous order, the resolution is agreed to and the motion to reconsider is laid upon the table.

The resolution (S. Res. 227) was agreed to, as follows:

Resolved, That (a) notwithstanding the provisions of the Standing Rules of the Senate or Senate Resolution 328, adopted by the Senate on September 4, 1990, or Senate Resolution 321, adopted by the Senate on October 3, 1996, pro bono legal services provided to a Member of the Senate with respect to any civil action challenging the constitutionality of a Federal statute that expressly authorizes a Member either to file an action or to participate in an action—

(1) shall not be deemed a gift to the Member;

(2) shall not be deemed to be a contribution to the office account of the Member;

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biodiesel-blended diesel fuel in areas in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available.

Bingaman amendment No. 3016 (to amendment No. 297), to define the provisions relating to the Renewable Portfolio Standard.

Lott amendment No. 3228 (to amendment No. 297), to provide for the fair treatment of Presidential judicial nominees.

Lott amendment No. 3333 (to amendment No. 2989), to provide for the fair treatment of Presidential judicial nominees.

Kyl amendment No. 3038 (to amendment No. 3016), to provide for appropriate State regulatory authority with respect to renewable sources of electricity.

Mr. REID. Mr. President, if this unanimous consent agreement is approved, the majority leader has authorized me to announce there will be no more votes tonight.

I ask unanimous consent there be 2 hours for debate remaining today with respect to the Kyl second-degree amendment numbered 3038, with the time equally divided and controlled in the usual form, with no intervening amendment in order prior to a vote in relation to the Kyl amendment; that when the Senate resumes consideration of S. 517 on Thursday, March 21, there will be 4 minutes of debate equally divided and controlled in the usual form; that upon the use or yielding back of that time, without further intervening action or debate, the Senate vote in relation to the Kyl amendment; provided further, 30 minutes of the Democratic time be under the control of Senator LANDRIEU.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURkowski. We have discussed this on our side and adhere to the position of our majority whip.

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

Who yields time?

Mr. REID. Pursuant to the order previously entered, I ask that the Senator from Louisiana now be recognized for 30 minutes.

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

The Senator from Louisiana.

AMENDMENT No. 3338

Ms. LANDRIEU. I rise, Mr. President, to speak of pending business, which is the energy bill that has been laid down by Senator BINGAMAN and worked on very aggressively on both sides of the aisle.

We are trying to fashion an energy bill that works for our Nation and accomplishes a couple of very broad goals. One of those goals that I think is most crucial and critical to meet in terms of the outcome of this debate is the goal of energy independence for the United States of America.

This chart shows the riches of offshore Louisiana. We have also proven that our free enterprise system, our economy, the rule of law, the transparency of our financing, the ability to gather capital and invest in industries that produces a great wealth, not just for the few but for the many. That is the challenge of this world. It is not just to enrich a few, but it is to build a broad middle class, to lift those up off the bottom and to provide opportunity for those at the top. We, again, are perfecting that in the United States. We are not there yet. I would like to see this continue.

I come to this debate today to try to work on a lot of different ideas, frankly, about how we could continue this great progress. One of the goals central to the continuation of this is—what does our economy need besides good ideas and energy growth? What else? What does our economy need to grow? One of the things it needs is power. It needs electric power. It needs power to run the various factories and enterprises and systems that undergird this economic growth.

We find ourselves debating how we can achieve greater efficiencies as well as greater supplies of energy to generate this power. There is a debate about what are the best ways to generate this power. That is part of what the Kyl amendment is about.

I think the renewable portfolio that we are debating is something worth fighting for. Before I get into that, let me make a few broad comments.

I spent some time last week on this floor, arguing that we have declared one Declaration of Independence, but we need now, after over 200 years of living under that declaration, to declare a new Declaration of Independence, and that would be an independence from foreign sources of oil and gas.

In my book, the No. 1 reason for that is national security. That is very clear to the American people now, post-Sep-tember 11. The American people are beginning to put together the compromises that unfortunately have to be made in our foreign policy when we depend so heavily on sources of energy from some of the most unstable and unfriendly places in the world.

Americans are starting to ask the question: Why would we import millions of barrels of oil from Iraq when we have sanctions against that country and bombing them at least once a week, trying to protect America’s interests?

Our veterans are starting to ask this question: Why are we sending our young people to try to protect these oil and gas supplies when we have such an ample supply here in the United States?

Last week I spoke about why it was important for us to develop the supplies of oil and gas in our Nation. In Louisiana we have off our shores one of the great sources of energy for this country.

There are any number of leases, both active and those that have not been leased yet, tracts of land, that can produce ample supplies of gas and oil which can move our country forward. We have to ask ourselves: Why would we be dependent on foreign sources when there are resources right here at home? There are resources not only off the shore of Louisiana and Mississippi and Alabama, but off Florida, some parts of the east coast and the west coast, as well as in a small portion of Alaska which could provide a tremendous resource for this Nation.

Veterans are beginning to ask that question. Senior citizens are beginning to ask that question, as are taxpayers, who pick up the tab for this war on terrorism. Believe me, it is a heavy burden. It is a burden we are willing to bear.

This chart shows the riches of offshore Louisiana. We have been proud to help this Nation produce the oil and gas necessary to fuel the greatest economy on Earth and we are doing it in a much more environmentally sensitive way. There is tremendous potential out there.

The reason I am in the Chamber today is not to go into more detail about this exactly, but to also say that as strongly as I feel about increasing the production of fossil fuels, I also am aware—which is why I am going to oppose the Kyl amendment—this Nation needs to do a great deal more to pursue and develop our renewable portfolio.

We need new sources of power that are renewable, like solar and wind power.

While I do not like all the details of the mandates, I do think we would be very remiss in the Senate if we did not attach to Chairman BINGAMAN’s bill a renewable mandate. Our ultimate goal is national security. That is very clear to the American people now, post-Sep-tember 11. The American people are beginning to put together the compromises that unfortunately have to be made in our foreign policy when we depend so heavily on sources of energy from some of the most unstable and unfriendly places in the world.

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March 20, 2002

CONGRESSIONAL RECORD—SENATE S2163

With renewables, with a focus that Senator DOMENICI is leading us on in a more robust, safe, environmentally friendly nuclear infrastructure—which now produces 20 percent of the power in our Nation—with Domenici and Lantry, and other amendments that have been offered to this bill, we can increase nuclear production in a smart and sophisticated way and provide even additional power.

The third leg is opening up domestic production in our Nation.

The Gulf of Mexico is divided into the western section, which is off Texas, and the middle section, which is off Louisiana and Mississippi. Then the eastern section, which is part of Alabama and Florida, has been closed to drilling. In the middle section, each one of these dots represents 3 miles. We are looking at about 200 miles off our shore. The red dots and red squares are leases that are actually under production.

There is gas coming into our Nation through huge pipelines which distribute gas and power to many States in this country. It is estimated by MNF that there is 100 trillion cubic feet of natural gas in just this one section of the Gulf of Mexico alone.

Natural gas meets the new environmental emission standards. Natural gas burns cleaner. Natural gas taken from the Gulf of Mexico is distributed to people all over the southern part of the United States. Supplies are shipped to the southeastern parts of the United States, thereby generating wealth, creating jobs, and creating opportunities—good jobs where men and women can feed their families, pay the mortgage on their house, send their children to school, and put some money in the bank for their families so they can be upwardly mobile and become a solid part of the middle-class—not jobs flipping hamburgers or carrying luggage that are in some ways dead-end jobs. They are good for starter jobs, but they are not good if you are trying to send kids to school or college. These are good jobs that can be created right here in the United States.

We have 100 trillion cubic feet of gas. Technology allows us to get it. We could supply the Nation for 5 years from just this part of the gulf. We need about 22 trillion cubic feet a year.

Imagine if we could have a bill that could leave this floor. That would be quite a miracle. I believe in miracles. I have seen quite a few of them in my life. If we had a bill that could leave this floor and open domestic production in an environmentally safe and sound way—open production around the country that is closed, including ANWR—and have attached to this bill a real effort to create and generate renewable energy, we could potentially within a few years wear ourselves off the oil and gas coming from places in the world that we don’t want to have to be less absolutely necessary, because it requires the support of the Treasury and the life and health of Americans.

I know there will be Members who do not agree and want to support the Kyl amendment. But I oppose it on the principle that we need a strong, renewable portion.

The Senator from New Mexico, understand there were some initial objections, has modified his original amendment that was laid down. He has tried to hone it down to an acceptable principle on renewables.

Again, we can fix it, enhance it, and massage it in conference. But we can make a strong statement on this floor about renewables and about independence and getting away from our dependence on foreign oil and gas sources.

I will be back in the next couple of days to talk about some specific things that Louisiana, Mississippi, Alabama, Texas, Oklahoma, and other producing States are doing. The technology is advancing. We are making many improvements to the environment. We are minimizing the footprint and maximizing the advantages for the American public so the necessary power can be provided for the growth and development in this Nation.

I wanted to speak about the Kyl amendment and to urge adoption of this particular amendment which will make renewables and conservation a strong part of our equation, and also to give us the independence we deserve, for which our veterans have fought. We will continue to fight for liberties, freedoms, and values. We will succeed in the long run.

Thank you, Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Ms. LANDRIEU. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum be suspended.

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

Mr. NICKLES. Mr. President, I see my friend and colleague from New Mexico.

I have mentioned in two or three speeches my displeasure about how this bill was brought to the floor. I will not repeat that speech again. But this bill represents 90 percent of the implementation.

It is a 590-page bill with a renewables section. I was preparing to debate the renewables section. Now I find the renewables section has been amended two or three times.

Mr. BINGAMAN. Mr. President, it does not include either public power or co-ops. Of course, the pending amendment is the Kyl amendment, which is a substitute for the amendment I proposed, which is also a change from the underlying bill to which the Senator is referring.

Mr. NICKLES. If the Senator will yield a little bit further, in the original bill, public power was included in the renewable mandate. Is that correct?

Mr. BINGAMAN. That is correct.

Mr. NICKLES. I thank my colleague for this clarification.

Mr. President, this is an important statement for my colleagues in the Northwest. It is an important exemption. I have heard many people on the floor of the Senate say: Well, renewables don’t cost anything. If renewables don’t cost anything, why do we exempt Bonneville Power?

Why do we exempt the city of Los Angeles? Why do we exempt TVA, the Tennessee Valley Authority? Why do we exempt public entities, period, if this is so good for the private sector?

People say it does not cost anything, and renewables are so beneficial to the general well-being of a national energy policy. Why are we exempting such a laudable section—rural co-ops, large municipals? I fail to see the wisdom in it. It may well be that if we did it, those public entities would be screaming because we would be increasing their costs.

Which one understands, I support the Kyl amendment because it will not cost nearly as much as the underlying Bingaman proposal, not the one that is in the bill but the one that has now been offered before the Senate. I have tried to calculate how much it costs. Costs happen to be important. I hope everybody realizes, if we do not adopt the Kyl amendment, or something close to it, we will be—by this act of Congress, by the Bingaman amendment, by the renewables mandate—increasing the electricity bills all across the country. I say that because we may well do it. I want people to know there is going to be a cost involved.

You don’t put on a mandate on that says you have to have 10 percent of your power come out of what is classified as a renewable, an incremental renewable, with a new cost—and that power may cost two or three times as much as the marketplace power costs—unless you pretend it does not cost anything.

How much does it cost? I did some calculation of a utility in my State, Oklahoma Gas & Electric. We calculated how much energy they produce. We calculated the cost of compliance assuming they did not have wind power, and so on, so they would have to purchase it. In the bill, the replacement cost they could get from the Government would be for these credits which would be 3 cents per kilowatt hour, absolutely necessary, because it requires the support of the Treasury and the life and health of Americans.

So if you calculate that, for Oklahoma Gas & Electric, the largest utility in my State, it would cost them $620,000 per megawatt hour.
Mrs. BOXER, say, yes, these renewables
exempt, but the city of Los Angeles is.
Oklahoma Gas & Electric is not
tion as big as Oklahoma Gas & Elec-
tally, has a powerplant and consump-
the city of Los Angeles, which, inciden-
exclude public power. It did not exclude
ment has a big new fundraiser in this,
its from the Government, the Govern-
Government. If they can buy the cred-
companies that produce so-called cred-
fuel plants to certain areas or certain
billion of dollars. It is billions of dol-
mous cost increase—enormous, in the
it and not increase costs. It is an enor-

Why is Texas and Oklahoma not be exempt?
Why is the Northwest exempt? Why is
Bonneville exempt and the privately
already have lower utility rates in many cases
because they have Federal hydropower,
which is pretty cheap. It was built
long time ago. So they already have
low rates, and we are going to exempt
them. But the other rates, no, you are
stuck. We are going to sock it to you.
I just question the wisdom of that.
I hope my colleagues will look at this
long and seriously. Seldom do we have
an amendment that will have such a
significantly impact of the billions of dol-
s, and seldom do we have as many
colleagues kind of absentee as far as
knowing what the impact of this
amendment would be on their constitu-
ents. I would like for people to pause
and think.
I will be happy to share information
that the Energy Department has pro-
vided us on what this might cost your
utilities and what your utilities will
have to pass on to the constituents. It
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We really don’t want this to happen to the residential consumers, so we will just have the increase and sock it to the big users.

There won’t be as much political fallout. There might be a loss of jobs in the process. Maybe then they will make it apply equitably to residential consumers as well. They will have a big increase. Then people will go ballistic.

People will say: Wait a minute, where did this mandate come from? It came from Congress in the year 2002. We didn’t see it in our bill until 2004 or maybe we didn’t see it fully implemented until 2008. It passed in the year 2002 because somebody thought it was a good idea.

I think my colleague from Arizona has the right idea. I hope our colleagues will support it. I hope they will start looking at the underlying cost that is in this so-called Bingaman amendment. I hope they will look at the cost of that amendment and say: Isn’t there a better way, a more affordable way? Should we not include hydro in renewables? Shouldn’t we include public power? If we are going to mandate it on all private power, should we not include public power as well? If we are going to have a universal energy policy, why would we exempt rural electric co-ops? Why would we exempt municipalities, enormously large public power such as Bonneville and TVA? It is a mistake. I urge my colleagues to support the Kyl substitute to the Bingaman amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time remains on the two sides?

The PRESIDING OFFICER. The Senator from New Mexico has 30 minutes, and the minority has 45 minutes.

Mr. BINGAMAN. Mr. President, I yield myself 5 minutes. I know I have a couple colleagues here who also want to speak. I know there are also, perhaps, Members on the other side.

First of all, the Kyl amendment is a stark contrast with what we are otherwise trying to do with a renewable portfolio standard. The Kyl amendment is very simple in that it says:

Each electric utility shall offer to retail customers electricity produced from renewable sources to the extent that it is available.

That is fine, but “to the extent it is available.” And they do that today. They offer electricity produced from renewable resources or sources to the extent that it is available.

What we are trying to do with the Bingaman amendment, with establishing a renewable portfolio standard, is to provide some assurance that it will be available so that some portion of the power produced by large utilities will, in fact, be produced from renewable sources.

My colleague from Oklahoma says usually the price of electricity is 2.2 cents per kilowatt hour. I think that was the figure he mentioned. According to the figures we were given by the Energy Information Agency, the average cost in this country for electricity is 4.3 cents per kilowatt hour, not 2.2.

Mr. NICKLES. Will the Senator yield? I am talking about wholesale cost which is the replacement cost where if you have incremental renewables going into the system, they are paid the wholesale cost, not the retail cost.

Mr. BINGAMAN. This is a wholesale cost figure I just gave you, 4.3 cents. We are glad to share the information with you.

He says that we don’t have hydro in here. We don’t have hydro as one of the items that a utility gets credit for when determining the base against which the percentage applies. So that we give them full credit for hydro in that.

Then we say, taking that base to the extent that they expand their energy generation from increments of hydropower, that those will count.

Mr. NICKLES. Will the Senator yield to make sure we are both on the same wavelength? Mr. BINGAMAN. I yield to my friend from Oklahoma.

Mr. NICKLES. Any incremental new hydro would count as renewable. I concur.

Mr. BINGAMAN. That is exactly right.

Mr. NICKLES. Would the Senator agree with me, in your definition of 10 percent renewables, existing hydro is not counted. It is to go to new hydro?

Mr. BINGAMAN. Mr. President, regaining the floor, I agree that it is not. That is for a very simple reason. If you do count existing hydro in that 10 percent, certain States, particularly in the northeast part of the country—and also Maine—far exceed that. There would be a tremendous disparity between the extent of the renewables they have in their base or that they get credit for, as compared to the rest of the country.

What we are trying to do with the Bingaman amendment is to provide an incentive for the addition of additional renewable power. To the extent they can do that with hydro, we give them credit for it.

Let me talk about some of the figures. I was anxious to see the calculation to which the Senator from Oklahoma was referring. As I understood it, he gave us figures for what each of these utilities would have to pay in order to comply with this provision, assuming they had to buy all their credits.

Mr. NICKLES. That is correct.

Mr. BINGAMAN. That is what I understood him to say. The truth is, many of the utilities—I don’t know about all of them—he named are not going to have to buy any credits. They are already producing power from renewable sources, substantial amounts of power.

To suggest that PG&E in California is going to have to go out and buying credits at the highest possible price is just not the real world. PG&E already produces power from renewables. Arizona Public Service is another example. He mentioned MidAmerican and how this would cost MidAmerican $60-some odd million.

I have a letter here from David Sokol, chairman and chief executive officer of MidAmerican, where he writes:

Dear Chairman Bingaman:

I am pleased to write in support of your efforts to include provisions to promote the development of renewable energy resources for electric generation in the Senate’s comprehensive energy bill.

Then he goes on to write that his company is “one of the world’s largest developers of renewable energy, including geothermal, wind, biomass and solar.”

Continuing from the letter:

Renewable electricity can play a critical role in diversifying the nation’s fuel mix and providing emissions-free electricity for American consumers.

The PRESIDING OFFICER. The Senator’s 5 minutes have expired.

Mr. BINGAMAN. There will be other opportunities for me to speak. I know I have some colleagues who wish to speak at this point. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I know my colleague from Virginia has been patient. I rise to make a couple points.

The wholesale power cost, which my colleague alluded to, was 4 cents.

Mr. BINGAMAN. The Senator from Virginia was here before me.

Mr. NICKLES. Any incremental new hydro would count as renewable. I concur.

Mr. BINGAMAN. That is exactly right.

Mr. NICKLES. Would the Senator agree with me, in your definition of 10 percent renewables, existing hydro is not counted. It is to go to new hydro?

Mr. BINGAMAN. Mr. President, regaining the floor, I agree that it is not. That is for a very simple reason. If you do count existing hydro in that 10 percent, certain States, particularly in the northeast part of the country—and also Maine—far exceed that. There would be a tremendous disparity between the extent of the renewables they have in their base or that they get credit for, as compared to the rest of the country.

What we are trying to do with the Bingaman amendment is to provide an incentive for the addition of additional renewable power. To the extent they can do that with hydro, we give them credit for it.

Let me talk about some of the figures. I was anxious to see the calculation to which the Senator from Oklahoma was referring. As I understood it, he gave us figures for what each of these utilities would have to pay in order to comply with this provision, assuming they had to buy all their credits.

Mr. NICKLES. That is correct.

Mr. BINGAMAN. That is what I understood him to say. The truth is, many of the utilities—I don’t know about all of them—he named are not going to have to buy any credits. They are already producing power from renewable sources, substantial amounts of power.

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The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I know my colleague from Virginia has been patient. I rise to make a couple points.

The wholesale power cost, which my colleague alluded to, was 4 cents. The spot market on wholesale power cost in the Pennsylvania and New Jersey and Maryland exchange was 2.1 cents to 3 cents from January to March. And Palo Verde is 2.2 cents to 4.3 cents between January and March. Those are current prices that I just wanted to mention.

If a utility, for whatever reason, doesn’t have 10 percent renewable—and most all utilities don’t; there might be one or two, but most don’t—they are either going to have to reduce it or buy it. If they have to buy it, the cost is up to 3 cents. There is also a 1.7-cent tax credit. That equals 4.7 cents. That is still 100 percent more than what the marketplace is providing in the examples my colleague and friend from New Mexico mentioned.

But I am just saying the spot price in some big areas in the country is 2 cents to 3 cents. You are talking about a rate of return for this incremental power of over 100 percent more than market price today. That is expensive. That will greatly increase costs, and somebody will have to pay for it. Ultimately, electric consumers will pay for it. They need to know that before we pass this amendment.

I yield the floor.

The PRESIDING OFFICER. Time yields.

The Senator from Texas is recognized.
Mr. KYL. Mr. President, we are under a time agreement and we are going to be running out of time if things other than the pending amendment are allowed to intercede into this debate. Our vote is set to be cast first thing in the morning, as I understand it. So whatever debate we have, we have to do tonight.

We have at least an hour of speakers on our side, starting with the Senator from Texas and myself, and the Senator from Oklahoma, I guess, is done, and then we have the Senator from Idaho and the Senator from Wyoming, at least. As a result of that, I think we ought to proceed with debate on the pending business so that we can fit within our timeframe and be ready to vote tomorrow morning.

Ms. LANDRIEU. Mr. President, may I inquire if, under the previous order, we are entitled to alternate from one side to the other on the amendment, given the time allocated to us?

The PRESIDING OFFICER. There was no order to provide for that.

Ms. LANDRIEU. I ask unanimous consent that we simply alternate during the time of the amendment, within the amount of time allocated.

Mr. KYL. Mr. President, to the extent that the time is available, we can do that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I will try to be brief. There are just a couple of points I want to make.

First of all, a big deal has been made out of the fact that Texas, in its electricity deregulation legislation, had a renewable energy provision in it. In fact, the point has been made—erroneously—that this is just what you have in Texas and it was George W. Bush. I emphasize that bill into law. I want to straighten that out because the Bingaman amendment is nothing like what we have in Texas.

First of all, in Texas we have a provision that is related to renewable generation capacity, not to how much renewable power you sell, because when you have a windmill—and I may be the only Member of the Senate who owns a windmill, and I will talk about that later—but you have a windmill, sometimes that doesn’t blow and sometimes the sun doesn’t shine. So the Texas provision is based on capacity, not generation.

Secondly, the Texas provision is that, by 2009, we have the capacity to generate 2,000 megawatts from alternative sources. We currently generate about 73,000 megawatts, which is roughly 3 percent renewable energy, not the 10 percent provision in the Bingaman amendment.

Finally, renewable energy in Texas is hydropower. In the state of Washington, hydropower is not renewable energy according to this bill, even though it rains there constantly. Certainly, you can argue that hydropower is at least as renewable as chicken manure and pig manure and cow manure, all of which will be subsidized under this energy bill, in terms of electricity production. In Texas, we have a much broader definition of what a renewable is.

So, one, our standard is based on capacity, not generation, because you have to have the flexibility with these alternative sources. Two, it is roughly 3 percent, not 10 percent. Three, it counts one of the most common renewable sources, which is hydropower. I think that is a very big difference. So to say that this is somehow what we did in Texas is simply not accurate.

Now, I want to touch on a couple of other things. First of all, I think we are getting carried away here with these alternative sources. On my place in Texas, I have a windmill. It is a really pretty windmill and it is called High Lonesome Windmill; it is high and lonely on a hill. It pumps water into a storage tank, and there is an overflow valve that runs down to the pond that keeps water there for turkey, deer, hogs, and whatever happens by. I think it is fair to say that is a very beneficial. I also think it is fair to say that 100 windmills would be an eyesore.

So when you are talking about generating 10 percent of the energy of the United States with things such as wind power, please consider that one windmill is not bad. But if you put a hundred or a thousand of them on my place, the place would be an eyesore. When we are talking about this, I think it is fair to keep that in mind.

I join the Senator from Oklahoma in saying, look, you can have it one way, or you can have it another way, but you can’t have it both ways. If this renewable energy is a good deal, how come it is not a good deal for everybody? It seems to me that is absolutely outrageous, because, Los Angeles, CA, doesn’t have to abide by the law and sell renewable power through its municipal utility, but Dallas, TX, does. Bonneville Power doesn’t have to abide by the law, but their competitor has to, and rural cooperatives don’t have to abide by the law.

Well, look, if renewable power and an inflexible federal mandate is a good thing, how come it is not good for everybody? It can be defended. That is plain old rotten, special interest vote-buying which basically says: We know this is a provision that will cost a lot of money. You have political interests that are for it, and in order to get it passed and impose it on the poor people who can’t get out from under it by cutting a political deal, we are going to exempt Los Angeles, CA and other municipal and public power providers. Give me a break. That is about as outrageous as it can be.

Finally, I believe there is a drafting error in this bill. In looking at this bill in a cursory way, I don’t see any requirement that if I buy these credits, I could sell them from Americans. Can I buy these credits from people in China? I don’t see in the bill a provision that says I have to buy credits from Americans. Can I buy them from Mexicans, from the Canadians, from China, from Russia, or from Uzbekistan? My question is: How will these loopholes be thought out? When you let people buy credits, you are not producing more energy, you are basically spreading the misery.

I hope Senator KYL’s amendment passes. I am going to vote for it. But if it doesn’t pass, maybe a fallback position ought to be that if any electric company is going to have to raise their power rates by more than 5 percent, maybe they ought be able to join Los Angeles, maybe they ought to be able to join Bonneville Power, maybe they ought to be able to join the cooperatives and be exempt. This is clearly going to cost a lot of money because if it weren’t costing a lot of money, why would everybody want to get out from under it?

I think the amendment of Senator KYL is a good one. It sets a goal. But something is very wrong economically in telling people, no matter whether it is Texas or not, no matter whether it can be achieved or not, no matter how much it costs, that unless you are one of these privileged people who have an exemption, you have to generate 10 percent of your power by 2020 with alternative sources; and, after that, over the next 10 years, then the Secretary of Energy can set the rate at wherever they want to set it. God forbid we should have some lunatic as the Secretary of Energy in 2021. They would have the power under this bill, unilaterally, to set this rate anywhere they want to set it, other than below 10 percent.

Is that a wise delegation of power? Should we give anybody in America that much unilateral power? I do not think so. This provision is riddled with special interest loopholes. I think it is an unworkable mandate of the worst sense and violates the logic of economics. It is nothing like the Texas provision. I hope we can adopt the Kyl amendment. I am afraid that all these people who have gotten exemptions are going to vote for it now. If I represented Los Angeles, maybe I could say: Look, this is not me or not, no matter whether it can be achieved or not, it will not affect you; I cut this deal. Or maybe if I got power from the TVA, I could say: Yes, I am worried about this, but do not worry, I covered us.

I sometimes think I have some persuasive power, but I do not think I am good enough to defend this provision. I do not think I could defend a provision, and standing with great righteousness, by saying: Renewable power is what we need, but we do not need it in Los Angeles, we do not need it in TVA, we do not need it in Wisconsin. But maybe we need it for rural America. If it is so good, why do we not need it for those things?
Mr. BINGAMAN. Will the Senator yield?

Mr. GRAMM. That is my question. I will be happy to yield.

Mr. BINGAMAN. The information I have been given—and I am interested if this is accurate as the Senator from Texas understands it—Texas also excludes from their requirement municipals and co-ops, just as we are doing in this bill.

Mr. GRAMM. I wondered how they got such a bad provision passed.

Mr. BINGAMAN. They have a provision that requires 4.3 percent of all sales be from renewables in the year 2009, which is where their bill stops going forward. Our provision calls for 3.6 percent by the year 2009 and has the same exclusions they have in Texas.

If the Senator has any contrary information, I want to.

Mr. GRAMM. Let me reclaim my time, and I will finish because there are other people who want to speak. First of all, I went through the differences with the Texas program. I do not see how you can defend exemptions if you support the policy. Had I been in the Texas Legislature, I would not have voted for this provision. Let me make it clear. I would not have voted for it.

However, it is very different from the proposal here. It is much more modest. It does count hydroelectric power as a renewable. It is based on generation capacity, not actual sales. In other words, it is far more reasonable if you are going to adopt an unreasonable policy.

Let me make one additional point. If this turns out to be nonsense and we get to 2007 or 2008 in Texas and we discover that our power rates are going through the ceiling because Texas did it, Texas can undo it. If they do not undo it, people can move. They can move to New Mexico.

The problem is, when we mandate it from Washington, then the fact that it is a disaster in Texas does not mean it is going to get changed in Washington.

Why not let the States do what Texas did: Set out a policy that makes sense for them, and then if it does not work, they can change it. Why should we be dictating in Washington what is good for the States—what is good for Louisiana, what is good for Arizona, what is good for New Mexico?

My point is, they adopted a policy they thought was good for Texas. We are going to override it with this Federal bill. If anybody thought it was good—I personally do not—but if anybody thinks it is so good, why not leave it alone? But we are not going to leave it alone. We are going to override it.

I am afraid with all these exemptions, the fix is in, but this is really bad policy. The Senator from Arizona has a good amendment. I hope it is adopted, and I commend the Senator from Arizona. I hope the people who received all these exemptions will simply say: If I needed the exemption to vote for it, what about people who represent States that did not get exemptions? That is why we need the Kyl amendment. That way, States can make up their own minds. They are no less responsible than we are. They care no less about the environment than we do. They are no less informed than we are. In fact, I think they are probably much better informed about their own circumstances.

I am strongly in favor of the amendment, and I commend the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I rise in opposition to the Kyl amendment. I wish to speak for a few minutes to add to my remarks of just a few moments ago.

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New Mexico has 24 minutes remaining.

Mr. BINGAMAN. How much time does the Senator from Louisiana intend to use?

Ms. LANDRIEU. Ten minutes.

Mr. BINGAMAN. That will be fine. I yield 10 minutes to the Senator from Louisiana.

Ms. LANDRIEU. Mr. President, the Senator from New Mexico has done an extraordinary job in leading us through this obviously quite contentious energy debate. It is the result of so many different views from different regions, with each having its own set of natural resources and demands. It is very hard to come up with a national policy that works for our Nation and also respects our regions and States.

If we do not change the direction in which this Nation is headed—dependent and unable to produce the energy necessary for our Nation to grow and develop—our economy and our national security will be jeopardized.

I commend the Senator from New Mexico for staying tough and holding the line and trying to move a bill out of the Senate and into conference where it can be perfected.

I oppose the Kyl amendment and support Senator BINGAMAN’s efforts on renewables. There might be a better way, a better method than mandates. Recognizing that the House did not put in any substantive provisions for renewables in its energy bill, I hope we can understand the implications of this bill. When this bill leaves the floor and gets to conference where it is hoped it will be perfected and balanced in promoting renewables.

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While the Senator from Texas does not evidently think windmills might work and does not like the way they look, many people do like the way windmills look. There are many regions that are having success with wind power.

In Spain, Germany, and Denmark, wind power supplies over 20 percent of their electricity. It really is a wonderful thought that we can use the brains God has given us to create technology to generate power from wind. I am sure it is somewhat more expensive. I am sure there are kinks to be worked out, but do not lead people to believe that it is not being done in an efficient way.

Mr. President, I ask unanimous consent to print in the RECORD from the Union of Concerned Scientists, an EIA study that says: “National Renewable Energy Standard of 20 Percent is Easily Affordable.” Where being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Union of Concerned Scientists]

EIA STUDY: NATIONAL RENEWABLE ENERGY STANDARD OF 20% IS EASILY AFFORDABLE

A national renewable power standard (RPS) to provide 20% of US electricity from wind, solar, geothermal, and biomass energy by 2020 would cost energy consumers almost nothing, according to a recent study by the U.S. Department of Energy’s Energy Information Administration (EIA). A national RPS increasing these resources from 2% today to 20% by 2020 would comply with the Renewable Energy and Energy Efficiency Act of 2001 (S. 1333), proposed by Sen. Jeffords (VT) and five other Senators.

The EIA report, using high estimates of renewable energy costs (see discussion below), shows that under a 20% RPS, total consumer energy bills (other than for transportation) would be roughly the same as usual through 2006 and only $2.4 billion or 0.7% higher in 2010. By 2020, total bills would be $580 million (0.1%) lower with an RPS.

Other studies using more realistic assumptions and incorporating the energy efficiency incentives in S. 1333 show that consumers would be roughly the same as usual through 2006 and only $2.4 billion or 0.7% higher in 2010. By 2020, total bills would be $580 million (0.1%) lower with an RPS.

The net present value cost of a 20% RPS would increase average electricity prices (the cost per unit of electricity) by only 3% over business as usual levels in 2010 and 4% in 2020. With a 20% RPS, electricity prices in 2020 are still projected to be nearly 7% lower than they are today.

Even these small increases in electricity prices are largely offset, however, by lower natural gas prices. Decreases in natural gas prices would result from increased competition and investment in unexpected renewable sources and save billions of dollars (see below).

EIA found that a 20% RPS would increase average electricity prices (the cost per unit of electricity) by only 3% over business as usual levels in 2010 and 4% in 2020. With a 20% RPS, electricity prices in 2020 are still projected to be nearly 7% lower than they are today.

Diversifying the electricity mix with renewable energy also helps stabilize electricity prices by eliminating potential price spikes from a few fuels. Natural gas prices, for example, are today.

Under a 20% RPS, average consumer natural gas prices are 3% lower than business as usual in 2010 and 9% lower in 2020. These lower prices would save gas consumers $10 billion per year by 2020.

The net present value cost of a 20% RPS would only save $4 billion over the next 18 years because of ongoing low gas prices after 2020, an RPS would likely produce net savings for consumers.

Diversifying the electricity mix with renewable energy also helps stabilize electricity prices by eliminating potential price spikes from a few fuels.

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research labs, corrected a number of EIA’s assumptions (see below) and found that, when combined with energy efficiency programs, an RPS of 7.5% by 2010 would save consumers over $65 billion per year by 2020 (1997).

At the request of Senator Jeffords, EIA used IWG assumptions and found that the combined heat and power plants, would increase annual savings to $105 million per year by 2020 on their energy bills.

UCS’ Clean Energy Blueprint report, which used similar assumptions to the IWG for renewable energy technologies, shows that an RPS of 20% by 2020, with the energy efficiency incentives in S. 1333, would save consumers $65 billion per year by 2020 or a net present value of $70 billion over 18 years.

The Clean Energy Blueprint found that additional efficiency incentives, including for combined heat and power plants, would increase annual savings to $105 million per year in 2020 and net present value savings to $440 billion over 18 years.

EIA OVERESTIMATES THE COSTS OF RENEWABLE ENERGY

The DOE Interlaboratory Working Group found that EIA significantly overestimates the cost of adding renewables to the system.


Uses higher cost and worse performance assumptions for most renewable technologies than recent experience and projections by the utilities’ Electric Power Research Institute and DOE;

Arbitrarily increases the capital cost of wind, biomass, and geothermal technologies by up to 100% even after a fairly small amount of the regional potential is met;

Limits the penetration of variable output resources such as wind power to 15% of a region’s electricity generation; in parts of Germany, Denmark and Spain, wind power is already providing more than 20% of total electricity generation;

Assumes that renewable energy generation will cost 4 to 5 cents more per kilowatt-hour than electricity from natural gas plants between 2010 and 2020.

USC also found that both the EIA and the IWG limit the amount of biomass that can be co-fired with up to 10–15% of the plant’s input. Recent experience from around the world has shown coal plants can be co-fired with up to 10-15% biomass.

MS. LANDRIEU. Mr. President, Senator BINGAMAN is rightly arguing that while this amendment may need to be perfected, we must develop a portfolio of renewable fuels in this Nation if we are to reduce our dependency on foreign oil and other sources of power.

Let me show a chart that will clearly illustrate the potential of using renewable generation by fuel. We, right now, have most of our electricity generated from coal sources with a rising number of generators and powerplants fueled by natural gas. Since Louisiana is the second largest producer of natural gas, I most certainly represent the interests of people wanting to see more domestic production of natural gas.

However, we have not been able to move very much this line representing renewables.

We hope to increase renewables because by improving our domestic sources of energy, or increasing them, whether from coal, natural gas, nuclear, or renewables, we by virtue of that reduce our dependency on foreign oil sources. By increasing renewables, we can improve our domestic fuel supply. There are several reasons, I suggest, why this is a good thing to do.

First, as I said, we need to reduce our dependency on fossil fuels. Even as someone who comes from a State that produces a lot of oil and gas, I know what that does. We do not want that. If the oil wells are going to dry up, I certainly hope this does not occur in the foreseeable future, but one day they will, because they are a finite source. Renewables are infinite. They are, as their definition says, renewable. We can get renewables, create renewable energy, and continue generating power for our industries.

Domestic energy production, whether it is through oil, gas, wind, coal, bio-mass and in the event natural gas in our country. One of the things we spend a great deal of time talking about is how we can create good-paying jobs, jobs where people can make a living, have a living wage, save, send their children to college, purchase a home. Those things are really very important. They are important to all of our States.

Investing in renewables technology generates jobs. Domestic production creates jobs, creates good-paying jobs, and we are all for helping the world create jobs. We would like to see a great middle class created in every country in the world, but our first objective is to create jobs for the citizens of this Nation.

The reason that renewables are a good thing is that they give us diversity. Why do we need diversity? We need diversity because in a competitive system no industry, no generator of electricity, or no region should be held hostage to the price of oil. They potentially could switch to another source of fuel. If that source of fuel were too high, they could switch to another source of fuel, thereby keeping prices stable and low, and generating and distributing competition.

So by increasing renewables, we increase the options for businesses and electric generators so the consumers are ultimately benefitted. Consumers see their prices rise when there are monopolies and increasing competition. So people have no choice but to get power from either gas or oil.

As we write a bill that helps this country to expand the choices of fuel, consumers will be helped and taxpayers will see their bills lowered.

The fourth reason I support renewables is that they are the cleanest option.

Now I have been in this Chamber talking about natural gas. I am very proud of the work we do in Louisiana, as well as Texas, and Mississippi. We produce a lot of natural gas. It meets the standards set by the EPA and our own state laws and regulations. We hope to continue to produce natural gas for this country.

I will put up the other chart which shows how much the natural gas comes off the shores of Louisiana and is literally piped through an extensive system of pipelines to other parts of the country. We are proud of this.

We would like to see more pipelines coming from different places so we provide very clean, clean energy for the Nation. People in Louisiana, even though we are proud of our natural gas and proud to be able to contribute it to the Nation, believe in renewables because they also give us additional sources that will come into the country from a variety of different places.

Renewables are theoretically better dispersed around the country because they can be created through solar, wind, or biomass. So the advantage of renewables is not only that they are clean and efficient, but they also help us redistribute the sources of power, giving us a greater balance, so there are not blackouts in California or brownouts on the east coast. That is something in this debate I believe we have to keep foremost in our mind.

The PRESIDING OFFICER. Will the Senator suspend. The Senator is under an existing order in which she had time for her remarks to expire. So does the Senator from New Mexico wish to yield 10 additional minutes to the Senator from Louisiana, as he did before?

MS. LANDRIEU. Will the Senator yield an additional 1 minute?

Mr. BINGAMAN. I will be glad to yield.

The PRESIDING OFFICER. The Senator from Louisiana?

Ms. LANDRIEU. The fifth reason is it is American technology that is at the base of these technological advances in renewable energy. However, we are not using them. They are being used by European nations. Our technology is developed at our universities, in our laboratories, with our scientists, with our engineers, but we are not taking advantage of these renewables. The Europeans have done it in a period of 5 to 8 years from 1990 to 1995. Spain increased its renewable resources by 300 percent, Denmark by 150 percent, and the Netherlands over 50 percent.

In conclusion, I think a solution to our dependence on foreign oil is more robust domestic production with a real commitment to renewables. If we do those two things, we can reach independence, which I think our country and our citizens, whether they live in California, Louisiana, New York, would cheer about. That is why I am opposing the Kyl amendment and supporting Senator BINGAMAN. Again, I hope for perfection through the conference process, but I also hope this bill will promote renewables, which sends an important message to the American people that we can stake our claim to an independent future.

The PRESIDING OFFICER. As a point of clarification, the Senator from Arizona has 22 minutes 29 seconds remaining; the Senator from New Mexico has 29 minutes 54 seconds remaining.
The Senator from Arizona.

Mr. KYL. Mr. President, I will take a few minutes to respond to the Senator from Louisiana, and then the Senator from Alaska would like to speak, unless there is an intervention on the other side.

The Senator from Louisiana had four basic reasons that she supports the Bingaman approach and opposes mine. I will go through each of those.

Her first reason was we have become too dependent upon foreign oil and that if we have renewables to generate electric power, that will somehow solve the problem. Well, the Senator from Louisiana could not be more wrong. I wish she would put the chart back up which showed the dispersal of the various energy sources. We saw at the very bottom of that chart there was a red line. That is the oil that is used to generate electricity in this country—hardly anything. We do not generate electricity with oil in the United States, as the chart transportation cars on oil—that is how we drive our cars—but we do not generate electricity with it.

So if the argument is we have to reduce our dependence upon foreign oil in the generation of electricity and therefore go to these renewable resources, nothing could be further from the truth.

The Senator’s chart was accurate that we produce electricity in this country we use in generation, with gas, and with coal. That is where we get our energy production. So the argument that somehow this will help us reduce dependency on foreign oil is absolutely untrue.

I also will comment on the fact that the Senator from Louisiana said we will run out of oil and gas someday. Well, someday we will, but, again, we do not produce electricity with oil and we have a lot of coal, virtually an inexhaustible supply of coal. We could generate all of the electricity that this country could use for centuries on the coal we have in this country. We have been spending a lot on clean coal technology, so we can now do it in a very clean way. Nuclear power is essentially inexhaustible. So if one is talking about oil and gas running out as a reason we have to go to renewables, again, it is absolutely false.

Finally, with regard to this first argument, the Senator from Louisiana said: After all, wind is free. She then went on to correct herself and say: Of course, there is some cost to producing it.

Indeed, we subsidize the cost of wind power by 40 percent, of what it costs, and it still cannot compete, which is why the proponents of wind power want to have the U.S. Government force people to buy their product, because it cannot compete on the open market. These renewables are, in fact, not free.

The final point of the first argument was that the Union of Concerned Scientists, a reputable group, indeed, says that even a 20-percent mandate would be very affordable. Let’s examine that for a minute, because the second reason was we needed to diversify our fuel for electrical generation in order to keep prices lower. The assumption was this would keep prices lower.

Again, she is wrong. We have today the figures from the Department of Energy agency that puts these figures together, the Energy Information Administration. I can read the figures for every single utility in every single State. This will be.

This is a pretty conservative estimate because they only take the power that is being purchased today—not 15 or 20 years from now—and they have not indexed for inflation. I suspect we all agree inflation will go up. All they took was the 3 cents per kilowatt hour, which is the basic cost that you would buy it from the Department of Energy, and projected that 3 cents per kilowatt hour—not 3 cents per kilowatt hour adjusted for inflation.

What would the costs be? I will take the figures from the Department of Energy electrical generation. The cost of this is $25.5 million, an increase, in retail of 4 percent. Entergy, Gulf States Louisiana and New Orleans is $50 million, $89 million, and $17 million, respectively, with an increase in prices to the retail customer of over 5 percent, 4.7 percent, and 5.86 percent.

Mr. BINGAMAN. Will the Senator yield?

Mr. KYL. I am happy to yield.

Mr. BINGAMAN. I ask, why does my colleague, who sponsored this amendment, mention how much it will cost Entergy to comply with the underlying Bingaman amendment; why are they supportive of the Bingaman amendment and strongly opposing the Ky amendment; this is going to be expensive for them?

Mr. KYL. I am happy to answer the question of my colleague. It will not cost energy companies a penny but cost energy’s customers. That is the whole point. We are the ones who will pay, not the power company.

The reason this particular power company supports it—I understand they will have to answer for themselves if renewables will increase in wind power. As I pointed out yesterday, according to the Energy Information Administration of the Department of Energy, the only renewable that will provide any significant increase in power is wind power. Naturally, those companies that invested in wind power love it. They cannot sell it today, even with a 40-percent subsidy, but if the Federal Government makes people buy the product, then they will be able to sell it. That is why they like it. Their customers will pay for it; they won’t be paying for it.

Let me turn to my State. I will pick some other States at random. In my State of Arizona, the private utility Arizona Public Service is the biggest at $67 million, a 3.72-percent increase. The Salt River Project, which would be temporarily exempted, is $66 million, up 4.63 percent. Another private utility, Tucson Electric, is $24.5 million, up 3.3 percent.

The percentage increases are from 3 percent up to under 30 percent. How would you like to be getting power from the Welton Mohawk Irrigation District, with a 29.5-percent increase? Fortunately, it is a municipal subdivision that is currently excluded from the bill. Certainly they hope to remain excluded.

In California, Pacific Gas and Electric is $360 million, over a 3-percent increase. San Diego Gas and Electric is $45 million. Southern California Edison is $221 million. The total in that State—again, under the conservative assumptions—is three-quarters of a billion dollars.

Mr. BINGAMAN. Would the sponsor of the amendment yield for another question?

Mr. KYL. I am happy to yield.

Mr. BINGAMAN. As I understand these figures, they are calculations of the cost of the government forcing consumers to buy 10 percent of their power now.

Mr. KYL. At the end of the time they are required.

Mr. BINGAMAN. To buy this on the assumption they are producing nothing from renewable power, is that correct?

Mr. KYL. They had to have a number representing cost and the number that it used was the one in your bill, in your amendment, the amendment of the Senator from New Mexico, which is that you can buy this from the Department of Energy at 3 cents per kilowatt hour.

Mr. BINGAMAN. There is nothing in this analysis that acknowledges that most, if not all, of the utilities that have been mentioned produce renewable power from renewable sources now and have great ability to add to that as the years progress, is that not right?

Mr. KYL. No, it is not right. In fact, many of the people or companies that sell to power retail do not produce with renewable sources today. They have to buy credits. The assumption is based upon the value of the credits as set forth in the amendment of the Senator from New Mexico.

We will build renewable energy electrical generation. The cost of that could well exceed that 3 cents per kilowatt hour. This could be a conservative estimate, especially since it is not indexed for inflation.

We are talking about a number today that in 20 years is obviously going to be substantially higher. I am trying to indicate a relative fact; namely, that the cost to consumers is going to escalate dramatically. That is what this information demonstrates.

Now to the next point. The Senator from Louisiana said we have to diversify to keep prices lower. I have indicated the Department of Energy knows...
the prices are not going to be lower. These are all of the estimates from the Department of Energy itself.

But there is another point about diversifying; that is, if you are going to diversify, you need a reliable source. Certainly if the wind does not blow, you do not generate power on a windmill. If the Sun does not shine, you don't generate power from a solar power. If the water does not flow through a dam, you do not have hydropower. That is why the baseloads of the utilities are based on coal and natural gas. Those are available, they are reliable, and that is why for these renewables you always have to have backup, a storage battery, or a backup when it gets dark and the Sun does not shine or you have a drought and the water does not flow or the wind does not blow.

The third point is renewables would create jobs. I know my colleagues would agree exploring in ANWR would create more jobs than windmills. That is evident.

The fourth argument is renewables are better dispersed and are clean. Nuclear is clean, too. Hydro is clean. But I don't see a big rush for hydro or nuclear power.

With respect to dispersal, it is interesting that the chart the Senator from North Dakota exhibited yesterday showed the renewable fuels dispersed all over the country, but each one is conglomerated in a particular area.

For example, solar is obviously going to be produced best in the Southwest. Wind is best produced in the Northwest. Wind power, interestingly, is produced best in North Dakota, South Dakota, and Oklahoma, as I recall. The geothermal was in certain other areas. If you are not in one of those areas, and since wind is the only economical source of producing the power, you are out. If you have to have impact credits; you will have to buy credits from the place it is produced and your customers get nothing for that. They do not get electricity; they just get credits. The electricity company gets credit, but the consumers do not go to jail or pay a big fine.

The bottom line with respect to the arguments made, and they have been made by others as well, the renewables have some very limited potential, if they are highly subsidized, which is what we are doing, and we have extended the subsidy for them, and we are all for doing that, but you cannot count on renewables in any significant percent unless you are willing to pay a very high price, and unless you are willing to discriminate against some regions of the country, that is to say, unless you are willing to force the electric consumers in one part of the country to pay a lot more than the electric consumers in another part of the country. That does not make sense to me as a national energy policy.

Unless there is someone on the other side wishing to speak, I yield 7 minutes to the Senator from Alaska.

The PRESIDING OFFICER (Mr. Nelson of Florida). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask how much time remains on our side?

The PRESIDING OFFICER. Seventeen minutes.

Mr. MURKOWSKI. I wonder if I can take 7 minutes.

Mr. KYL. Yes, 7 minutes.

Mr. MURKOWSKI. Mr. President, I would like to follow up a little bit on the Senator from Arizona, Senator Kyl. He has mentioned an awful lot about cost. I think we need to address this in specifics.

Let's assume a utility must purchase the credits. Let's assume we have a utility that generates no new renewables. They make that decision. Let's take the hypothetical utility. I am going to be specific. I am going to take what we think we would have the information relative to the cost.

Let's assume retail sales are a billion kilowatt hours. What we would have to do is to take 10 percent of the renewable portfolio standard that is in effect times 10 because we are looking for a 10-percent renewability. That means roughly 100 million kilowatt hours of renewable—that is 10 percent of a billion—times 3 cents per kilowatt hour. That is $3 million for renewable credits. That $3 million would be passed to the ratepayers.

Let's take an actual utility. I hope the delegation from Wisconsin is here because the Wisconsin Electric retail sales for the year 2000 were 3.173 billion kilowatt hours, times 10 percent renewable portfolio standard; that is, 317 million kilowatt hours, times 3 cents per kilowatt hour, which is $9.5 million for renewable energy. What these utilities are going to go out and buy if, indeed, they do not develop renewables. Whether they make that decision or not, the point is it is going to cost their consumers. It is going to cost their consumers $9.5 million. What is that going to amount to, to the average consumer? What is the ratepayer going to pay in Wisconsin? He is going to have a 5-percent increase. I do not think it is fair to suggest, by any means, that somehow these renewables are going to just come on.

Ask unanimous consent we have printed in the RECORD a letter from a group that happens to support specifically the Kyl amendment. They want to support the modified language in the Kyl amendment in order to mitigate and eliminate the harmful economic consequences for the renewable fuels portfolio mandate.

I also ask unanimous consent a letter from the Florida Public Service Commission be printed in the RECORD.

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

"penalties'' indicates that it will not—the Amendment. Even if this penalty were effective at limiting skyrocketing electricity price increases. This in addition to the already enormous penalty still would constitute an almost doubling of current wholesale electricity prices.
for renewable power. Clearly, electricity rates will substantially increase if the Substitute Amendment becomes law.

The Federal Government’s past record in choosing fuel “winners and losers” is dismal. The Powerplant and Industrial Fuel Use Act of 1978, which prohibited the use of natural gas in many industrial facilities, was essentially repealed less than a decade later when its underlying premises were conceded to be wrong. While holding back the use of natural gas, the Federal Government spent billions of dollars attempting to commercialize “synthetic fuels,” including oil shale and tar sands, with little to show for its efforts.

While we believe that the Federal Government has an important role to play in encouraging the development of renewable and other energy technologies, we are troubled that role turns to mandates and market set-asides for one particular fuel or technology. Mandates and set-asides usually don’t work, and create unintended consequences more severe than the underlying problem being addressed.

For these reasons, we respectfully request that you support efforts to modify the language in section 265 of the Substitute Amendment to S. 517, in order to eliminate that you support efforts to modify the language in section 265 of the Substitute Amendment to S. 517, in order to eliminate

the purpose of this letter is to let you know that the Florida Public Service Commission has major concerns with the 400-page Substitute Amendment currently pending before the Senate. It is extremely preemptive of State Commission authority. If legislation moves forward, we ask that it provide a continuing role for State officials in all aspects of electrical service—including generation, transmission, and power delivery services and should not authorize the FERC to preempt State authority to ensure safe and reliable service to retail customers. Also, we support the Kyl amendment on the renewable portfolio standard.

In particular, our concerns are:

1. **Electric Reliability Standards**

   The Substitute Amendment would limit the States’ authority and discretion to set more rigorous reliability standards than the Federal Energy Regulatory Commission (FERC) over transmission and distribution. In fact, the Substitute Amendment appears to provide no role for State officials in reliability. Yet, the Florida Legislature has carefully set out statutory authority for the FPSC over transmission.

   If legislation moves forward, Congress should expressly include in the bill a provision to project the existing State authority to ensure reliable transmission service. We note that the Thomas amendment, passed. The amendment appears to strengthen state authority. In that regard, the amendment is better than the overall bill under consideration. Our interpretation is that the amendment will not restrict state commission authority to adopt more stringent standards, if necessary.

2. **Market Transparency Rules**

   This section is silent on State authority to protect against market abuses, although it does require FERC to issue rules to provide information to the States. State regulators must be able to review the data necessary to ensure that abuses are not occurring in the market.

3. **Public Utilities Regulatory Policy Act (PURPA)**

   The FPSC supports lifting PURPA’s mandatory purchase requirement, but States should be allowed to determine appropriate measures to protect the public interest by addressing mitigation and cost recovery issues. Thus, we do not support preempting State jurisdiction by granting FERC authority to order the recovery of costs in retail rates or to otherwise limit State authority to require mitigation of PURPA contract costs. States that have already approved these contracts are better able to address this matter than FERC.

4. **Federal Renewable Portfolio Standards**

   This requires that beginning with 2003, each retail electric supplier shall submit to the Secretary of Energy renewable energy credits in an amount equal to the required annual percentage to be determined by the Secretary. For the year 2005, it will be less than 2.5 percent of the total electric energy sold by the electric retail supplier to the electric consumer in the calendar year. For each calendar year from 2006 through 2020, it shall increase by approximately .5 percent. The Secretary shall examine the size of renewable energy resources used to produce the electricity. A credit trading system will be established. While a provision is established to allow states to adopt additional renewable programs, we continue to have concerns. Thus, we strongly support the Kyl amendment which provides some flexibility to the States.

   The FPSC believes that States are in the best position to determine the amount, the type, and the timing of the energy that would most benefit their retail rate payers. This particularly true in the case of States without cost-effective renewable resources. A one-size-fits-all standard will likely raise rates for most consumers.
renewables. But we are forgetting how much it costs. We are also forgetting a very important feature associated with renewables, and that is we continue to support fundamentally the funding that we have had, which has been in the area of almost $7 billion in the last 5 to 6 years in developing these renewables. But they do not come free.

When we do a mandate, I really question the wisdom of it. I know it is very convenient to walk out of here and say we have all voted for renewables. That is comforting. It is good. But by the same token, the public ought to know there is no free ride here.

As we look at biomass, a lot of people aren’t knowledgeable. They don’t really know what happens. What you do is burn wood products. You get emissions. Emissions are a problem, and we are concerned about it. I do not see any great emphasis here for nuclear, which is clean and generates a tremendous amount of power.

We have inconsistencies relative to whether we include hydro as a renewable. Certainly, in my opinion, it is. We are going to get into a debate on this. I think there are terms by which our Republican Members from Maine who wants to exclude, if you will, Maine. I am going to have a hard time supporting an exemption for one State and not another.

I saw my friend, the Senator from New Mexico. I am going to sit down now and let Senator DOMENICI be recognized, if it is the preference of the junior Senator of New Mexico.

The PRESIDING OFFICER. The Senator from Alaska has consumed the 7 minutes.

Mr. MURKOWSKI. I yield the remainder of my time, and I will give it to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico. The Senator has 10 minutes remaining.

Mr. DOMENICI. Senator Bingaman, I would not keep us here this evening, but I have the morning because of a markup, so I will use some time tonight.

First, before we are finished with our debate and votes, I will return to the Chamber and give a rather detailed analysis of the positive things in this bill for nuclear power for the future of our country and the world. While I mention that, I thank Senator Bingaman again for his leadership on Price-Anderson.

We have overcome one major hurdle. It is clear that you could not have been considering significant additions to the utility electric generating powerplants that would be powered by nuclear if we had not already helped us, enormously in terms of ambient air quality and achieving minimal emissions in the generation of electricity.

But I come to the Chamber tonight as one who looks at my record with reference to research on renewables. I think I have a pretty good record.

Perhaps it would be fair to say that with all the support we have given to nuclear powerplants, we have not done as well as we should have. But during the 6 years I chaired the Energy and Water Development Subcommittee on Appropriations, we provided well over $2 billion in support for research just in that one bill alone. There has been progress on renewables, especially in the cost of wind power over time. I hope a lot more progress will be made as time progresses. But I have very great concerns with the imposition of this renewable standard on the American public.

The current bill, as I understand it, requires that 10 percent of all electricity be derived from new renewable sources by the year 2020 or be subject to a 3-cent-per-kilowatt-hour penalty. I don’t know if we can be met without causing significant increases in electric prices. If you were going to increase electric prices to get more electricity, that would be one thing. But I think we are going to increase all costs by the mandate of 10 percent of these renewable sources that are enumerated in this bill.

Remember that this mandate applies only to the privately owned utility companies. It does not apply to public utilities, as was anticipated. So it will just be a mandate on the privately owned companies in this country.

At least in my office, there has been a bit of an outcry over this proposal, including a concern from the Public Service Company of New Mexico, the principal utility company, and indications that to meet this requirement they believe it is going to cost New Mexico users considerably more money. I met with them again today. They have said they will meet this 10 percent mandate, the utility company costs in New Mexico will have to go up, and go up substantially. To put it simply, utilities have to provide power, whether the sun shines and the wind blows or not.

The costs of Senator Bingaman’s amendment are partly driven by the way the renewable portfolio is structured. We have discussed this with him and with his staff.

One of my strongest concerns involves the wording in the amendment that focuses on energy generated by solar and wind renewable sources.

To put it simply, utilities have to provide power, which I have just indicated, whether the Sun shines or the wind blows or not. Solar and wind, by their very nature, are intermittent sources of power. On average, these sources deliver about one-third of their capacity as actual energy. Under this bill, they are required to produce 10 percent of their baseload capacity. As I am indicating now, it is not based upon capacity but rather on energy produced and used. That means you will have to pay three times as much to get to the 10 percent.

Now these renewables account for a small fraction of the portfolio. A utility can fairly easily find some other small source to cover those days when the Sun doesn’t shine or the wind doesn’t blow. But as that renewable fraction climbs, the utilities are placed in the position of having to build the renewable source to meet this mandate, and then, on top of that, build a baseload capacity from some other stable source to use when the Sun and the wind don’t cooperate.

This leads to what everyone should understand to be a double whammy on the ratepayer. I could even argue that it is a triple whammy on the ratepayer because they not only have to pay for the renewable capacity—that is only useful about one-third of the time—and the baseload capacity to cover the other two-thirds of the time, they also have to pay the cost differential for renewable power. Even with wind, which is the most economical of the renewables, the cost differential is at least 2 cents per kilowatt-hour, temporary. That of the American public of at least $11 billion annually. Somebody will pay for it.

By the year 2020, the annual cost will be what I have just described. It will be parts of that $1 billion as we move up, because you won’t just wait and go to 2020 and start producing, you will clearly have to start using the solar, or wind, or whichever energy is allowed under this amendment.

One of the ways of estimating it is the penalty of 3 cents per kilowatt-hour that is imposed for the failure to meet the standard and to figure that as a cost. I have tried to do that. In New Mexico, this would lead to a figure that is a higher two mills of 1 percent additional electricity costs. States such as ours are already reeling from unfunded mandates such as the arsenic standard. They don’t need more help from the Federal Government to extract higher electricity rates from the American public of at least $11 billion annually. Somebody will pay for it.

I believe there are other ways. I believe we can change this amendment so it won’t be so onerous. I will be discussing that prospect with the manager of the bill, but not this evening. I will not offer any amendment with reference to changing the structure, but I will talk about it. Perhaps it can be considered before we leave the floor or in conference as something that will be looked at to make it more realistic instead of this capacity and energy dictionary which I have to consider.

We can greatly simplify the planning of utilities and minimize the substantial burden of this new standard by simply switching from an “energy-generation” basis to a “capacity” basis. That would make it easier to build there. It would produce a modicum of reasonableness in this bill. It would be completely predictable.
When a company puts in a megawatt of wind capacity, the capacity is known, even though the power derived from the resource is not known. It is probably only around 300 kilowatts.

Let me repeat that when a company puts in a megawatt of wind capacity, that capacity is known, even though the power derived from the resource is not known. And it is probably only 300 kilowatts, one-third of the credit I have just described.

What I talk about the intermittent nature of renewables, I hope my colleagues know this is no exaggeration. I have seen the actual data from a large wind farm in Minnesota. At times it does a great job, but there are times when that same farm has to draw power from the grid to power its instruments because they are inoperative when the wind hasn’t blown for a certain amount of time. Thus, they are a user of energy during some period of time when the wind is down.

It is as people think. If this is going to be implemented using the definitions in this bill, it will be extremely difficult. Interpretations will have to be made. I believe before too long we ought to straighten that out, not only in a way more intelligible, more simple, and something that is more rational.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico, the chairman of the committee?

Mr. BINGAMAN. Mr. President, how much time remains in opposition to the Kyl amendment?

The PRESIDING OFFICER. Twenty-two minutes.

Mr. BINGAMAN. How much for the proponents?

The PRESIDING OFFICER. The time has expired.

Mr. BINGAMAN. Mr. President, I will not use the full 22 minutes, but I would like to summarize some key points in response to some of the debate we have heard today.

A major criticism of the Bingaman amendment—which we have been talking about, as well as Senator Kyl’s amendment—has been that the proponents of Senator Kyl’s amendment—Senator Kyl, and others—believe that to require the generation of some portion of a utility’s power from renewable sources is going to dramatically increase power bills.

All I will do is once again refer, as I did yesterday, to the study which Senator MURkowski, my colleague, the ranking member on the Energy Committee, requested of the Energy Information Administration. He asked them to study this exact issue. And he was very specific. He said: Please study this and do not consider any tax benefit we are providing for any of these renewable energy sources.

They came back with their conclusion. They concluded—I am now quoting from an article in the Energy Daily dated March 12—“that a 10 percent renewable portfolio standard would have little impact on future electricity prices.” That was their conclusion. They spent some time on this. They have capable people in the Energy Information Administration, and they were being asked questions by Senator MURkowski, who was hoping, I am sure, they would conclude something else so he could use their study as part of his argument on the Senate floor.

Let me go with what is said in this article. It says:

The study, released Friday, concludes that the retail price impacts of a requirement that electricity generators provide at least 10 percent of their renewable resources by 2020 “are projected to be small because the price impact of [the program] is projected to be relatively small when compared with total electricity costs and to be mostly offset by lower gas prices.”

It is clear to me that we have some scare tactics going on here. We have all these allegations: All these utilities are going to see this cost added, that cost added.

The reality is that many of the utilities that were cited here as having to anticipate great cost increases will not see any cost increase because they will be sellers of renewable power, both to their customers and, perhaps, to other utilities because they have been forward thinking and they have been developing renewable power as one of the sources for energy.

The simple fact is, every utility in this country—virtually every utility in this country—is going to have to add capacity. They are going to have to add additional generation capacity over the next 18, 20 years, over the period that this amendment covers. Most of them are doing so now.

In my home State, very near my hometown—I live in the southwest part of New Mexico; that is where I grew up, Silver City, NM—the three nearest communities to my hometown all have wind plants. They are being constructed as we speak. There is one in Las Cruces, NM. There is one in Deming, NM. There is now going to be one in Lordsburg, NM. In each case, it is very interesting—and two of those are by one company; one is by another company—they are gas-fired generating plants. And that is typical. Ninety-five percent of the new generation which is being constructed in this country for the immediate future is gas-fired generation. That is great. That is very good for my State because we produce a lot of gas in New Mexico. We can sell that gas, so we are very happy about it.

If you look at this chart, you get a little concerned because when you go from 2000 out to 2020, you can see that our dependence upon natural gas as a source for energy electricity generation grows and grows and grows. Whereas today we are 69 percent dependent upon coal and natural gas to generate electricity in this country, and by 2020 we are going to be 80 percent dependent upon those two fuels, unless we adopt the Bingaman amendment to try to add some diversity to the different sources of power upon which we can rely.

People might say: Why am I concerned about the fact that we are getting more and more and more dependent on natural gas? As I say, my State benefits a lot from that. The reason I am concerned is, No. 1, we are not producing as much natural gas as we are consuming, and we are not expected to in coming years. Accordingly, there is going to be a shortfall, and we are going to start either finding more expensive sources of oil somewhere or we are going to start importing more and more of our natural gas in the form of LNG from the Middle East and other places. So that as we are now dependent upon foreign sources of oil, then we will be dependent not only on foreign sources of oil but also foreign sources of natural gas in order to generate electricity in this country. So that concerns me.

The other reason is the price. The price of natural gas is low. Everybody is happy because their electric bills are low. But I can remember 18 months ago when the price of natural gas was $8 and $10 rather than the $2.50 or so that it is today.

We have provisions in this comprehensive energy bill that encourage more production of nuclear power. We have provisions that encourage the coal industry in this country by funding substantial additional research as to how we can use coal in an environmentally acceptable way. We have natural gas provisions that encourage more natural gas production. All of that I support. All of that is important for our future.

But as well as that, we need to also have provisions that encourage more use of renewables. That is what we have. We have this provision in here that tries to say to these utilities: Fine, do all these other things, but, at the same time, start paying serious attention to the need to develop renewable energy sources.

This is not a heavy lift. We are saying, in the year 2005, we think each utility in the country ought to produce 1 percent—1 percent—of the power they generate from renewable sources of one kind or another. And then we say, in the year 2006, it ought to be maybe 1.6 percent. So it goes up in a very modest way. And we have all sorts of flexibility so they can trade with others if they are having difficulty in meeting their requirement.

The truth is, a great many utilities will meet the requirements of this bill very soon. They will have no problem at all. The truth is, a lot of States have not even gotten the act together to do anything. They should have. This will prompt them to do something.

My State is one of those. We are listed as one of the top States in the country for wind energy as a resource because we have a lot of wind in New Mexico, particularly this time of year, in the spring. The reality is, though, we have no wind farms in New Mexico.
If this becomes law, we will have wind farms in New Mexico. Frankly, the power produced from those wind farms, in my view, will likely be cheaper than the power produced from some of these gas generating plants if the price of gas goes up. And I think it is likely to go over the next 10 to 15 years. All of these estimates about how much this is going to cost, and that it is going to cost these enormous amounts, all assume a very low price for gas. If you think the price of gas is going to stay below $3 per MCF, then you have no problem with using natural gas from now on.

I am concerned, though, when the price of natural gas goes to $5, goes to $6, goes to $8, where it was before. In those circumstances, people are going to be very glad they have some alternative sources for energy so they can moderate the increase they will see in their utility bills. That is what we are trying to do.

The potential for great environmental benefits from using renewable energy sources. We all know that. Also, I think it is just smart. We are having a lot of debates about Enron and pensions. We had a hearing this morning in the Health, Education and Retirement Committee. Everybody said: Everyone knows you ought to diversify your investments, you ought to diversify your portfolio, that you should not put all your eggs in one basket. That is common sense. When you are making investments. It is also common sense when you are looking for a portfolio of energy sources. It is common sense to say: Let us diversify so we are not too dependent upon any one source of power.

That is exactly what we are trying to do with this amendment. I think my underlying amendment is a good one. The Kyl amendment just takes the guts out of it. The Kyl amendment is very supportive. That is what I have said in my comments. This is classic. It says:

Each electric utility shall offer to retail consumers electricity produced from renewable sources, to the extent it is available.

I favor that. That is what they are doing today. They are offering it to the extent it is available. The Kyl amendment is just a prescription for the status quo. What we are saying is, let's make it available, and let's make it available in large quantities. There are a lot of Americans who would like to buy more power from renewable sources. Let's make it available. That is what our renewable portfolio standard tries to do. The Kyl amendment would undo that.

For that reason, I oppose it strongly and urge my colleagues to oppose it.

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. BINGAMAN. Mr. President, until we can get a better read from the leadership as to whether they have additional business to transact, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. BINGAMAN. 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. BINGAMAN. Mr. President, I yield back the remainder of my time on the Kyl amendment.

The PRESIDING OFFICER. All time is yielded back.

MORNING BUSINESS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senators be allowed to speak as in morning business.

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

Mr. BINGAMAN. I have the hour is late, but I want to take just a couple of additional minutes to talk about the additional amendments that passed today. I very much appreciate the indulgence of the Presiding Officer and the Senator from Oregon.

The remarks of Mr. WYDEN pertaining to the introduction of S. 2037 are printed in today's Record under "Statements on Introduced Bills and Joint Resolutions."

CAMPAIGN FINANCE REFORM

Mr. WYDEN. Mr. President, I know the hour is late, but I want to take just a couple of additional minutes to talk about the campaign finance legislation that passed today. I very much appreciate the indulgence of the Presiding Officer in giving me these additional minutes. I want to use to discuss the landmark bill that passed today.

First, as so many colleagues, I salute Senators McCaIN and FeINGold. They are a model of what it takes to get a tough proposal through the Congress. They simply would not take no, literally. From the time I came to the Senate, both of them double-teamed me and made it clear they were going to stay at it until I had come around to the value of supporting their legislation. In fact, I went on record in support of the legislation as soon as I came to the Senate, and I wanted to talk to them about some additional ways to strengthen the bill.

One of those additional proposals has become a part of the legislation that passed the Senate today. I want to touch on it briefly.

I offered this proposal with my friend and colleague, Senator Susan Collins of Maine. It is called the stand-by-your-ad proposition. It is a significant step forward in promoting accountability in the political process. It will provide a meaningful step to slow the corrosion of the political process and essentially the corrosion that springs from a lack of Federal responsibility when Federal candidates take to the airwaves to win elections but do not want to be held accountable.

The stand-by-your-ad proposal that was included in the legislation we voted on today is straightforward. It says: When a candidate who is going to own up to it, not just edit together a bunch of shadowy pictures to cover up the fact he or she is the one making the statement.

What this means is that if you want to get the discount with respect to your campaign, you are not going to be able to hide anymore behind those grainy pictures and bloodcurdling music. You are not going to be able to paint your opponent as somebody who lost his or her voice. You are not going to be able to paint your opponent as somebody who is going to be a dastardly act impugned to them. You cleaned up and has had every possible effort to score points at your opponent's expense. We are saying that to get those subsidies, to get those discounts, you have to stand by your ad. A candidate who is going to say something negative about an opponent has to own up to it, not just edit together a bunch of shadowy pictures to cover up the fact he or she is the one making the statement.

As the Chair knows, we are all campaign veterans in this body and know a little bit about how in a campaign the sucker punches happen. They are not made on the stump while the candidate stands there with the band and bunting all around. They are made on TV; they are made on radio when the announcer's voice comes on in the most sinister way and shadowy pictures appear say anything you want, however far-fetched and however extreme. As long as it is allowed under Federal law, they can still say it. To get the discount, if they are going to attack their opponent—of course, that is almost invariably what happens when you mention an opponent in an ad—they have to stand by that ad and personally be held accountable.

If a candidate chooses not to stand by a reference to an opponent, they will buy their ad time at a rate comparable to that charged a commercial user at the station.

Take Nebraska, Oregon, or any part of the country. What happens now, in effect, is the local car dealer or restaurant or other private sector firm offers more money to various stations because there are subsidies that are given for political campaigns. We are saying that to get those subsidies, to get those discounts, you have to stand by your ad. A candidate who is going to say something negative about an opponent has to own up to it, not just edit together a bunch of shadowy pictures to cover up the fact he or she is the one making the statement.

As the Chair knows, we are all campaign veterans in this body and know a little bit about how in a campaign the sucker punches happen. They are not made on the stump while the candidate stands there with the band and bunting all around. They are made on TV; they are made on radio when the announcer's voice comes on in the most sinister way and shadowy pictures appear saying a vote for your opponent is pretty much a vote to end Western civilization. That is what happens in a campaign. You have again and again por-
the accusing candidate’s face and voice are nowhere to be found, and it is easy for folks to forget—conveniently to forget—who is doing the attacking.

I bring a special awareness to this issue because in the Senate special election in Maine, with whom I work on a great many issues. Senator S. Collins and I began to publish a bipartisan agenda at the start of each Congress, meeting me more than halfway as a colleague and friend in the Senate, he and I were in a campaign that was completely and totally balanced. Oregonians simply did not want to vote. They got to the point where they said: The stench in this debate on both sides is so great, we are turned off the political process altogether.

I made the judgment in that race that I was going to take all the ads off the air about Senator S. Smith. I said: This is not what I went into public service for—to attack somebody else. The reason I got involved with the Gray Panthers—and I was codirector of the senior citizens group for 7 years before I was elected to the House—is because I was interested in ideas, the best ideas. I did not care if they were Democratic or Republican ideas. Oregon on a bipartisan basis came up with some tough, home health care and a variety of other ways to serve senior citizens.

I looked at what was happening in the Senate special election and said: This is contrary to everything I have stood for since my days with the Gray Panthers and contrary to all the reasons for which I went into public service. I went into public service to offer ideas and creative suggestions for making my State and my country a better place, and all of a sudden in that Senate special election, I was not recognizing what was being said in my name because all of it was just the opposite of positive. It was just attack, attack, attack.

My Senator S. Smith, to his credit, shares my view that our campaigns are financed and run in a way that reason-able ideas can help clean up this process, reasonable ideas can help drain the swamp that has become the way political campaigns are financed and run in much of this country. I believe in standing-by-your-ad proposal, which holds candidates accountable, and which I was honored to have a chance to work with Senator Collins of Maine, is going to help clean up campaigns. It is going to help make candidates more accountable and make the politics and political discourse in this country more positive and more open.

I yield the floor.

LEAVE OF ABSENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that I be excused from presence in the Senate starting at 5:30 tomorrow evening until the Senate reconvenes.

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

46TH ANNIVERSARY OF TUNISIA INDEPENDENCE

Mr. INOUYE. Mr. President, I wish to recognize the country of Tunisia, which is celebrating the 46th anniversary of its independence from France. I appreciate Tunisia's economic achievements. Tunisia's Gross Domestic Product has increased an average of 5.5 percent in the past 4 years, and inflation is slowing. The government has worked to increase privatization, and its prudent approach toward debt is commendable. The United States in 2000 exported approximately $350 million in goods to Tunisia, and I believe our diplomatic ties will strengthen as our trading activities increase. Stability in the Middle East is of paramount importance to both our countries, and I thank Tunisia for its past efforts to work toward peace.

Tunisia’s policies toward women’s rights and non-Muslims’ religious freedom are exemplary in the Arab world, and I hope the nation’s leaders will continue to work toward promoting greater political freedom and respect for human rights throughout the region.

Mr. FEINGOLD. Mr. President, yesterday I joined as an original cosponsor of legislation introduced by my Mid-western colleague, the Senator from Ohio, Mr. Voinovich. This legislation is similar to legislation introduced by the Senator from Ohio and the Senator from Indiana, Mr. Bahr, in the previous Congress. I am pleased to be working with the Senator from Ohio on this very important issue. I know that he, as a former Governor, is intimately aware of the concerns that the growing trash trade poses for the States that we represent.

In the Midwest, especially those of us fortunate enough to be from the Great Lakes States, enjoy a very high quality of life, beautiful scenery, small, neighborly towns, and spectacular natural resources. We hold it as a particular point of pride, and I hope the nation’s leaders will continue to work toward promoting greater political freedom and respect for human rights throughout the region.

More than 200 years ago, the United States and Tunisia signed a Treaty of Peace and Friendship, and I look forward to many more years of cooperation between our nations.

Mr. ALLEN. Mr. President, I rise today to commemorate the forty-sixth anniversary of Tunisian Independence from France.

The Republic of Tunisia is a great ally of the United States. Since her independence, Tunisia has become a model for economic development. The Tunisian economy has been opened up to the outside world, and in 1995, Tunisia became the first country south of the Mediterranean to sign a free-trade agreement with the European Union.

Tunisian President Ben Ali has been instrumental in improving a stable and effective constitutional government, protecting democracy and increasing political participation by all citizens. The Republic of Tunisia also has a commendable record on human rights and protecting all citizens. In addition, Tunisia has actively contributed to the search for a lasting peace in the Middle East, offering unwavering support to the Middle East peace process.

While Tunisia has become a great contributor to the world both economically and culturally, as Americans, we must also remember the tremendous role Tunisia played during World War II as part of the Allied Force and the support Tunisia offered the United States during the Cold War. For this, we will always be grateful.

The United States was the first country to recognize Tunisia’s independence in 1956, and it is only fitting that we take the time to reflect on Tunisia’s contributions to the world. I congratulate the Republic of Tunisia and its citizens, and I urge my colleagues to do the same.

MUNICIPAL SOLID WASTE INTER-STATE TRANSPORTATION AND LOCAL AUTHORITY ACT OF 2002

Mr. STEVENS. Mr. President, yesterday I joined as an original cosponsor of legislation introduced by my Mid-western colleague, the Senator from Ohio, Mr. Voinovich. This legislation is similar to legislation introduced by the Senator from Ohio and the Senator from Indiana, Mr. Bahr, in the previous Congress. I am pleased to be working with the Senator from Ohio on this very important issue. I know that he, as a former Governor, is intimately aware of the concerns that the growing trash trade poses for the States that we represent.

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control the flow of waste into State-licensed landfills from out-of-State sources. This legislation would give States the tools to do just that. It gives States the power to freeze solid waste imports at the 1993 levels, and to charge a fee on out-of-State trash. States that did not accept out-of-State waste in 1993 would be presumed to prohibit receipt of out-of-State waste until the affected unit of local government approves it. Facilities that already have a host community agreement or permit that accepts out-of-State waste would remain exempt from the ban. States would also be allowed to set a statewide percentage limit on the amount of waste that new or expanding facilities could accept. The limit cannot be lower than 20 percent. Finally, States, under this bill, are also given the ability to deny the creation of either new facilities or the expansion of existing in-State facilities, if it is determined that there is no need for the new capacity.

My home State has tried to address this issue repeatedly on its own, without success. On January 25, 1999, a Federal appeals court struck down a 1997 Wisconsin law that prohibits landfills from importing garbage from out-of-State communities that don’t recycle in compliance with Wisconsin’s law. Wisconsin’s law bans 15 different recyclables from State landfills. Under the law, communities using Wisconsin landfills for recycling must have a recycling program similar to those required of Wisconsin communities under Wisconsin law, regardless of the law in their home State. About 27 Illinois towns rely on southern Wisconsin landfills. Since the law took effect, waste haulers serving those communities have had to find alternative landfills for their clients, incurring higher transportation costs in the process. Illinois-based Waste Management Inc. and the 1,300-member National Union of Salaries, Teamsters, and Truck Drivers, the largest of the entities that challenged Wisconsin’s law.

By recycling, Wisconsin residents have reduced the amount of municipal waste heading to landfills. Since the State’s previous out-of-State waste law was struck down by the appeals court in 1995, the amount of non-Wisconsin waste in Wisconsin landfills has tripled. When the law was in effect, 7.7 percent of the municipal waste in Wisconsin came from out of State. That has risen to more than 22.9 percent since the law was struck down. Though this legislation will not afford Wisconsin the ability to block garbage containing recyclables from our landfills, it will at least give my State the ability to address the overall volume of waste entering our State.

In 1995, I supported flow control legislation sponsored by the Senator from New Hampshire, Mr. Smith, and drawn substantially from the work of his former Senator from Indiana, Mr. Coats. I have been very concerned that the Senate, which passed that bill by a significant majority vote of 94–6, has not taken up legislation to address this issue since that time. The issue of interstate waste control affects my home State and more than 20 other States. For years, States have been faced with the challenge of ensuring safe, responsible management of out-of-State waste, and States for State control is even more acute today than it was in 1995. Congress is the only body that can give the States the relief that they need from being overwhelmed by a tidal wave of trash. We need to take action on this matter, and this legislation is a good first step. I urge my colleagues to consider lending this bill their support.

WE WERE SOLDIERS ONCE

Mr. CLELAND. Mr. President, as terrorists attacked our shores and bombarded our sense of security on September 11, 2001, Americans, and indeed people everywhere, wondered aloud how the United States would respond. They didn’t have to wait long for an answer. Americans rose to the occasion by donating blood, by volunteering for relief efforts, and by enlisting in America’s armed forces. But such is the American spirit, and the American way of life. When duty calls, Americans are ready to answer.

With the military action in Afghanistan and the many theaters of the war on terrorism backing up, I would like to ask the Senate’s permission to ask the Administration to begin the process of putting together a movie, “We Were Soldiers,” which would chronicle one of the first major battles of the Vietnam War, and convey the leadership and heroism of the units that served in the Battle of the Ia Drang Valley. Lt. Colonel Harold Moore led a battalion of First Cavalry soldiers into battle, displaying a sense of leadership that fostered comradery but at the same time illustrated the great stakes for which they were fighting. During my own service in Vietnam as a member of the Army’s First Cavalry, I felt the same bond with the men around me, and I am pleased that this film was able to capture that bond so well.

The Vietnam War, unlike any other conflict beyond America’s borders, was a war that polarized public opinion. It was a struggle that took place far from home that, to many people, had little impact on day-to-day life in the United States. But this movie succeeds in putting human faces on the countless lives that were lost. As President John F. Kennedy said, “A man does what he must—in spite of personal consequences, in spite of obstacles and dangers and pressures—and that is the basis of all human morality.” The men of Ia Drang certainly paid the ultimate price in protecting our freedom, and this movie ensures that their story will not fade with time. But “We Were Soldiers” does more than simply tell a story from our history book; it reminds us all that it is our mothers and fathers, sisters and brothers, friends and neighbors who serve in America’s armed forces. The men and women who protect our values every day are deserving of their places in our thoughts and prayers, and we are forever grateful.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator Kennedy in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society. I would like to describe a terrible crime that occurred June 26, 1992 in St. George, Utah, where two gay men, who had been targets of gay and anti-gay slurs held a gay man and beat him. One of the assailants, Seth Melendez, 21, of New Brighton, was charged in connection with the incident.

I believe that government’s first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

GREEK INDEPENDENCE DAY

Mr. SARBAZE. Mr. President, I rise today in observance of the 182nd anniversary of Greece’s independence and to pay tribute to the heroic Greek patriots who, against tremendous odds, ended nearly 4 centuries of oppressive foreign domination of their homeland. Theirs was a struggle for eight years, until 1829, when independence was secured and the first steps were taken toward the establishment of the modern Greek state. Just as the
founders of the new American nation looked to ancient Greece for inspiration and instruction, barely a generation later, Greek patriots took inspiration from the American Revolution, seeing in its success a promise of their own future. The reigning monarchies of Europe were universally skeptical of the uprising in Greece, but in the newly independent United States, it won overwhelming sympathy.

For nearly 200 years, the American and Greek people have shared a profound commitment to democratic principles, and both have worked to create societies built on these values. In the two World Wars that devastated the last century, Greece fought heroically in the allied struggles for freedom and democracy. Similarly, during the cold war, Greece was a bulwark against totalitarian aggression and emerged as a democratic nation with a vigorous economy, a strong partner of the United States, and a full member of both the European Union.

This progress is manifested by the fact that Greece will host the 2004 Olympic Games. Likewise, Greece’s presence in the Balkan and Eastern Mediterranean, as the only member of the European Union in those regions, enables it to play a stabilizing role and serve as a model for other nations in that area as they seek to establish stable democratic institutions and modern economic systems.

The U.S.-Greece partnership has also been strengthened many times over by the distinctive contributions which Greek Americans have made to every aspect of life in our nation—in the arts, in business, in science, and in scholarship. As Greek Americans have made this remarkable progress, they have also preserved important traditional values of hard work, education, and commitment to family and church—principles that strengthen and invigorate our communities.

Greek Independence Day therefore provides us with an appropriate moment to reflect on the many ways in which the past and the future are knitted together. As we recall the long ago events of March 25, 1821, we are mindful of the courage and sacrifice of those who worked and struggled to build the democratic institutions that are the guarantors of freedoms for not only the Greek, but for peoples throughout the world. We both rejoice in and revere these contributions, and we take this occasion to commit ourselves once again to preserving and strengthening them for generations yet to come.

COMMENDING THE GIRL SCOUTS ON THEIR 90TH ANNIVERSARY

Mr. FITZGERALD. Mr. President, I would like to take a moment to commend the Girl Scouts on their 90th anniversary, which was celebrated last week. And it is with the passage of a resolution designating the week of March 10 through March 16, 2002, as “National Girl Scout Week.” In less than a century, the Girl Scouts have gone from a group of 18 girls in Savannah, GA, to a worldwide organization with a current membership of over 3 million. In Illinois alone, there are 19 chapters across the state working to keep alive Juliette Gordon Low’s mission of inspiring girls to reach their highest potential.

Today, the Girl Scouts are helping girls develop the skills and interests they need to be happy and productive citizens in the 21st Century. Through their many programs for girls aged 5 to 17, the Girl Scouts encourage community service, a clean environment, a healthy and active lifestyle, and an interest in world affairs. I would also like to recognize the work of over 900,000 volunteers who generously give their time and efforts to make the Girl Scouts a celebrated success.

I urge all of my colleagues to join me in congratulating the Girl Scouts and the millions of girls who have put so much hard work into their scouting.

Mrs. LINCOLN. Mr. President, today I would like to pay tribute to an organization that, over the last 90 years, has helped millions of girls build the character and skills needed for success as adults.

The Girl Scouts of the U.S.A. is celebrating its 90th anniversary this month. From its modest founding by Juliette Gordon Low, who brought 18 girls from Savannah, Georgia, together in March 1912 to focus on physical, mental and spiritual development, Girl Scouts has grown to a membership of 3.8 million. That makes it the largest organization for girls in the world.

Through Girl Scouting, girls acquire self-confidence, learn responsibility, and develop the ability to think creatively and critically. It offers girls opportunities to learn about science and technology, money management and finance, sports, health and fitness, the arts, global awareness, community service, and much, much more.

On top of that, Girl Scouts of the U.S.A. has established a research institute that, over the last 100 years, has helped millions of girls develop into healthy, resourceful women.

Girl Scouts of the U.S.A. has a long and distinguished history of helping girls develop into healthy, resourceful women with a strong sense of citizenship. More than 50 million women are Girl Scout alumnae. Over two-thirds of our female doctors, lawyers, educators, and community leaders were once Girl Scouts. With a track record like that, there is no doubt that Girl Scouts of the U.S.A. has a role for American girls for many years to come. I look forward to standing here again in 2012 to salute the Girl Scouts on their centennial.

IN RECOGNITION OF THE OPENING OF THE CONSULATE OF UKRAINE IN MICHIGAN

Mr. LEVIN. Mr. President, I rise today to pay tribute to an important event that will be occurring in my home State of Michigan this weekend. On Saturday, hundreds of individuals will gather to celebrate the opening of the Consulate of Ukraine in Michigan.

This consulate will be located at the Ukrainian Cultural Center in Warren, MI.

For a millennium, the Ukrainian people have successfully fought to maintain and preserve their unique culture, language, religion and identity. Such resiliency and perseverance stands as an inspiration for free people everywhere, and bears witness to the depth, character and vibrancy of Ukrainian culture.

During the course of the last one hundred years, Michigan has become home to a vibrant Ukrainian community that currently numbers over 200,000 people, the vast majority of whom reside in the Detroit metro area. Many of the Ukrainians who moved to Michigan came here in search of freedom and the opportunities provided by our nation. The Ukrainian people who came to the United States left behind the horrors of Czarist Russia, the families of 1932 and 1933. Nazi encroachment and Communist rule, but they did not leave behind their love for the nation and the culture they left behind.

These immigrants played a vital role in the development of Detroit and our nation. Ukrainian-Americans worked in the plants and mills that made Detroit the Arsenal of Democracy. While some Ukrainians served the cause of freedom at home, others have fought bravely in our nation’s military to preserve our freedom. Ukrainian-Americans have contributed to the prosperity of this nation, while maintaining ties to their culture and heritage.

The Consulate of Ukraine in Michigan will enhance and expand the ties which unite the United States and Ukraine. It will serve the people of Michigan, and will lead to increased social, cultural and economic interaction between the two nations.

Many people worked hard to make this Consulate a reality. In particular, I would like to thank Borys Potapenko and Bohdan Fedorak for their efforts to make the opening of this Consulate possible. I am sure that my Senate colleagues will join me in celebrating the opening of the Ukrainian Consulate in Michigan.

ADDITIONAL STATEMENTS

IN RECOGNITION OF THE OPENING OF THE CONSULATE OF CAMBODIA

Mr. McCONNELL. Mr. President, March 30 marks the fifth anniversary of the horrific terrorist attack against the Khmer Nation Party (KNP) in Phnom Penh, Cambodia.
Nineteen people were killed, and 141 injured, when four grenades were thrown during a legal and peaceful rally organized by opposition leader Sam Rainsy to protest the lack of justice and the rule of law in Cambodia. Among the injuries were American democracy supporters Ron Abney and Sam Rainsy's message was right on the mark. There was no justice in Cambodia then, and there is none today.

On this tragic anniversary, the United States and other freedom-loving countries should condemn the corrupt and ineffective Royal Government of Cambodia (RGC) for failing to protect its citizens and to investigate and bring to justice the perpetrators of this terrorist crime.

Unlike hard line Prime Minister Hun Sen and certain diplomats in Phnom Penh, this Senator has not forgotten those murdered and injured by terrorists on March 30, 1997. This Senator vividly recalls the desecration by Cambodian Buddhists of the Buddhist stupa erected by the opposition party in the memory of those senselessly killed. And this Senator is left wondering why the RGC expended more time and effort destroying the stupa than investigating the crime itself.

I ask that the U.S. Senate honor the memory of those slain in the terrorist attack by having the names of the victims publicly known appear in the Record following my remarks. The victims and their families remain in my thoughts and prayers:

- Mr. Cheth Duong Darvathy;
- Mr. Han Mony;
- Mr. Sam Sarin;
- Ms. Yong Sok Neuv;
- Ms. Yong Srey;
- Ms. Yos Siem;
- Ms. Chanty Pheakdey;
- Mr. Nam Thy.

ST. JUDE'S COUNCIL OF THE KNIGHTS OF COLUMBUS IN BLACKWOOD, NJ

- Mr. CORZINE. Mr. President, I would like to bring to your attention the good and charitable works of the Knights of Columbus St. Jude's Council Number 12092 in Blackwood, N.J.

Pounded in February of 1982 by Father Michael J. McGivney, the Knights of Columbus, the strong right arm of the Church, has grown to become the largest society of Catholic men in the world. More than 1.6 million men in 12,000 local councils (the United States, Canada, Mexico, the Philippines, Cuba, Panama, the Dominican Republic, Guam, Spain, and the Virgin Islands belong to this lay organization in the Catholic Church.

Knights of Columbus are Catholic men committed to patriotism, charity, and unity. And St. Jude's Council Number 12092 in Blackwood, NJ is no exception to this rule. Following the devastating events of September 11, St. Jude's Council immediately mobilized their resources to assist the victims' families. Whether it was holding a blood drive or a fund-raising concert, St. Jude's Council was there offering a helping hand to the many family members who lost loved ones.

To affirm that our Nation stands united, the Knights distributed 1,000 posters of the American flag to the citizens of Blackwood to display in a show of support for our Nation and our serving military women. The St. Jude's Council has also hung ten large American flags throughout the town, a moving tribute for all who drive through the town to see. At another community event planned to honor the victims of the World Trade Center, Karl Wirtz, a member of St. Jude's Council, lovingly created a replica of the New York City Firefighters raising the American flag at Ground Zero.

But these acts of kindness and solidarity are nothing new to St. Jude's Council, as volunteer service and charitable contributions are the hallmarks of the Knights of Columbus. It was on these bedrock principles that the Order was founded over a century ago and St. Jude's Council remains true to these principles today. Always active in their community, the Knights have held a fund-raiser for a seriously ill boy, offer a CPR course for local citizens, and assist the police department in getting anti-drug/alcohol messages through the DARE Program. The Knights also provide religious education and activities for the young people in the community.

What is all the more remarkable is that in these hectic times, all of these charitable acts have been performed in addition to the responsibilities of family and career.

It is my pleasure to commend the Knights of Columbus St. Jude's Chapter for all of the good deeds they have done and continue to do for the State of New Jersey. Congratulations to St. Jude's Council Number 12092 may you continue to be, In Service to One. In Service to All.

Mr. BUNNING. Mr. President, I rise today to honor Elise Toller of Nicholsville, Kentucky for her most recent accomplishment in the field of education. Elise, who attends East Jessamine Middle School, was recently named a United States National Award winner in English by the United States Achievement Academy (USAA).

The USAA, which was founded to recognize the outstanding students in America's colleges and secondary schools, received nearly 19,000 nominations from junior and senior high schools across America in 2000–2001. The USAA selects its winners based upon the recommendation of teachers, coaches, counselors, and other qualified sponsors and upon the Standards of Selection established by the Academy. The criteria includes a student's academic achievements (the average GPA of all USAA members is 3.8), interest and aptitude, leadership qualities, level of responsibility, enthusiasm, motivation to learn, ability to set and achieve goals, citizenship, attitude, cooperative spirit, dependability, and recommendation from a teacher or director.

Elise should be extremely honored and proud to receive such an honorable distinction from such a highly respected source. This award speaks not only to her ability to learn and apply her acquired knowledge but also to her ability to lead by positive example both in and outside of the classroom. Ms. Elise Toller, you have truly proven the statement of "The most important thing about education is appetite." Elise has proven without a doubt to her peers, teachers, and now the nation that she in fact possesses this "appetite" to learn and constantly improve upon her self-being. I applaud Elise's efforts and urge her to continue to reach for the stars. I will be very interested to see how far her reach will extend.

TRIBUTE TO CHRISTOS NICKOLAS KALIVAS

- Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Christos Nickolas Kalivas, the first Greek American from Manchester, NH to be killed in action during World War I. He is being honored at the re-indication ceremony of Kalivas Park in Manchester on March 23, 2002. The city has completed extensive renovations and upgrading of the park in anticipation of the event.

Christos was born on September 24, 1885 in the village of Vithos in Kozanis, Macedonia, Greece. In 1908, he left his wife, Vasilike, and daughter, Gikleria, to immigrate to the United States in search of a better life. He hoped to eventually raise enough money to bring his family to the U.S. as well. Unfortunately, the difficult economic conditions of World War I made this goal impossible and he was forced to live with relatives in Manchester and work as a laborer for ten years.

In May of 1918, he entered the United States Army. Just two months later, on July 6, he went overseas as a member of Company C, 16th infantry, 1st division. He was killed in action during the October 1918 Meuse-Argonne offensive in France, one month before the war ended. Tragically, he had never reunited with his family.

Christos represented the citizens of New Hampshire and the United States with courage and bravery. I commend the contribution he made in our Nation in a time of despair. It is truly an honor and a privilege to represent him in the U.S. Senate.

NATIONAL AGRICULTURE WEEK

- Mr. GRASSLEY. Mr. President, Secretary of Agriculture Veneman has proclaimed this to be "National Agriculture Week." In this spirit, I rise today to recognize the countless and immeasurable contributions of hard-
fewer hands may be needed on the farmplace, new opportunities exist in food production and value-added agriculture to keep future generations of Iowans productive contributors in the food chain.

In conclusion, farming has come a long way over the last 100 years. This horse-drawn plow has turned into a tractor-drawn, fully-computerized farm implement. In the next 100 years, farmers will again serve as pioneers in newly-tilled fields of emerging technologies.

The world’s food producers will not only feed the world but expand their traditional contribution to humanity as advances in agricultural sciences allow raw food to carry health, disease-resistant benefits for consumers.

Whatever the future may hold, I will keep my nose to the grindstone in Washington to help Iowa’s century farms and farm families enjoy another 100 years of prosperity.

IN RECOGNITION OF BEATRICE CORBIN

Mr. TORRICELLI. Mr. President, I rise today to recognize the distinguished career of one of my constituents, Mrs. Beatrice Corbin of Vineland, New Jersey. She truly exemplifies a life, selflessly dedicated to service, and she is held in the highest regard by the members of her community. As evidence of Mrs. Corbin’s widespread admiration and appreciation, she has been honored with the Alzada Clark Community Activism Award by the Coalition of Black Trade Unionists in New Jersey. This award is a magnificent recognition of an individual who has tirelessly given of herself throughout her career, and it is my privilege to acknowledge her today in the United States Senate.

In her capacity as Commissioner of the Vineland Housing Authority, she has brought hope to an entire community through her leadership and dedication. Indeed, her career is marked by an unyielding commitment to young people and uplifting those living in poverty as she has served as an advisor to the Martin Luther King Academy for Youth and Field Director for the Southwest Citizens Organization for Poverty Elimination.

Her outstanding record of service is also distinguished by a long list of prestigious awards including the Harriet Tubman Award, the Liberty Bell Award, the National Political Congress of Black Women Award, the NAACP and Bridgeton African American Award and an induction into the Cumberland County Black Hall of Fame.

Mrs. Corbin has met every challenge, every task and every duty with unwavering spirit and drive, a commitment to the people she serves. I am proud to recognize her today as one of New Jersey’s Best.
TRIBUTE TO LEAMON HOOD

Mr. TORRICELLI. Mr. President, I rise today to pay tribute to Leamon Hood, who will soon receive the Nelson "Jack" Hood Award for his commitment to the labor community, and his political and social activism.

Leamon was born in 1937 in Jackson, Georgia, a small town outside of Atlanta. The fifth of seven children to former sharecroppers, Leamon lived there for the first 15 years of his life, before moving to Atlanta after the death of his mother. In his senior year in high school, Leamon dropped out to join the United States Navy, where he subsequently earned his G.E.D. and was trained as a Certified Air Mechanic. It was after he left the Navy in 1960 that Mr. Hood first experienced the sting of job discrimination, when racist hiring practices prevented him from getting employment as a civilian aircraft mechanic. As a result, Leamon went to work as a janitor in a paint manufacturing company. However, he again was confronted with discrimination when in 1962 he was fired from his job as a janitor after refusing to join the local Southern Airways Union, which at the time contractually restricted blacks to jobs in the service department. Ultimately, Leamon became a school custodian in Atlanta and helped organize the Classified School employees into AFSCME. Yet even though he helped to organize his peers into AFSCME, Leamon himself refused to join again as a result of the persistent segregation and discrimination he found in the union.

That finally changed in 1964, when the new President of AFSCME, Jerry Wurf, removed all official racial barriers of segregation and discrimination. Leamon joined the union, and became one of its active members, at one point even seeking to become President of his local. Though he lost that bid, Leamon remained active and in 1967 he became one of the charter members in the Union's Staff Intern Program, which trained members to organize.

Since 1970 Leamon has served as an organizer throughout the country, including stints as an Area Director in Michigan, Tennessee, Florida, Georgia, and several other states. In 1999 he was appointed a Regional Director responsible for Delaware, Pennsylvania, and New Jersey, where he currently serves. It is my firm belief that Leamon will continue this fine tradition of service in the years to come, and will remain a tireless advocate on behalf of those in the labor community. I congratulate him on receiving the Nelson "Jack" Hood Award, and consider it a privilege to honor him today on the Senate floor.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the presiding officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(Messengers submitted today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:04 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 706. An act to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico, to the Committee on Energy and Natural Resources.

H.R. 1712. An act to authorize the Secretary of the Interior to make minor adjustments of the islands of Ofu and Olosega within the park, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2509. An act to authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents at the request of foreign governments on a reimbursable basis; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3288. An act to assist in the preservation of archaeological, paleontological, geological, and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake City, Utah; to the Committee on Energy and Natural Resources.

MESSAGES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3804. An act to designate the United States courthouse located at 95 Seventh Street in San Francisco, California, as the "James R. Browning United States Courthouse."

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 29, 2002, she had presented to the President of the United States the following enrolled bill:


EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5829. A communication from the Secretary of Defense and the Secretary of Veterans' Affairs, transmitting jointly, pursuant to law, the Report on Health Care Resources Sharing for Fiscal Year 2001; to the Committee on Veterans' Affairs.

EC–5830. A communication from the Acting Associate Deputy Administrator, Management and Administration, Small Business Administration, transmitting, pursuant to
Telecommunications and Information Administration, Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the position of Assistant Secretary for Communications and Information, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–589. A communication from the Director, Office of White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the position of Under Secretary for Economic Affairs, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5899. A communication from the Director, Office of White House Liaison, Technology Administration, Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the position of Assistant Secretary for Technology Policy, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–581. A communication from the Senior Attorney, Financial Management Service, Treasury, transmitting, pursuant to law, the report of a rule entitled “Payment of Federal Taxes and the Treasury Tax and Loan Program” (RIN510–AA79) received on March 15, 2002; to the Committee on Finance.

EC–582. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Payment of Duties on Certain Confidential Financial Disclosure Report Filers” (RIN3209–AA00) received on March 18, 2002; to the Committee on Finance.

EC–583. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medicare and Medicaid Programs; Fraud and Abuse; Revisions and Technical Corrections” (RIN0991–AB09) received on March 18, 2002; to the Committee on Finance.

EC–584. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medicaid Program; Modifications of the Medicaid Upper Payment Limit for Non-State Government-Owned or Operated Hospitals: Delay of Effective Date of a Final Rule” (RIN0958–AL05) received on March 18, 2002; to the Committee on Finance.

EC–585. A communication from the Director, Office of White House Liaison, International Trade Administration, Import Administration, Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the position of Assistant Secretary for Communications and Information, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SARRANES for the Committee on Banking, Housing, and Urban Affairs.

*JoAnn Johnson, of Iowa, to be a Member of the National Credit Union Administration Board for a term expiring August 2, 2007.
*Deborah M. Matz, of New York, to be a Member of the National Credit Union Administration Board for a term expiring August 2, 2005. By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Lt. Gen. Leslie F. Kener
Air Force nomination of Maj. Gen. William B. Lowther, III.
Army nomination of Colonel Kevin T. Ryan.
Army nominations beginning Brigadier General Jeffrey L. Gidley and ending Colonel Timothy J. Wright, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2002.
Navy nomination of Rear Adm. (h) Stephen S. Israel.
Navy nomination of Rear Adm. Michael F. Lohr.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination list, which were printed in the RECORDS on the dates indicated, and ask unanimous consent to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning Timothy S. Claseman and ending Douglas C. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2002.

Air Force nominations beginning Richard E. Bachmann, Jr. and ending Donald R. Yerkes, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2002.

Army nominations beginning Dewitt T Bell, Jr. and ending Jon M Wright, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2002.

Army nominations beginning Bobbie A. Brouillette.

Air Force nominations beginning Michelle D. Adams and ending Carol L. Westfall, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2002.

Air Force nominations beginning Robert K. Abernathy and ending Anthony J. Zucco, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2002.

Army nomination of Donald E. Ebert.
Army nomination of Clifford D. Prisen.
Army nomination of Gregory A. Brouillette.
INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JEFFORDS (for himself, Mrs. CLINTON, and Ms. SNOWE):
S. 2335, A bill to provide for the establishment of health plan purchasing alliances; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRAHAM (for himself and Mr. NELSON of Florida):
S. 2306, A bill to authorize the appointment of Security Act judges for the middle and southern districts of Florida, and for other purposes; to the Committee on the Judiciary.

By Mr. YDEN (for himself and Mr. ALLEN):
S. 2337, A bill to mobilize technology and science experts to respond quickly to the threats posed by terrorist attacks and other emergencies, by providing for the establishment of a national emergency technology guard, a technology reliability advisory panel, and steps to evaluate and improve antiterrorism and disaster response technology within the National Institute of Standards and Technology; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON (for herself, Mr. KERRY, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. BOXER, Mr. CORZINE, Ms. STABENOW, and Mr. SCHUMER):
S. 2308, A bill to provide for homeland security block grants; to the Committee on Environment and Public Works.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. DASCHLE, Mr. LEAHY, Mr. SCHUMER, Mr. NELSON of Nebraska, and Mr. BIDEN):
S. 2309, A bill to expand aviation capacity in the Chicago area; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. JOHNSON (for himself and Mr. DASCHLE):
S. Res. 228. A resolution honoring the service of Fleet Admiral of the United States Admirals Joseph William L. Fullerton and ending William P. Walker, which nominations were received by the Senate and appeared in the Congressional Record on March 28, 2002.

By Mr. COLLINS, Ms. LANDRIEU, Mrs. LINDSEY, Mrs. MURRAY, Mr. CORZINE, Ms. SNOWE, Ms. COLLINS, Ms. LANDRIEU, Mrs. LINCOLN, Ms. CANTWELL, Mrs. CARNANAH, Mrs. CLINTON, and Ms. STABENOW:
S. Res. 228. A resolution condemning the involvement of women in suicide bombings; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself, Ms. MUKULSKY, Mrs. FEINSTEIN, Mrs. MURRAY, Mrs. HUTCHINSON, Ms. SNOWE, Ms. COLLINS, Ms. LANDRIEU, Mrs. LINCOLN, Ms. CANTWELL, Mrs. CARNANAH, Mrs. CLINTON, and Ms. STABENOW):
S. Res. 229. A resolution condemning the involvement of women in suicide bombings; considered and agreed to.

ADDITIONAL COSPONSORS

At the request of Mrs. FEINSTEIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1211, a bill to reauthorize and improve the safety and fairness of service under the medicare program, and for other purposes.

S. 508

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 508, a bill to authorize the President to promote posthumously the late Raymond Ames Spruance to the grade of Fleet Admiral, United States Navy, and for other purposes.

S. 548

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 548, a bill to amend title XVIII of the Social Security Act to enhance reimbursement for, and expanded capacity to mammography services under the medicare program, and for other purposes.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1022

At the request of Mr. WARNER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1211

At the request of Ms. CANTWELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1211, a bill to reauthorize and improve the safety and fairness of service under the medicare program, and for other purposes.

S. 1289

At the request of Mr. ALLARD, the name of the Senator from Georgia (Mr. COBB) was added as a cosponsor of S. 1289, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 192

At the request of Mr. HUTCHINSON, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 192, a bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

S. 1945

At the request of Mr. JOHNSON, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1945, a bill to establish the United States Department of Housing and Urban Development, and for other purposes.
the Federal deposit insurance system, and for other purposes.

S. 192

At the request of Mrs. Murray, the name of the Senator from Maine (Ms. Sowle) was added as a cosponsor of S. 192, a bill to amend the Employee Retirement Income Security Act of 1974 to improve diversification of plan assets for participants in individual accounts, to improve disclosure, account access, and accountability under individual account plans, and for other purposes.

S. 3065

At the request of Mr. Nelson of Florida, the names of the Senator from Washington (Mrs. Murray) and the Senator from Massachusetts (Mr. Kerry) were added as cosponsors of S. 3065, a bill to amend title 38, United States Code, to clarify the applicability of the prohibition on assignment of veterans benefits to agreements regarding future receipt of compensation, pension, or dependency and indemnity compensation, and for other purposes.

S. 2026

At the request of Mr. Liear, the names of the Senator from New Mexico (Mr. Domenici) and the Senator from Nebraska (Mr. Hagel) were added as cosponsors of S. 2026, a bill to authorize the use of Cooperative Threat Reduction funds for projects and activities to address proliferation threats outside the states of the former Soviet Union, and for other purposes.

S. Res. 185

At the request of Mr. Allen, the name of the Senator from Kansas (Mr. Brownback) was added as a cosponsor of S. Res. 185, a resolution recognizing the historical significance of the 100th anniversary of Hispanic immigration to the United States.

S. Res. 219

At the request of Mr. Graham, the names of the Senator from Arizona (Mr. Kyl) and the Senator from Indiana (Mr. Bayh) were added as cosponsors of S. Res. 219, a resolution expressing support for the democratically elected Government of Columbia and its efforts to counter threats from United States-designated foreign terrorist organizations.

AMENDMENT NO. 3032

At the request of Mrs. Lincoln, the names of the Senator from New Jersey (Mr. Corzine), the Senator from Massachusetts (Mr. Kerry), the Senator from Minnesota (Mr. Dayton), the Senator from New York (Mrs. Clinton), and the Senator from Massachusetts (Mr. Kennedy) were added as cosponsors of amendment No. 3032 intended to be proposed to S. 517, a bill to authorize funding the Department of Energy to enhance its mission through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Graham (for himself and Mr. Nelson of Florida):

S. 2036. A bill to authorize the appointment of additional Federal district court judges for the middle and southern districts of Florida, and for other purposes; to the Committee on the Judiciary.

Mr. Graham. Mr. President, an estimated 200,000 new Floridians every year move into the Sunshine State, making Florida one of the fastest growing States in the Nation. As the population increases, so do the number of people seeking justice from the Federal Courts in our State.

Few are more familiar with these demands than the judges and personnel of the United States Courts in Florida's Middle and Southern Districts. The Judicial Conference of the United States has established a benchmark caseload standard of 430 case filings per judge.

In fact, the number of case filings per judge in the Southern District has remained above 500 since 1995; at the end of last year it stood at 609. In the Middle District the weighted caseload with 547 per judge at the end of 2001, 27 percent above the Conference standard.

In light of this considerable burden on Florida's judges and the outlook for continued growth within the State, the United States Judicial Conference has recommended that Congress add one permanent and one temporary judgeship to the Middle District and one permanent judgeship in the Southern District.

It is in accordance with these recommendations that my colleague from Florida and I introduce legislation to establish these needed judgeships. It is my hope that these additional judges will help to relieve the heavy burden currently placed on Florida's federal courts.

The administration of justice will continue to be a challenge in Florida's Federal courts unless adequate resources are committed. Perhaps the most egregious example of this lack of resources is in the Fort Myers division of the Middle District, where judge's criminal caseloads stand at an astounding ninety percent above the national average.

As Florida continues to grow, this burden will only increase. The services provided by the Federal judiciary must grow to meet these demands. I urge the Senate to support this legislation, ensure adequate resources for the administration of justice, and uphold the United States Constitution's guarantee of fair and speedy justice.

Mr. Nelson of Florida. Mr. President, Florida's Middle and Southern District Courts desperately need additional judges. These jurisdictions are among the busiest in the Nation and they face an avalanche of new cases which threaten to further delay the administration of justice for thousands of Floridians. Simply put, Florida's judges are overwhelmed and unable to handle this many cases.

Today, Senator Graham and I are introducing legislation which will create additional permanent judgeships for the Middle District of Florida and one additional permanent judgeship for the Southern District of Florida. Our legislation also creates a temporary judgeship for the Middle District which will expire following the first vacancy on the court which occurs no sooner than seven years after the confirmation date of the individual named to fill the temporary position.

Our intention is to ensure that Florida's Federal courts have the jurists necessary to exact timely justice. After reviewing current judges' caseloads and consulting with the districts' chief judges, we believe authorizing new judgeships is absolutely essential to ensuring that the judiciary are able to meet their statutory and constitutional obligations. Florida's Federal courts need these judges and Senator Graham and I intend to do everything we can to get them.

I look forward to working with my colleagues on the Judiciary Committee to quickly pass this legislation, so that we can bring relief to Florida's Middle and Southern District Courts.

By Mr. Wyden (for himself and Mr. Allen):

S. 2037. A bill to mobilize technology and science experts to respond quickly to the threats posed by terrorist attacks and other emergencies, by providing for the establishment of a national emergency technology guard, a technology reliability advisory board, and a center for evaluating antiterrorism and disaster response technology within the National Institute of Standards and Technology; to the Committee on Commerce, Science, and Transportation.

Mr. Wyden. Mr. President, earlier today, along with my friend and colleague, Senator Allen of Virginia, I introduced bipartisan legislation that would establish the technology equivalent of the National Guard. It is an effort we have been pursuing in the Science, Technology, and Space Subcommittee. I am very pleased to have the President's Office on the subcommittee and pleased that he is in the chair as we discuss this legislation tonight.

This is a subject we have been working on since September 11 and the tragedy that struck our country that day.

We are all aware that the public sector, government, military, and law enforcement have begun a very significant mobilization effort to fight terrorism. It is a laudatory effort, one I fully support. This public effort is not going to be successful if we don't take steps to tap the tremendous technology and science talents of America's private sector.
Considering the enormous technological challenges faced on September 11, the quality of emergency response is more than exceptional. But the many private companies and their science and technology experts who rushed to offer their help that day have told our committee they can do more. They can move faster, and they can help save more lives if the U.S. Congress provides a portal, an opportunity for them to more accessibly participate and offer their talents. That is why the legislation I am offering today, the Science and Technology Emergency Mobilization Act, provides an opportunity to tap those talents of the private sector.

It doesn’t create a large bureaucracy. It is not going to snarl our private companies in red tape. It is simply going to provide a gateway to bring the resources of the private sector to bear in the war against terrorism.

I believe, just as John F. Kennedy gave America’s youth a forum for public service, now is the time for our Government to throw open its doors to a new generation raised on information technologies that will be able to respond to the wide variety of technology and logistical challenges that arise in the wake of a terrorist attack or other disaster.

The legislation we are offering today offers four opportunities to capitalize on the immense technology resources of our country. I am especially pleased about would establish a virtual technology reserve. As my colleagues know, we have a strategic petroleum reserve in our country. It is an energy insurance policy, an energy bank, in effect, that we can tap when we are in a crunch with respect to oil products. I think we ought to look at technology as the same sort of resource.

So we have created a virtual technology reserve in our legislation that would allow every community across this country to put in place a pre-existing database of private sector equipment and expertise that they could call upon in the case of an emergency. Access to this database would enable Federal, State, and local officials, as well as nongovernmental relief organizations, to locate quickly whatever technology or scientific help they might need from the private sector.

For example, a city official tasked with setting up a command center in the wake of an emergency might need laptop computers and high capacity telecommunications equipment. A State health director facing a potential bioterrorism incident might need to locate experts with expertise concerning a specific pathogen and to obtain special detection and remediation technologies as soon as possible. An emergency official coordinating in the field rescue and recovery efforts might need a batch of hand-held radios or might need to quickly expand local cellular coverage and capacity so people on the ground can communicate.

In all of these instances, the key is locating equipment and expertise quickly. By turning to our virtual technology reserve, these officials would have a quick way to identify companies that have what they need and to contact them. Corporations have expressed their willingness to help in an emergency.

The Wyden-Allen legislation has several other provisions that we believe will help make a meaningful difference in this fight against terrorism. The legislation provides for the formation of rapid response teams of science and technology experts. It establishes a clearinghouse and test bed for new technologies. Suffice it to say, our Government has received thousands and thousands of ideas, unsolicited, from private companies and citizens across this country with respect to products to aid in the fight against terrorism. And we have set up a systematic way to evaluate the quality of those products.

The bipartisanship legislation we brought to the Senate today would provide that test bed and plan to have those products evaluated.

Finally, our legislation provides for pilot projects to help overcome a problem that seems incomprehensible in a communications center as advanced as the east coast of the United States. We saw on September 11 that first responders, people on the front lines, police and fire and others, were not able to communicate to each other. Before our subcommittee, we were told that on the east coast of the United States, arguably the most sophisticated communications center on the planet, there were firemen actually hand walking messages to their colleagues because all of the available communications systems were jammed, wide open. And the land lines, the cell lines—was down. So we badly need to have innovative work done in trying to make interoperable these communications systems that our first responders need.

Our Subcommittee on Science, Technology, and Space found, as we analyzed the events of September 11, that the private sector was ready, willing, and able to contribute, but too often they were up against obstacles when they wanted to help. Some couldn’t get proper credentials to access disaster sites. Some simply could not find the right place to offer their people their expertise and equipment and were literally knocking on doors offering to help, and people literally could use their skills.

On December 5 of last year, FEMA Director Joe Allbaugh testified before our subcommittee that emergency response officials spent the help of people in the technology sector to set up databases to track the missing and injured, as well as the goods and services being donated. But what Director Allbaugh has said—and he has said it repeatedly—is that there simply wasn’t a centralized go-to desk to provide experts for immediate needs.

In the event of a bioterror attack, we have been told by the health authorities that communities would face the very same confusion. Right now, if a town is hit with a biological agent and local officials are looking for the closest medical authority, there is no comprehensive list of certified experts to help them.

Suffice it to say, in our effort to try to come up with a coordinated plan to fight terrorism, there are going to be some difficult issues. I have great sympathy for Tom Ridge because he tries to bring together these agencies—perhaps 20 agencies—that are going to be involved in this effort. There are going to be some very difficult decisions that have to be made to maximize the talents and work of these agencies.

But it seems to me the idea of having a preexisting database, so that in communities in Florida, and in Oregon, and across this country, if you are hit with a bioterror agent or have a calamity involving a terrorist attack, that you would have a preexisting database of individuals who can call companies that are willing to donate equipment. That strikes me as eminently doable, something practical that the Government can do to make a real difference. That is why our virtual technology reserve and setting up these databases can make a real difference.

In addition to that virtual technology reserve, the Wyden-Allen bill seeks to move experts into a community as rapidly as possible when problems arise. To that end, in our bill we provide for the creation and certification of national emergency technology guard teams. We call these teams NET guard teams. They would be made up of volunteers with technology and science expertise, and they would be organized in advance and available to be mobilized on short notice.

After consulting at length with leaders in the Bush administration, we have decided that these unique teams ought to be modeled after the urban search and rescue teams that are now under FEMA and the medical response teams under the Department of Health and Human Services. But instead of providing search and rescue or medical services, which, of course, is what is available today, the NET guard teams would provide the technology, information, and communications support to help rescuers work more effectively. Once assembled, NET guard teams can provide technology-related help in the aftermath of floods, earthquakes, and other natural disasters as well.

In the testimony Director Allbaugh gave to the subcommittee, we were told that the technology challenges that are facing us today were just tech challenges that we are going to face in the future. The essence of this legislation is about saving lives, and one way it can do that is to establish a structure to form and activate
what we call NET guard teams of technology experts who can step in when crises occur.

We also think science and technology experts from the Nation's leading private sector companies have a role to play in the antiterrorism effort, including DirecTV, Intel, Oracle, and many others. Clearly, as companies move to the center for Civilian Homeland Security Technology Evaluation, it is going to have many purposes. It will serve as a national clearinghouse for security and emergency response technologies, helping the Government to match companies with innovative technologies with the Government agencies that need them; it would provide a single point of contact to which both companies and Government agencies could turn to have their technology proposals addressed.

What we have heard in our committee—and I have been told as well in the Commerce Committee, and in other forums—is that the private sector really doesn't know where to turn. Should they go to the Department of Health and Human Services? They have been interested in ideas from private sector leaders. Should they go to the Department of Defense? They are interested as well in a center for Civilian Homeland Security Technology Evaluation, so there will be a central clearinghouse for companies to know where to turn.

More particularly, the center will operate a test bed to evaluate the ability of proposed technologies to satisfy Government needs. This test bed will work in conjunction with existing Federal agencies and the national laboratories. It is not meant to be a technology gatekeeper, somehow having the Federal Government picking winners and losers. It is designed to assist agencies that are now telling us they do not have the capability to evaluate these technologies on their own. This test bed is necessary, in my view, to keep new technologies from slipping through the cracks.

I don't want to see American lives lost because the Federal Government could not find a way to accommodate fresh, new ideas from our leaders in the technology and science area.

The legislation springs, as I have touched on, from firsthand accounts of what happened on September 11. Here in the Capital and in New York, the terrorist strikes flattened telecommunications and information networks. Many people of New York wandered the streets, unable to find out anything about an injured or missing loved one or even to register their names. Post office mail and small systems of relief organizations filled up and crashed.

When emergency workers moved in, they told us they were hindered by the fact that these communications systems could not work together. Courageous emergency workers told our subcommittee that communications breakdowns made their job more difficult and more dangerous as well.

For that reason, we would establish a pilot program under which grants of $5 million each would be available for seven pilot projects aimed at achieving interoperability of communications systems used by fire, law enforcement, and emergency preparedness and response agencies.

In simple English, what that is all about is making sure the police, fire, and health agencies can communicate with each other. It is probably as important as the Federal Government can do. But because in many instances there are overlapping authorities in different systems, we are not making that possible in our country. It involves a lot of complicated issues, and I want to be frank with the Leader of the Senate, the Senate Majority leader, and have a chance to wrestle with in the Commerce Committee. Certain spectrum or forum are a part of it.

At a minimum, we ought to test out through the pilot projects in the bipartisan bill we are introducing today some ideas for making it easier for police, fire, and health to communicate and save the lives of citizens, and certainly make their lives less dangerous as well.

The Nation's top technology companies have been very involved in developing this effort, including Intel, Microsoft, America Online, and Oracle, that have supported the legislation. All of them believe that creating a high-technology reserve talent bank—a talent bank that serves as a new force to confront a new threat—and the other initiatives proposed in the Wyden-Allen bipartisan legislation make sense. I thank them and other leaders in the private sector for their involvement.

In drafting the legislation, I have consulted with a number of leaders in the administration in the antiterrorism effort, including Director Albaugh; Richard Clarke, the President's Special Advisor for Cybersecurity; Commerce Secretary Donald Evans; and John Marburger of the Office of Science and Technology Policy. To a person, they have been very responsive and they have met us more than halfway in terms of making their own time and that of their staffs available. Senator ALLEN and I appreciate their bipartisan commitment.

I pledge tonight to continue to work with them and, on a bipartisan basis, with the administration and with colleagues in the Congress on both sides of the aisle, to move this bill forward as rapidly as possible.

At this point, I ask unanimous consent that letters in support from several of the Nation's leading technology companies be printed in the Record. There being no objection, the letters were ordered to be printed in the Record, as follows:

DEAR SENATOR WYDEN: We welcome the opportunity to comment on your legislation to satisfy Government needs. This test bed will work in conjunction with existing Federal agencies and the national laboratories. It is not meant to be a technology gatekeeper, somehow having the Federal Government picking winners and losers. It is designed to assist agencies that are now telling us they do not have the capability to evaluate these technologies on their own. This test bed is necessary, in my view, to keep new technologies from slipping through the cracks.

I don't want to see American lives lost because the Federal Government could not find a way to accommodate fresh, new ideas from our leaders in the technology and science area.

The legislation springs, as I have touched on, from firsthand accounts of what happened on September 11. Here in the Capital and in New York, the terrorist strikes flattened telecommunications and information networks. Many people of New York wandered the streets, unable to find out anything about an injured or missing loved one or even to register their names. Post office mail and small systems of relief organizations filled up and crashed.

When emergency workers moved in, they told us they were hindered by the fact that these communications systems could not work together. Courageous emergency workers told our subcommittee that communications breakdowns made their job more difficult and more dangerous as well.

For that reason, we would establish a pilot program under which grants of $5 million each would be available for seven pilot projects aimed at achieving interoperability of communications systems used by fire, law enforcement, and emergency preparedness and response agencies.

In simple English, what that is all about is making sure the police, fire, and health agencies can communicate with each other. It is probably as important as the Federal Government can do. But because in many instances there are overlapping authorities in different systems, we are not making that possible in our country. It involves a lot of complicated issues, and I want to be frank with the Leader of the Senate, the Senate Majority leader, and have a chance to wrestle with in the Commerce Committee. Certain spectrum or forum are a part of it.

At a minimum, we ought to test out through the pilot projects in the bipartisan bill we are introducing today some ideas for making it easier for police, fire, and health to communicate and save the lives of citizens, and certainly make their lives less dangerous as well.

The Nation's top technology companies have been very involved in developing this effort, including Intel, Microsoft, America Online, and Oracle, that have supported the legislation. All of them believe that creating a high-technology reserve talent bank—a talent bank that serves as a new force to confront a new threat—and the other initiatives proposed in the Wyden-Allen bipartisan legislation make sense. I thank them and other leaders in the private sector for their involvement.

In drafting the legislation, I have consulted with a number of leaders in the administration in the antiterrorism effort, including Director Albaugh; Richard Clarke, the President’s Special Advisor for Cybersecurity; Commerce Secretary Donald Evans; and John Marburger of the Office of Science and Technology Policy. To a person, they have been very responsive and they have met us more than halfway in terms of making their own time and that of their staffs available. Senator ALLEN and I appreciate their bipartisan commitment.

I pledge tonight to continue to work with them and, on a bipartisan basis, with the administration and with colleagues in the Congress on both sides of the aisle, to move this bill forward as rapidly as possible.

At this point, I ask unanimous consent that letters in support from several of the Nation's leading technology companies be printed in the Record. There being no objection, the letters were ordered to be printed in the Record, as follows:

DEAR SENATOR WYDEN: We write to express our support for the “Science and Technology Emergency Mobilization Act”, your legislation—soon to be introduced—that would establish a national emergency technology guard and a civilian homeland security evaluation center within NIST. This legislation would provide a means for enhancing emergency response and recovery of information technology infrastructure in the event of major disasters such as the events on September 11 of last year.

A national strategy for ensuring the resilience of our IT infrastructure against attacks and natural disasters is long overdue, particularly as our country has become increasingly dependent on the interconnected digital network. We are working with you on the details of this legislation in committee and on the floor as it moves toward enactment.

Again, we applaud your leadership and forward vision on the need for strengthening our information technology backbone. Sincerely,

ANDREW S. GROVE, Chairman of the Board.


Hon. RON WYDEN, United States Senate, Washington, DC.

DEAR SENATOR WYDEN: I am writing to express Oracle’s support for the “Science and Technology Emergency Mobilization Act”, your proposed legislation that would establish a national emergency technology guard, and a virtual technology reserve consisting of a database of private sector equipment and expertise that emergency officials may call upon in an emergency. This legislation would enhance and improve emergency response capabilities, particularly the recovery of information technology infrastructure, in the event of major disasters such as those on September 11 of last year.

As you well know, this country has become increasingly dependent on continued operation of its vast information networks. That is why a national strategy to ensure the resilience and continued operation of our information technology infrastructure against attacks and natural disasters is critical. Oracle looks forward to working with you on the details of your proposal as it moves through the legislative process.

Sincerely,

ROBERT P. HOFFMAN, Director.


Hon. RON WYDEN, United States Senator, Washington, DC.

DEAR SENATOR WYDEN: We welcome the opportunity to comment on your legislation to create a reserve of technology and science experts capable of responding to national
cyber emergencies. We applaud your ongoing leadership on this and other key technology matters in the United States Senate. Microsoft is deeply engaged in security matters. Our Trustworthy Computing Initiative, recently announced by Bill Gates, places a primary emphasis on security, privacy and reliability across our products, services and operations. We agree with you that, in case of a national cyber emergency, the Federal Government must join the brightest minds in industry in its efforts to protect Federal agencies and other critical entities. In fact, on September 11th our Chief Security Officer was called to active military duty to support the government’s response to the attacks. He recently left Microsoft to become the Vice Chairman of the President’s Critical Infrastructure Protection Board.

We view your focus on a National Emergency Technology Guard, like our Trustworthy Computing Initiative, as a means to strengthen America’s cybersecurity via better trained personnel. We thank you again for the opportunity to comment on this matter and commend you once again for your ongoing leadership in cybersecurity. Sincerely,

Jack Krupholz,
Director, Federal Government Affairs,
Associated General Counsel.

AOL Time Warner,

Hon. Ron Wyden,
Hon. George Allen,
United States Senate, Washington, DC.

Dear Senator Wyden and Senator Allen:

On behalf of AOL Time Warner, I would like to express my appreciation for your efforts and leadership in the area of cybersecurity and disaster response, including the development of legislation to address this critical issue.

September 11th forever changed the way our country thinks about crisis response and emergency management, and has made all of us realize the importance of working together as a team when disaster strikes. Like so many other organizations and individuals across the country and around the world, we at AOL Time Warner watched with horror as the tragic events of that day unfolded—and did what we could to contribute to the immediate needs of the emergency response personnel, from financial and humanitarian assistance to technician support.

Since that time, we have participated in numerous discussions, including several ongoing initiatives led by the Administration, about both how to prevent such a catastrophe in the future and how to mitigate the effects of such a disaster should the unthinkable occur again. It is clear from these discussions and our experiences on that day, that one of the most critical objectives in formulating a disaster response strategy is to ensure the functioning of our communications infrastructure in the event of an emergency.

Your legislation, “The Science Technology Emergency Mobilization Act,” recognizes the important role played by volunteers—like those from our company and countless and countless others across the nation—in providing technical assistance to enhance communication in times of crisis, and creates a mechanism for coordinating and deploying such assistance in a systematic fashion during an emergency. We believe that this type of voluntary partnership between industry and government is vital to ensuring that disaster response and recovery efforts are rapid, effective and well-coordinated.

We are grateful for your work on this issue of such importance to our nation, and look forward to continuing to work with both Congress and the Administration on matters relating to security and critical infrastructure.

Sincerely,

Susan A. Brophy,
Senior Vice President, Domestic Policy
AOL Time Warner.

STATEMENTS ON SUBMITTED RESOLUTIONS


Mr. JOHNSON (for himself and Mr. DACSHICLE) submitted the following resolution; which was referred to the Committee on Armed Services:

S. Res. 228
Whereas March 20, 2002, marks the 60th Anniversary of the commissioning of the U.S.S. South Dakota;

Whereas the U.S.S. South Dakota and her crew served with distinction throughout World War II;

Whereas the U.S.S. South Dakota served in many of the major battles of the Pacific Campaign, including the engagements in support of the battle for Guadalcanal, the Battle of the Santa Cruz Islands, the invasions of the Gilbert Islands and Marshall Islands, the Marianas Campaign, the Battle of the Philippine Sea, the invasions of Leyte and Luzon in the Philippines, the invasions of Iwo Jima and Okinawa, and attacks on the home islands of Japan;

Whereas from February through August of 1945, the U.S.S. South Dakota operated in the Atlantic Ocean, and served there with the British Home Fleet;

Whereas the U.S.S. South Dakota and her crew became one of the most decorated American battle ships of World War II, having been awarded 13 battle stars;

Whereas the U.S.S. South Dakota was the lead ship of a class of 35,000-ton battleships and was officially commissioned on March 20, 1942. Few ships in the history of the United States Navy have had such a distinguished service record or have been as integral to the defense of our Nation. The Resolution I am submitting today honors both the U.S.S South Dakota and her dedicated crew.

The U.S.S. South Dakota served throughout World War II, and became the most decorated American battleship of the war having been awarded 13 battle stars. In addition, the South Dakota became one of only four battleships to receive the Navy Unit Commendation.

While the South Dakota spent the majority of its service in World War II in the Pacific, it did serve in the Atlantic along with the British Home Fleet from February to July 1943. However, no one can deny that the crew truly distinguished themselves in the Pacific Campaign. Very few of the battles fought in that theater of operation occurred without the support of the U.S.S. South Dakota. In fact, the South Dakota saw action at the battle for Guadalcanal, the Battle of the Santa Cruz Islands, the invasions of the Gilbert Islands and Marshall Islands, the Marianas Campaign, the Battle of the Philippine Sea, the invasions of Leyte and Luzon in the Philippines, the invasions of Iwo Jima and Okinawa, and attacks on the home islands of Japan. All told, the U.S.S South Dakota was credited with sinking three enemy ships and downing 64 enemy aircraft during the war.

The proudest moment for the crew may have been when the South Dakota served as the flagship for Admiral Chester W. Nimitz during the surrender of Japan in Tokyo Bay on September 2, 1945. For the ship, its crew, and our Nation, this signalized the end of World War II and our complete victory over the forces of fascism. Following the surrender of Japan, the South Dakota was the flagship for Admiral William F. Halsey during the return of the fleet to the United States.

On the 60th Anniversary of its commissioning, I would like to take this opportunity to thank the crew of the U.S.S South Dakota for their service to our Nation. Their contributions to the freedoms we enjoy today is a debt we can never fully repay. I ask my colleagues to join with me in remembering the U.S.S South Dakota and honoring the lasting legacy of her crew.

SENATE RESOLUTION 229—CONDEMNING THE INVOLVEMENT OF WOMEN IN SUICIDE BOMBINGS

Mr. BOXER (for herself, Ms. Mikulski, Mrs. Feinstein, Mrs. Murray, Mrs.
Whereas it has been reported that an influ-
ential High Islamic Council has issued an
edict that women should join men as suicide
bombers;

Whereas the Al-Aqsa Martyrs Brigades, a
radical offshoot of the Fatah movement, has
announced that it has created a special unit
for women suicide bombers;

Whereas incidents, including a February
27, 2002, suicide bombing that injured 3 peo-
ple and a January 27, 2002, suicide bombing
that killed 1 person and injured an estimated
150 more, show an alarming trend in the use
of women to carry out attacks terrorist acts
against Israel;

Whereas troubling statements have been
made suggesting that the involvement of
women in carrying out suicide bombings will
result in women achieving equal rights with
men;

Whereas women throughout the world
bravely serve in militaries that act in ac-
cordance with international law and custom;
and

Whereas the involvement of women in car-
rying out suicide bombings is contrary to the
important role women must play in con-
flict prevention and resolution; Now, there-
fore, be it

Resolved—That the Senate—
(1) reaffirms the condemnation of all sui-
cide bombings as terrorist acts, made by the
Senate in Senate amendment No. 191 to H.R. 2506 of the One Hundred Seventh Con-
gress on October 24, 2001;

(2) deplores those acts as contrary to the
values and ideals of people everywhere; and
(3) calls on women of the world not to emu-
late a self-destructive, brutal, and mur-
derous crime.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN
AFFAIRS

Mr. FEINGOLD. Mr. President, I ask
unanimous consent that the Commit-
tee on Banking, Housing, and
Urban Affairs be authorized to meet
during the session of the Senate on
Wednesday, March 20, 2002, at 10 a.m.
to conduct an oversight hearing on “Ac-
countability for Investor Protection
Issues Raised by Enron and Other Pub-
lic Companies.”

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

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

Mr. FEINGOLD. Mr. President, I ask
unanimous consent that the Commit-
tee on Commerce, Science, and
Transportation be authorized to meet
on Wednesday, March 20, 2002, at 9:30 a.m. on competition in the local tele-
communications marketplace.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC
WORKS

Mr. FEINGOLD. Mr. President, I ask
unanimous consent that the Com-
mittee on Environment and Public
Works be authorized to meet on
Wednesday, March 20, 2002 at 9:30 a.m.
to conduct a hearing to receive testi-
mony on legislative initiatives that
would impose limits on the shipments
of out-of-State municipal solid waste
and authorize State and local govern-
ments to enact source reduction con-
trol. The hearing will be held in SD–406.

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

COMMITTEE ON FINANCE

Mr. FEINGOLD. Mr. President, I ask
unanimous consent that the Com-
mittee on Finance be authorized to
meet during the session of the Senate
on Wednesday, March 20, 2002 at 10:00 a.m. to consider the nomination of
Randall K. Quarles to be Assistant Sec-
retary for International Affairs of the
U.S. Department of the Treasury.

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

COMMITTEE ON VETERANS’ AFFAIRS

Mr. FEINGOLD. Mr. President, I ask
unanimous consent that the Com-
mittee on Veterans’ Affairs be author-
ized to meet during the session of the
Senate on Wednesday, March 20, 2002,
at 2:00 p.m., for a joint hearing with
the House of Representatives’ Commit-
tee on Veterans Affairs, to hear the
legislative presentations of American
Ex-Prisoners of War; the Vietnam Vet-
tans of America, the Retired Officers’
Association, the National Association
of State Directors of Veterans Affairs,
and AMVETS. The hearing will take
place in room 345 of the Cannon House
Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. FEINGOLD. Mr. President, I ask
unanimous consent that the Select
Committee on Intelligence be author-
ized to meet during the session of the
Senate on Wednesday, March 20, 2002,
at 2:30 p.m., to hold a closed hearing on in-
telligence matters.

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

SUBCOMMITTEE ON PERSONNEL

Mr. FEINGOLD. Mr. President, I ask
unanimous consent that the Sub-
committee on Personnel of the Com-
mittee on Armed Services be author-
ized to meet during the session of the
Senate on Wednesday, March 20, 2002,
at 9:30 a.m., in open session to receive
testimony on recruiting and retention
in the military services in review of
the defense authorization request for
fiscal year 2003.

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

SUBCOMMITTEE ON STRATEGIC

Mr. FEINGOLD. Mr. President, I ask
unanimous consent that the Sub-
committee on Strategic of the Com-
mittee on Armed Services be author-
ized to meet during the session of the
Senate on Wednesday, March 20, 2002,
at 2:30 p.m., in open session to receive

testimony on national security space
programs and strategic programs in re-
view of the defense authorization re-
quest for fiscal year 2003.

WITNESSES

Panel 1: The Honorable E. C. “Pete”
Aldridge, Under Secretary of Defense
for Acquisition, Technology and Logis-
tics; the Honorable Peter B. Teets, The
Secretary of the Air Force; and Rear Admiral
Dennis M. Dywer, USN, Director, Strategic
Systems Programs, United States Navy.

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

EXECUTIVE SESSION

NOMINATION DISCHARGED AND
PLACED ON THE CALENDAR

Mr. REID. Mr. President, I ask unan-
imous consent that the Senate proceed
to executive session and that the Envi-
ronment and Public Works Committee be
reconsidered further consider-
ation of the nomination of J. Paul Gil-
man, of Virginia, to be an Assistant
Administrator of the Environmental
Protection Agency, and that the nomi-
ation be placed on the Executive Cal-
endar.

The ACTING PRESIDENT pro tem-
porum. Without objection, it is so or-
dered.

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unan-
imous consent that the Senate proceed
to the consideration of the following
nominations: Calendar Nos. 730
trough 736, and the nominations on
the Secretary’s desk under Foreign
Service; that the nominations be con-
firmed; that the motions to reconsider
be laid upon the table; that any state-
ments relating to the nominations be
printed in the Record; that the Presi-
dent be immediately notified of the
Senate’s action; and that the Senate
return to legislative session without
any intervening action or debate.
The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF STATE
James W. Pardew, of Arkansas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bulgaria.
Richard Monroe Miles, of South Carolina, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Georgia.
Peter Torpeluk, Jr., of Pennsylvania to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Luxembourg.
Lawrence E. Butler, of Maine, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Former Yugoslav Republic of Macedonia.
Robert Patrick John Finn, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Afghanistan.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT
Robert B. Holland, III, of Texas, to be United States Alternate Executive Director of the International Bank For Reconstruction and Development for a term of two years.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT
Emmy B. Simmons, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development.

NOMINATIONS PLACED ON THE SECRETARY’S DESK
FOREIGN SERVICE
PN1310 Foreign Service nominations (3) beginning Jeffrey Davidow, and ending George E. Moose, which nominations were received by the Senate and appeared in the Congressional Record of December 20, 2001.
PN1311 Foreign Service nominations (96) beginning Gustavo Alberto Mejía, and ending Joseph E. Zadrozy, Jr., which nominations were received by the Senate and appeared in the Congressional Record of December 20, 2001.

LEGISLATIVE SESSION
The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now return to legislative session.

MEASURE READ THE FIRST TIME—H.R. 2804
Mr. REID. Mr. President, it is my understanding that H.R. 2804, which was just received from the House, is at the desk. I ask for its first reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2804) to designate the United States courthouse located at 95 Seventh Street, in San Francisco, California, as James R. Browning United States Courthouse.

Mr. REID. I now ask for its second reading and object to my own request. The ACTING PRESIDENT pro tempore. Objection is heard.

EXTENDING PERIOD OF UNEMPLOYMENT ASSISTANCE FOR VICTIMS OF TERRORIST ATTACKS OF SEPTEMBER 11, 2001
Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H.R. 3966.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The senior assistant bill clerk read as follows:

A bill (H.R. 3966) to extend the period of availability of unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the case of victims of the terrorist attacks of September 11, 2001.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read three times and passed, that the motion to reconsider be laid upon the table, and any statements related thereto be printed in the RECORD.

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

The bill (H.R. 3966) was read the third time and passed.

CONDEMNING INVOLVEMENT OF WOMEN IN SUICIDE BOMBINGS
Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 229, submitted earlier by Senator BOXER and others.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 229) condemning the involvement of women in suicide bombings.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 229) was agreed to.

The preamble was agreed to.

The text of the resolution, with its preamble, is printed in today’s RECORD under “Statements on Submitted Resolutions.”

URGING FAIR ELECTION PROCESS IN UKRAINE
Mr. REID. I ask unanimous consent that the Senate proceed to Calendar No. 328, S. Res. 205.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 205) urging the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31, 2002 parliamentary elections.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The resolution (S. Res. 205) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 205

Whereas Ukraine stands at a critical point in its development to a fully democratic society, and the parliamentary elections on March 31, 2002, its third parliamentary elections since becoming independent more than 10 years ago, will play a significant role in demonstrating whether Ukraine continues to move on the path to democracy or experiences further setbacks in its democratic development;

Whereas the Government of Ukraine can demonstrate its commitment to democracy by conducting a genuinely free and fair parliamentary election process, in which all candidates have access to news outlets in the print, radio, television, and Internet media, and nationally televised debates are held, thus enabling the various political parties and election blocs to compete on a level playing field and the voters to acquire objective information about the candidates;

Whereas a flawed election process, which contravenes commitments of the Organization for Security and Cooperation in Europe (OSCE) on democracy and the conduct of elections, could potentially slow Ukraine’s efforts to integrate into Western institutions;

Whereas in recent years, government corruption and harassment of the media have raised concerns about the commitment of the Government of Ukraine to democracy, human rights, and the rule of law, while calling into question the ability of that government to conduct free and fair elections;

Whereas Ukraine, since its independence in 1991, has been one of the largest recipients of United States foreign assistance;

Whereas $154,000,000 in technical assistance to Ukraine was provided under Public Law 107–115 (the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002), at $18,000,000 reduction in obligations from the previous fiscal year due to concerns about continuing setbacks to needed reform and the unresolved deaths of prominent dissidents and journalists;

Whereas Public Law 107–115 requires a report by the Department of State on the progress by the Government of Ukraine in investigating and bringing to justice individuals responsible for the murders of Ukrainian journalists;

Whereas the disappearance and murder of journalist Heorhiy Gongadze on September 16, 2000, remains unresolved;

Whereas the presidential election of 1999, according to the final report of the Office of Democratic Insttitutions and Human Rights (ODIHR) of OSCE on that election, was marred by violations of Ukrainian election
law and failed to meet a significant number of commitments on democracy and the conduction of elections included in the OSCE 1990 Copenhagen Document;

Whereas during the 1999 presidential election campaign, a heavy procurement bias was prevalent among the state-owned media outlets, members of the media viewed as not in support of the president were subject to harassment by government authorities, and procurement campaigning by state administration and public officials was widespread and sensational;

Whereas the Law on Elections of People’s Deputies of Ukraine, signed by President Leonid Kuchma on October 30, 2001, was cited in a report of the ODHIR dated November 26, 2001, as making improvements in Ukraine’s electoral code and providing safeguards to meet Ukraine’s commitments on democratic elections, although the Law on Elections remains flawed in a number of important respects, notably by not including a role for domestic nongovernmental organizations to monitor elections;

Whereas according to international media experts, the Law on Elections defines the conduct of election campaigns in an ambiguous manner and could lead to arbitrary sanctions against media operating in Ukraine;

Whereas the Ukrainian Parliament (Verkhovna Rada) on December 13, 2001, rejected a draft Law on Political Advertising and Agitation, which would have limited free speech in a period by giving too many discretionary powers to government bodies, and posed a serious threat to the independent media;

Whereas the Department of State has dedicated $4,700,000 in support of monitoring and independent media;

Whereas the process for the 2002 parliamentary elections has reportedly been affected by apparent violations during the period prior to the official start of the election campaign on January 1, 2002; and

Whereas monthly reports for November and December of 2001 released by the Committee on Voters of Ukraine (CVU), an independent, nonpartisan, nongovernment organization that was established in 1994 to monitor the conduct of national election campaigns andballoting in Ukraine, cited five major violations of political rights and freedoms during the precampaign phase of the parliamentary elections, including—

(1) use of government position to support particular political activities;

(2) government pressure on the opposition and on the independent media;

(3) free goods and services given in order to sway voters;

(4) coercion to join political parties and pressure to contribute to election campaigns; and

(5) distribution of anonymous and compromising information about political opponents.

Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the strong relationship between the United States and Ukraine since Ukraine’s independence more than 10 years ago, while understanding that Ukraine can only become a full partner in western institutions when it fully embraces democratic principles;

(2) expresses its support for the efforts of the Ukrainian people to promote democracy, the rule of law, and respect for human rights in Ukraine;

(3) urges the Government of Ukraine to enforce impartially the new election law, including the transparent disbursement of public funds in support of political parties;

(A) the transparency of election procedures;

(B) access for international election observers;

(C) multiparty representation on election commissions;

(D) equal access to the media for all election participants;

(E) an appeals process for electoral commissions and within the court system; and

(F) administrative penalties for election violations;

(4) urges the Government of Ukraine to meet its commitments on democratic elections, as delineated in the 1990 Copenhagen Document of the Organization for Security and Cooperation in Europe (OSCE), with respect to the campaign period and election day, and to assure its commitment identified by the Office of Democratic Institutions and Human Rights (ODIHR) of OSCE in its final report on the 1999 presidential election, such as state interference in the campaign and pressure on the media; and

(5) calls upon the Government of Ukraine to allow election monitors from the ODIHR, other participating states of OSCE, and private institutions and organizations, both foreign and domestic, full access to all aspects of the parliamentary election process, including—

(A) access to political events attended by the public during the campaign period;

(B) access to voting and counting procedures at polling places and electoral commission meetings on election day, including procedures to release election results on a precinct-by-precinct basis as they become available; and

(C) access to postelection tabulation of results and processing of election challenges and complaints.

CONDEMNING HUMAN RIGHTS VIOLATIONS IN CHECHNYA

Mr. REID. I ask unanimous consent that the Senate proceed to Calendar No. 329, S. Res. 213.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read the resolution as follows:

A resolution (S. Res. 213) condemning human rights violations in Chechnya and urging a political solution to the conflict.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution (S. Res. 213) be printed in the RECORD.

Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the war on terrorism does not excuse, and is ultimately undermined by, abuses by Russian security forces against the civilian population in Chechnya;

(2) the Government of the Russian Federation and the Chechen government should—

(A) immediately cease all military operations in Chechnya; and

(B) conduct an independent and impartial investigation into all incidents involving civilians;

(C) cooperate with international monitors and humanitarian organizations to report on the situation, investigate alleged atrocities, and distribute assistance; and

(3) the President of the United States and NATO, in support of the United Nations and the Organization for Security and Cooperation in Europe (OSCE), should—

(A) adopt a negotiated settlement to the conflict in Chechnya; and

(B) implement a durable political solution: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the strong relationship between the United States and Chechnya, including in Alkhan-Yurt in 1996; Staropromysovoslovski and Aldi in 2000; Alkhan-Kala, Assinnovskaya, and Sernovodsk in 2001; and Tsoetse-Yurt and Argun in 2002;

(2) recognizes the grievous human rights abuses and other violations of human rights in Chechnya;

(3) urges the Department of State to cooperate with the Eastern Partnership of the Russian Federation, and the Chechen government of Aslan Maskhadov, should immediately seek a negotiated settlement to the conflict there;

(4) the United States government of the Russian Federation should—

(A) act immediately to end and to investi- gate human rights violations by Russian soldiers in Chechnya;

(B) provide secure and unimpeded access for international monitors and humanitarian organizations to report on the situation, investigate alleged atrocities, and distribute assistance; and

(C) ensure that refugees and displaced persons in the North Caucasus are registered in accordance with Russian and international law, receive adequate assistance, and are not forced against their will to return to Chechnya; and

(5) the President of the United States should—

(A) seek specific information from the Government of the Russian Federation on investigations of reported human rights abuses in Chechnya and prosecutions against those individuals accused of those abuses;

(B) promote peace negotiations between the Government of the Russian Federation and the elected leadership of the Chechen government, including Aslan Maskhadov; and
ORDERS FOR THURSDAY, MARCH 21, 2002

Mr. REID. I ask unanimous consent that the Senate complete its business today, it adjourn until the hour of 9:45 a.m., Thursday, March 21, that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the energy reform bill.

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

PROGRAM

Mr. REID. Mr. President, the Senate will vote in relation to the Kyl amendment shortly after we convene tomorrow morning.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order. There being no objection, the Senate, at 7:17 p.m., adjourned until Thursday, March 21, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate March 20, 2002:

EXECUTIVE OFFICE OF THE PRESIDENT

KATHIE L. OLSEN, OF OREGON, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, FEDERAL MANDATE.

DEPARTMENT OF LABOR

KATHLEEN M. HARRINGTON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICIUS AUGUSTUS RIGNON KING.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

THOMAS MALLON, OF CONNECTICUT, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004, VICE DONALD L. FIDIC.

AFRICAN DEVELOPMENT FOUNDATION


DEPARTMENT OF COMMERCE

LARRY M. SENGER, OF WASHINGTON, TO BE A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR.

SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

SUZANNE K. HALE, OF VIRGINIA CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR.

The following-named career members of the senior foreign service of the department of commerce for promotion into the senior foreign service to the class indicated:

MERRITT T. COORE, OF PENNSYLVANIA
DAVID W. FULTON, OF VIRGINIA
JOHN A. HINKS, OF VIRGINIA
CHARLES KESTENBAUM, OF VIRGINIA
THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR RENUMERATION PROMOTION WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

SUZANNE K. HALE, OF VIRGINIA CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR.

The following-named career members of the senior foreign service of the department of commerce for promotion within the senior foreign service to the class indicated:

JENNIFER R. KLEIN, OF CALIFORNIA
LAURA M. SAGERT, OF CALIFORNIA
MICHAEL F. HAGEN, OF CALIFORNIA
THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DANIEL N. WOODS, OF OHIO
JEFFREY D. KNOX, OF OHIO
THE FOLLOWING-NAMED CAREERS MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

LYNN KRUEGER ADRIAN, OF FLORIDA
KIMBERLY CELESTE JEMISON, OF VIRGINIA
CINDY S. KIM, OF VIRGINIA
JOYCE MARIE HUANG, OF VIRGINIA
THE FOLLOWING-NAMED CAREERS MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

STEPHEN SPENCER WHEELER, OF CALIFORNIA
REBECCA J. VARNER, OF OKLAHOMA
JENNIFER D. SUBLETT, OF MISSOURI
MICHAEL SAMPSON, OF WASHINGTON
THE FOLLOWING-NAMED CAREERS MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

HALO E. ELLIS, OF TENNESSEE
BARBARA L. MERCKER, OF VIRGINIA
STEPHEN B. MERCIER, OF THE DISTRICT OF COLUMBIA
ROGER K. WILKINSON, OF VIRGINIA
THE FOLLOWING-NAMED CAREERS MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

MIKHAIL M. CHUMAK, OF CALIFORNIA
JEFFREY ALBERT SALAZAR, OF TEXAS
ALAN H. MURPHY, OF NEW HAMPSHIRE
JOHN CARTER ROBERTSON, OF TEXAS
MATTHEW F. BOTH, OF KANSAS
THE FOLLOWING-NAMED CAREERS MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JAMES C. DIXON, OF VIRGINIA
STEVEN J. CARUSO, OF NEW YORK
JACQUES C. GABLE, OF VIRGINIA
LYNN W. HAGEN, OF MICHIGAN
THE FOLLOWING-NAMED CAREERS MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JACQUELINE M. BARKER, OF MARYLAND
ROBERT J. HAYES JR., OF VIRGINIA
EUGENE LA. BURBANK, OF MONTANA
KEMP M. DIXON, OF VIRGINIA
THE FOLLOWING-NAMED CAREERS MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JOHN A. HARRIS, OF TEXAS
KAREN L. OGLE, OF MICHIGAN
WILLIAM A. MARJENHOFF, OF VIRGINIA
RAMIN ASGARD, OF NEW JERSEY
THE FOLLOWING-NAMED CAREERS MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

LEONARD RICHARDSON, OF VIRGINIA
MIRIAM RAMOS, OF VIRGINIA
MATTHEW L. SALVETTI, OF THE DISTRICT OF COLUMBIA
MARTHA A. MANGHANI, OF KANSAS
THE FOLLOWING-NAMED CAREERS MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JOHN A. HARRIS, OF TEXAS
KAREN L. OGLE, OF MICHIGAN
WILLIAM A. MARJENHOFF, OF VIRGINIA
RAMIN ASGARD, OF NEW JERSEY
THE FOLLOWING-NAMED CAREERS MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

LEONARD RICHARDSON, OF VIRGINIA
MIRIAM RAMOS, OF VIRGINIA
MATTHEW L. SALVETTI, OF THE DISTRICT OF COLUMBIA
MARTHA A. MANGHANI, OF KANSAS
THE FOLLOWING-NAMED CAREERS MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:
IN THE ARMY

The following named officer for appointment to the grade indicated in the United States Army Nurse Corps and for regular appointment under title 10, U.S.C., sections 512 and 624:

To be colonel

MARY B. RIDGELL, 0000

The following named officer for appointment to the grade indicated in the United States Army Judge Advocate General's Corps under title 10, U.S.C., section 524:

To be colonel

RODNEY E. HUDSON, 0000 JA

The following named officer for appointment to the grade indicated in the United States Army Medical Corps and for regular appointment under title 10, U.S.C., sections 512 and 624:

To be colonel

JAMES R. UHL, 0000

IN THE NAVY

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

ERIC DAVIS, 0000

FRANK D. ROSSI, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate March 20, 2002:

IN THE ARMY

The following named officer for appointment to the grade indicated in the United States Army Nurse Corps and for regular appointment under title 10, U.S.C., sections 512 and 624:

To be colonel

MARY B. RIDGELL, 0000

The following named officer for appointment to the grade indicated in the United States Army Judge Advocate General’s Corps under title 10, U.S.C., section 524:

To be colonel

RODNEY E. HUDSON, 0000 JA

The following named officer for appointment to the grade indicated in the United States Army Medical Corps and for regular appointment under title 10, U.S.C., sections 512 and 624:

To be colonel

JAMES R. UHL, 0000

IN THE NAVY

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

ERIC DAVIS, 0000

FRANK D. ROSSI, 0000

United States Agency for International Development

Emmy B. Simmons, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development:

The above nominations were approved subject to the nominees’ commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Foreign Service nominations beginning Jeffrey Dawson and ending Joseph E. Zadrozo, Jr., which nominations were received by the Senate and appeared in the Congressional Record on December 20, 2001.

Foreign Service nominations beginning Gustavo Alberto Mejía and ending Joseph E. Zadrozo, Jr., which nominations were received by the Senate and appeared in the Congressional Record on December 20, 2001.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 21, 2002 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

APRIL 9

2:30 p.m.  Armed Services
        SeaPower Subcommittee
        To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on Navy equipment required for fielding a 21st century capabilities-based Navy.

SR–222

APRIL 10

10:30 a.m.  Judiciary
        Antitrust, Competition and Business and Consumer Rights Subcommittee
        To hold hearings to examine cable competition, focusing on the ATT-Comcast merger.

SD–226

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
Wednesday, March 20, 2002

Daily Digest

HIGHLIGHTS

Senate passed H.R. 2356, Campaign Finance Reform, clearing the measure for the President.

House committees ordered reported 35 sundry measures.


The House passed H.R. 3924, to authorize Telecommuting for Federal Contractors.

Senate

Chamber Action
Routine Proceedings, pages S2095–S2192

Measures Introduced: Five bills and two resolutions were introduced, as follows: S. 2035–2039, and S. Res. 228–229.

Measures Passed:

Campaign Finance Reform: By 60 yeas to 40 nays (Vote No. 54), Senate passed H.R. 2356, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform, clearing the measure for the President.

During consideration of this measure today, Senate also took the following action:

By 68 yeas to 32 nays (Vote No. 53), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill.

Pro Bono Legal Services: Senate agreed to S. Res. 227, to clarify the rules regarding the acceptance of pro bono legal services by Senators.

Unemployment Assistance Extension: Senate passed H.R. 3986, to extend the period of availability of unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the case of victims of the terrorist attacks of September 11, 2001, clearing the measure for the President.

Condemning Suicide Bombings: Senate agreed to S. Res. 229, condemning the involvement of women in suicide bombings.

Ukraine Fair Election Process: Senate agreed to S. Res. 205, urging the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31, 2002, parliamentary elections.

Condemning Chechnya Human Rights Violations: Senate agreed to S. Res. 213, condemning human rights violations in Chechnya and urging a political solution to the conflict.

Energy Policy Act: Senate continued consideration of S. 517, to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, taking action on the following amendments proposed thereto:

Pending:

Daschle/Bingaman Further Modified Amendment No. 2917, in the nature of a substitute.

Feinstein Modified Amendment No. 2989 (to Amendment No. 2917), to provide regulatory oversight over energy trading markets and metals trading markets.

Kerry/McCain Amendment No. 2999 (to Amendment No. 2917), to provide for increased average fuel economy standards for passenger automobiles and light trucks.

Dayton/Grassley Amendment No. 3008 (to Amendment No. 2917), to require that Federal agencies use ethanol-blended gasoline and biodiesel-blended diesel fuel in areas in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available.
Bingaman Amendment No. 3016 (to Amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard.

Lott Amendment No. 3028 (to Amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees.

Lott Amendment No. 3033 (to Amendment No. 2989), to provide for the fair treatment of Presidential judicial nominees.

Lincoln Modified Amendment No. 3023 (to Amendment No. 2917), to expand the eligibility to receive biodiesel credits and to require the Secretary of Energy to conduct a study on alternative fueled vehicles and alternative fuels.

Kyl Amendment No. 3038 (to Amendment No. 3016), to provide for appropriate State regulatory authority with respect to renewable sources of electricity.

A unanimous-consent-time agreement was reached providing for further consideration of Kyl Amendment No. 3038 (listed above), today and Thursday, March 21, 2002, with a vote to occur on or in relation to the amendment.

Nominations Confirmed: Senate confirmed the following nominations:
- Robert B. Holland III, of Texas, to be United States Alternate Executive Director of the International Bank For Reconstruction and Development for a term of two years.
- Emmy B. Simmons, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development. (New Position)
- James W. Pardew, of Arkansas, to be Ambassador to the Republic of Bulgaria.
- Richard Monroe Miles, of South Carolina, to be Ambassador to Georgia.
- Peter Terpeluk, Jr., of Pennsylvania, to be Ambassador to Luxembourg.
- Lawrence E. Butler, of Maine, to be Ambassador to The Former Yugoslav Republic of Macedonia.
- Robert Patrick John Finn, of New York, to be Ambassador to Afghanistan.

A routine list in the Foreign Service.

Nominations Received: Senate received the following nominations:
- Kathie L. Olsen, of Oregon, to be an Associate Director of the Office of Science and Technology Policy.
- Kathleen M. Harrington, of the District of Columbia, to be an Assistant Secretary of Labor.
- Thomas Mallon, of Connecticut, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Walter H. Kansteiner, Assistant Secretary of State (African Affairs), to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 27, 2003.

Claude A. Allen, Deputy Secretary of Health and Human Services, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2003.

Charles S. Abell, of Virginia, to be Deputy Under Secretary of Defense for Personnel and Readiness. (New Position)
- 1 Marine Corps nomination in the rank of general.

Nomination Discharged and Placed on Calendar: The following nomination was discharged from the Committee on Environment and Public Works and placed on the Executive Calendar:
- J. Paul Gilman, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

Messages From the House:

Measures Referred:

Measures Read First Time:

Enrolled Bills Presented:

Executive Communications:

Executive Reports of Committees:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Authority for Committees to Meet:

Privilege of the Floor:

Record Votes: Two record votes were taken today. (Total—54)

Adjournment: Senate met at 10 a.m., and adjourned at 7:17 p.m., until 9:45 a.m., on Thursday, March 21, 2002. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S2191).

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—PUBLIC HEALTH/ NUTRITION/REGULATORY AGENCIES

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, and Related Agencies concluded hearings on proposed budget estimates for fiscal year 2003, after receiving testimony in behalf
of funds for their respective activities from James E. Newsome, Chairman, Commodity Futures Trading Commission; Elsa Murano, Under Secretary for Food Safety, William T. Hawks, Under Secretary for Marketing and Regulatory Programs, and Eric M. Bost, Under Secretary for Food, Nutrition, and Consumer Services, all of the Department of Agriculture; and Lester Crawford, Deputy Commissioner, Food and Drug Administration, Department of Health and Human Services.

INTELLIGENCE PROGRAMS
Committee on Appropriations: Subcommittee on Defense concluded closed hearings to examine an overview of intelligence programs, after receiving testimony from George J. Tenet, Director of Central Intelligence.

APPROPRIATIONS—OMB
Committee on Appropriations: Subcommittee on Treasury and General Government concluded hearings on proposed budget estimates for fiscal year 2003 for the Office of Management and Budget, after receiving testimony from Mitchell E. Daniels, Jr., Director, Office of Management and Budget.

APPROPRIATIONS—EPA
Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies concluded hearings to examine proposed budget estimates for fiscal year 2003 for the Environmental Protection Agency, after receiving testimony from Christine Todd Whitman, Administrator, Environmental Protection Agency.

DEFENSE AUTHORIZATION

DEFENSE AUTHORIZATION
Committee on Armed Services: Subcommittee on Strategic concluded hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on national security space programs and strategic programs, after receiving testimony from Peter B. Teets, Under Secretary of the Air Force and Director, National Reconnaissance Office; Gen. Ralph E. Eberhart, USAF, Commander in Chief, North American Aerospace Defense Command and United States Space Command; Adm. James O. Ellis, USN, Commander in Chief, United States Strategic Command; Maj. Gen. Franklin J. Blaisdell, USAF, Director, Nuclear and Counterproliferation, Office of the Deputy Chief of Staff for Air and Space Operations, United States Air Force; and Rear Adm. Dennis M. Dwyer, USN, Director, Strategic Systems Programs, United States Navy.

NOMINATIONS
Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nominations of JoAnn Johnson, of Iowa, and Deborah Matz, of New York, each to be a Member of the National Credit Union Administration Board.

INVESTOR PROTECTION
Committee on Banking, Housing, and Urban Affairs: Committee continued oversight hearings to examine accounting and investor protection issues raised by the fall of the Enron Corporation and by other public companies, focusing on restoring value to independent audits and analysts, after receiving testimony from former Senator Howard M. Metzenbaum, on behalf of the Consumer Federation of America; Sarah Teslik, Council of Institutional Investors, and Damon Silvers, AFL-CIO, both of Washington, D.C.; and Thomas A. Bowman, Association for Investment Management and Research, Charlottesville, Virginia.

BUSINESS MEETING
Committee on the Budget: Committee began markup of a proposed concurrent resolution setting forth the fiscal year 2003 budget for the Federal Government, but did not complete action thereon, and will continue tomorrow.
BROADBAND DEPLOYMENT
Committee on Commerce, Science, and Transportation: Committee concluded hearings on H.R. 1542, to deregulate the Internet and high speed data services, after receiving testimony from Representatives Tauzin and Dingell.

INTERSTATE WASTE AND FLOW CONTROL
Committee on Environment and Public Works: Committee concluded hearings on S. 1194, to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and S. 2034, to amend the Solid Waste Disposal Act to impose certain limits on the receipt of out-of-State municipal solid waste, after receiving testimony from David E. Hess, Pennsylvania Department of Environmental Protection, Harrisburg; Robert G. Burnley, Virginia Department of Environmental Quality, Richmond; Harold J. Anderson III, Solid Waste Authority of Central Ohio, Grove City, on behalf of the Local Government Coalition for Environmentally Sound Municipal Solid Waste Management; Leslie Allan, New York City Department of Sanitation, New York, New York; and Bruce Parker, National Solid Wastes Management Association, Washington, D.C.

ENRON AND CREDIT RATING AGENCIES
Committee on Governmental Affairs: Committee resumed hearings to examine issues with respect to the collapse of the Enron Corporation, focusing on the influence of credit rating agencies on investors and the securities markets, including issuer’s access to and cost of capital, financial transactions structure, and the ability to invest in particular investments, after receiving testimony from Isaac C. Hunt, Jr., Commissioner, Securities and Exchange Commission; Ronald M. Barone, Standard and Poor’s, Long Island, New York; John C. Diaz, Moody’s Investors Service, Ralph G. Pellecchia, Fitch Ratings Global Power Group, and Glenn L. Reynolds, CreditSights, Inc., all of New York, New York; Jonathan R. Macey, Cornell Law School, Ithaca, New York; and Steven L. Schwarcz, Duke University School of Law, Durham, North Carolina.

Identity Theft
Committee on the Judiciary: Subcommittee on Technology, Terrorism, and Government Information concluded hearings to examine proposed legislation that would protect personal information and protect against identity theft, which can often result in great financial loss by the victims, including S. 1742, to prevent the crime of identity theft, mitigate the harm to individuals victimized by identity theft, and related provisions of S. 1399, to prevent identity theft, after receiving testimony from J. Howard Beales III, Director, Bureau of Consumer Protection, Federal Trade Commission; Washington State Attorney General Christine O. Gregoire, Olympia; Linda Foley, Identity Theft Resource Center, San Diego, California; Louis P. Cannon, Fraternal Order of Police Grand Lodge and District of Columbia Lodge, Washington, D.C.; and Sallie Twentyman, Falls Church, Virginia.

INTELLIGENCE
Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community. Committee recessed subject to call.

House of Representatives

Chamber Action
Measures Introduced: 73 public bills, H.R. 4009–4081; 1 private bill, H.R. 4082; and 13 resolutions, H. Con. Res. 360–369, and H. Res. 374–376, were introduced.

Reports Filed: Reports were filed today as follows: H.R. 3669, to amend the Internal Revenue Code of 1986 to empower employees to control their retirement savings accounts through new diversification rights, new disclosure requirements, and new tax incentives for retirement education, amended (H. Rept. 107–382, Pt. 1).

Page H1087
Prayer: The prayer was offered by Rev. Sylvia Sumter, Unity of Washington Church of Washington, D.C.
Page H1005

Journal: Agreed to the Speaker’s approval of the Journal of Tuesday, March 19 by a yea-and-nay vote of 351 yeas to 55 nays, with 1 voting “present,” Roll No. 69.
Pages H1005–06

Suspensions: The House agreed to suspend the rules and pass measures debated on Tuesday March 19:

Democratic Parliamentary Elections in Ukraine:
H. Res. 339, amended, urging the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31, 2002, parliamentary elections (agreed to by a yea-and-nay vote of 408 yeas to 1 nay, Roll No. 70); and

Women’s History Month: H. Res. 371, expressing the sense of the House of Representaties regarding Women’s History Month (agreed to by a yea-and-nay vote of 423 yeas with none voting “nay,” Roll No. 72).

Agreed to H. Res. 373, the rule that provided for consideration of the bill by voice vote.

Pursuant to the rule, the amendment in the nature of a substitute printed in H. Rept. 107–380 was considered as adopted.
The House agreed to H. Res. 372, the rule that provided for consideration of the concurrent resolution by a yea-and-nay vote of 222 yeas to 206 nays, Roll No. 77. Agreed to table the Dreier motion to reconsider the vote by a yea-and-nay vote of 213 yeas to 206 nays, Roll No. 78.
Agreed to order the previous question by a yea-and-nay vote of 221 yeas to 206 nays, Roll No. 75. Earlier, agreed to table the Slaughter motion to reconsider the vote by a yea-and-nay vote of 222 yeas to 206 nays, Roll No. 76.

Motions to Adjourn: Rejected the Sandlin motion to adjourn by a recorded vote of 77 ayes to 337 noes with 1 voting “present”, Roll No. 75. Rejected the Slaughter motion to adjourn by a recorded vote of 72 ayes to 333 noes, Roll No. 74.

Committee on Education and the Workforce Report: Agreed that the Committee on Education and the Workforce have until midnight on Thursday, April 4 to file a report on H.R. 3762, Pension Security Act of 2002.

District Work Period: The House agreed to H. Con. Res. 360, providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, April 10.

Resignations—Appointments: Agreed that notwithstanding any adjournment of the House until Tuesday, April 9, 2002, the Speaker, Majority Leader and Minority Leader be authorized to accept resignations and make appointments authorized by law or by the House.

Senate Message Transmitting Adjournment Resolution: Agreed that when the House adjourns today, it adjourn to meet at 2 p.m. on Friday, March 22, 2002, unless it sooner has received a message from the Senate transmitting its concurrence in H. Con. Res. 360, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Committee Election—Committee on Energy and Commerce: Read a letter from Representative Fletcher wherein he announced his resignation from the Committees on Agriculture, Budget, and Education and the Workforce. Subsequently the House agreed to H. Res. 375, electing Representative Fletcher to the Committee on Energy and Commerce.


Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Tom Davis of Virginia, or if not available to perform this duty, Representative Frank Wolf of Virginia to act as Speaker pro tempore to sign enrolled bills and joint resolutions through April 9.

voting members: Ms. Vicky A. Bailey of Washington, D.C.; Mr. Earl G. Graves, Sr., of New York City, New York; Mr. Michael L. Lomax of New Orleans, Louisiana; Mr. Robert L. Wright of Alexandria, Virginia; Mr. Lerone Bennett, Jr., of Clarksdale, Mississippi; and Ms. Claudine K. Brown of Brooklyn, New York. And as nonvoting members: Representatives J.C. Watts, Jr. of Oklahoma and John Lewis of Georgia.

Senate Messages: Message received from the Senate appears on page H1007.


**Adjournment:** The House met at 10 a.m. and at 9:35, pursuant to the previous order of the House, the House stands adjourned until 2 p.m. on Friday, March 22, 2002, unless it sooner has received a message from the Senate transmitting its concurrence in H. Con. Res. 360, in which case the House shall stand adjourned until 2 p.m. on Tuesday, April 9, 2002.

**Committee Meetings**

**AGRICULTURE, RURAL DEVELOPMENT APPROPRIATIONS**

*Committee on Appropriations:* Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies held a hearing on Rural Development. Testimony was heard from the following officials of the USDA: Stephen B. Dewhurst, Budget Officer; Michael E. Neruda, Deputy Under Secretary, Rural Development; Hilda G. Legg, Administrator, Rural Utilities Service; James C. Alsop, Acting Administrator, Rural Housing Service; and John Rosso, Administrator, Rural Business-Cooperative Service.

**COMMERCE, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS**

*Committee on Appropriations:* Subcommittee on Commerce, Justice, State and Judiciary held a hearing on DEA, and on the U.S. Trade Representative. Testimony was heard from Asa Hutchinson, Administrator, DEA, Department of Justice; and Robert B. Zoellick, U.S. Trade Representative.

**DEFENSE APPROPRIATIONS**

*Committee on Appropriations:* Subcommittee on Defense held a hearing on Fiscal Year 2003 Air Force Budget Overview. Testimony was heard from the following officials of the Department of the Air Force: James G. Roche, Secretary; and Gen. John P. Jumper, USAF, Chief of Staff.

**INTERIOR APPROPRIATIONS**

*Committee on Appropriations:* Subcommittee on Interior held a hearing on Smithsonian. Testimony was heard from Lawrence M. Small, Secretary, Smithsonian Institution.

**LABOR, HHS, AND EDUCATION APPROPRIATIONS**

*Committee on Appropriations:* Subcommittee on Labor, Health and Human Services, and Education held a hearing on Center for Medicare and Medicaid Services and the Administration for Children and Families. Testimony was heard from the following officials of the Department of Health and Human Services: Wade Horn, Assistant Secretary, Administration for Children and Families; Thomas A. Scully, Administrator, Center for Medicare and Medicaid Services; and David W. Fleming, M.D., Deputy Director, Science and Public Health, Centers for Disease Control and Prevention.

**MILITARY CONSTRUCTION APPROPRIATIONS**

*Committee on Appropriations:* Subcommittee on Military Construction held a hearing on Unexploded Ordnance. Testimony was heard from Representative Blumenauer; the following officials of the Department of Defense: Raymond Dubois, Deputy Under Secretary, Installations and Environment; Raymond Fatz, Deputy Assistant Secretary, Environment, Safety and Occupational Health, Department of the Army; H.T. Johnson, Assistant Secretary, Installations and Environment, Department of the Navy; and Maureen Koetz, Deputy Assistant Secretary, Environment, Safety, and Occupational Health, Department of the Air Force; and Michael Houlemard, Executive Officer, Fort Ord Reuse Authority.

**TRANSPORTATION APPROPRIATIONS**

*Committee on Appropriations:* Subcommittee on Transportation held a hearing on Federal Transit Administration. Testimony was heard from Jennifer L. Dorn, Administrator, Federal Transit Administration, Department of Transportation.

**TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS**

*Committee on Appropriations:* Subcommittee on Treasury, Postal Service and General Government held a hearing on Bureau of the Public Debt. Testimony was heard from the following officials of the Department of the Treasury: Brian Roseboro, Assistant Secretary, Financial Markets; and Van Zeck, Commissioner, Bureau of the Public Debt.
VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies held a hearing on Corporation for National and Community Services, and on Council on Environmental Quality. Testimony was heard from Leslie Lenkowsky, Chief and CEO, Corporation for National and Community Services; and James Laurence Connaughton, Chairman, Council on Environmental Quality.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST


NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST

Committee on Armed Services: Subcommittee on Military Installations and Facilities held a hearing on the fiscal year 2003 National Defense Authorization budget request. Testimony was heard from the following officials of the Department of Defense: H.T. Johnson, Assistant Secretary, Navy (Installations and Environment), Rear Adm. David Pruett, USN, Chief of Naval Operations, Civil Engineering Readiness Division; Brig. Gen. Ronald S. Coleman, USMC, Assistant Deputy Commandant, Installations and Logistics (Facilities), Headquarters, U.S. Marine Corps; and Rear Adm. Noel G. Preston, USN, Deputy Director, Naval, all with the Department of the Navy; Nelson F. Gibbs, Assistant Secretary, Air Force (Installations, Environment and Logistics); Brig. Gen. David A. Brubaker, USAF, Deputy Director, Air National Guard; and Brig. Gen. Robert E. Duignan, USAF, Deputy to the Chief, Air Force Reserve, all with the Department of the Air Force.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST

Committee on Armed Services: Subcommittee on Military Procurement held a hearing on the fiscal year 2003 National Defense Authorization budget request. Testimony was heard from John J. Young, Jr., Assistant Secretary of the Navy (Research, Development and Acquisition), Vice Adm. Dennis V. McGinn, USN, Deputy Chief of Naval Operations (Resources, Warfare Requirements and Assessments), both with the Department of the Navy; Ron O’Rourke, Specialist in National Defense; Foreign Affairs, Defense, and Trade Division, Congressional Research Service, Library of Congress; and a public witness.

MISCELLANEOUS MEASURES

Committee on Education and the Workforce: Ordered reported, as amended, the following bills: H.R. 3762, Pension Security Act of 2002; H.R. 3784, Museum and Libraries Services Act of 2002; H.R. 3839, Keeping Children and Families Safe Act of 2002; and H.R. 3801, to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination.

MEDICARE MODERNIZATION

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled “Medicare Modernization: Examining the Federal Employees Health Benefits Program as a Model for Seniors.” Testimony was heard from Bobby Jindal, Assistant Secretary, Planning and Evaluation, Department of Health and Human Services; Max Richtman, Executive Vice President, National Committee to Preserve Social Security and Medicare; and public witnesses.

CORPORATE AND AUDITING ACCOUNTABILITY, RESPONSIBILITY, AND TRANSPARENCY ACT

Committee on Financial Services: Continued hearings on H.R. 3763, Corporate and Auditing Accountability, Responsibility, and Transparency Act of 2002. Testimony was heard from Harvey L. Pitt, Chairman, SEC; H. Carl McCall, Comptroller, State of New York; and public witnesses.

NASA—FINANCIAL MANAGEMENT

Committee on Government Reform: Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations held a hearing on “Financial Management at NASA: What Went Wrong?” Testimony was heard from Gregory Kutz, Director, Financial Management and Assurance, GAO; the following officials of NASA: Stephen Varholy, Deputy Chief Financial Officer; and Alan Lamoreaux, Assistant Inspector General, Audits; and a public witness.

DOD—FINANCIAL MANAGEMENT PROBLEMS

Committee on Government Reform: Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Affairs held a hearing on “The Department of Defense: What is Being Done to Resolve Longstanding Financial Management Problems?” Testimony was heard from Gregory Kutz, Director, Financial Management and Assurance, GAO; and the following officials of the Department of Defense: Robert Lieberman, Deputy Inspector
General; and Tina Jonas, Deputy Under Secretary, Financial Management.

MISCELLANEOUS MEASURES
Committee on International Relations: Ordered reported, as amended, H.R. 3994, Afghanistan Freedom Support Act.

Favorably considered the following measures and adopted a motion urging the Chairman to request that they be considered on the Suspension Calendar: H.R. 3656, to amend the International Organizations Immunities Act to provide for the applicability of that Act to the European Central Bank; and H. Con. Res. 290, expressing the sense of the Congress that women throughout the world should join together for a week of workshops, forums, and other events to speak up for world peace.

CHILD CUSTODY PROTECTION ACT; DIGITAL TECH CORPS ACT
Committee on the Judiciary: Ordered reported the following bills: H.R. 476, Child Custody Protection Act; and H.R. 3925, amended, Digital Tech Corps Act of 2002.

JUDICIAL IMPROVEMENTS ACT
Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property approved for full Committee action, as amended, H.R. 3892, Judicial Improvements Act of 2002.

MISCELLANEOUS MEASURES
Committee on Resources: Ordered reported the following measures: H. Res. 261, recognizing the historical significance of the Aquia sandstone quarries of Government Island in Stafford County, Virginia for their contributions to the construction of the Capital of the United States; H.R. 1448, amended, to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa; H.R. 2109, amended, to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach, Florida, for possible inclusion in the National Park System; H.R. 2114, amended, National Monument Fairness Act of 2001; H.R. 2628, Muscle Shoals National Heritage Area Study Act of 2001; H.R. 2880, amended, Five Nations Citizens Land Reform Act; H.R. 2937, amended, to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range; H.R. 2963, amended, Deep Creek Wilderness Act; H.R. 3421, amended, Yosemite National Park Educational Facilities Improvement Act; H.R. 3425, amended, to direct the Secretary of the Interior to study the suitability and feasibility of establishing Highway 49 in California, known as the Golden Chain Highway, as a National Heritage Corridor; H.R. 3480, Upper Mississippi River Basin Protection Act of 2001; H.R. 3848, to provide for funds for the construction of recreational and visitor facilities in Washington County, Utah; H.R. 3853, amended, to make technical corrections to laws passed by the 106th Congress related to parks and public lands; H.R. 3909, Gunn McKay Nature Preserve Act; H.R. 3955, amended, to designate certain National Forest System lands in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System; and H.R. 3958, amended, to provide a mechanism for the settlement of claims of the State of Utah regarding portions of the Bear River Migratory Bird Refuge located on the shore of the Great Salt Lake, Utah.

MISCELLANEOUS MEASURES
Committee on Resources: Held a hearing on the following bills: H.R. 2829, Sound Science for Endangered Species Act Planning Act of 2001; and H.R. 3705, Sound Science Saves Species Act of 2002. Testimony was heard from Craig Manson, Assistant Secretary, Fish, and Wildlife and Parks, Department of the Interior; Rebecca Lent, Deputy Assistant Administrator, Regulatory Programs, National Marine Fisheries Service, NOAA, Department of Commerce; and public witnesses.

MISCELLANEOUS MEASURES; PRESIDENTIAL Awardees—EXCELLENCE IN MATHEMATICS AND SCIENCE TEACHING
Committee on Science: Ordered reported, as amended, the following bills: H.R. 2051, to provide for the establishment of regional plant genome and gene expression research and development centers; H.R. 3389, National Sea Grant College Program Act Amendments of 2002; and H.R. 3939, Energy Pipeline Research, Development, and Demonstration Act.

The Committee also held a hearing on The 2001 Presidential Awardees for Excellence in Mathematics and Science Teaching: Views from the Blackboard. Testimony was heard from public witnesses.

MAKING OFFICE OF ADVOCACY INDEPENDENT
Committee on Small Business: Held a hearing on Making the Office of Advocacy Independent. Testimony was heard from the following officials of the SBA: Thomas M. Sullivan, Chief Counsel, Office of Advocacy; and Michael Barrera, Small Business and Agriculture Regulatory Enforcement Ombudsman; and a public witness.
MISCELLANEOUS MEASURES

MARITIME TRANSPORTATION AND ANTITERRORISM ACT
Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation approved for full Committee action, as amended, H.R. 3983, Maritime Transportation and Antiterrorism Act of 2002.

HIGHWAY TRUST FUND—ENSURING INTEGRITY
Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on Ensuring the Integrity of the Highway Trust Fund. Testimony was heard from JayEtta Z. Hecker, Director, Physical Infrastructure Team, GAO; Donna McLean, Assistant Secretary, Budget and Programs, Department of Transportation; Andrew Lyon, Deputy Assistant Secretary, Tax Analysis, Department of the Treasury; and Kim P. Cawley, Chief, Natural and Physical Resources Cost Estimates Unit, CBO.

TAXPAYER PROTECTION AND IRS ACCOUNTABILITY ACT
Committee on Ways and Means: Ordered reported, as amended, H.R. 3991, Taxpayer Protection and IRS Accountability Act of 2002.

NATIONAL FOREIGN INTELLIGENCE PROGRAM OVERVIEW
Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on National Foreign Intelligence Program Overview of Fiscal Year 2003. Testimony was heard from departmental witnesses.

Joint Meetings

VETERANS PROGRAMS
Joint Hearing: Senate Committee on Veterans’ Affairs concluded joint hearings with the House Committee on Veterans’ Affairs to examine the legislative recommendations of certain veterans organizations, after receiving testimony from John W. Klumpp, American Ex-Prisoners of War, Washington, D.C.; Thomas H. Corey, Vietnam Veterans of America, Silver Spring, Maryland; Col. Robert F. Norton, USA, Ret., Retired Officers Association, Alexandria, Virginia; Raymond G. Boland, National Association of State Directors of Veterans Affairs, Sun Prairie, Wisconsin; and Joseph W. Lipowski, American Veterans, Lanham, Maryland.

NEW PUBLIC LAWS
(For last listing of Public Laws, see DAILY DIGEST of March 15, 2002, p. D243)


COMMITTEE MEETINGS FOR THURSDAY, MARCH 21, 2002
(Committee meetings are open unless otherwise indicated)

Senate
Special Committee on Aging: to hold hearings to examine pressures of long term care services and Medicaid costs on state budgets, 9 a.m., SD–628.

Committee on Appropriations: Subcommittee on Transportation, to hold hearings to examine security challenges presented by transportation of cargo, 10 a.m., SD–138.

Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine proposed budget estimates for fiscal year 2003 for the National Institutes of Health of the Department of Health and Human Services, 11 a.m., SD–192.

Subcommittee on District of Columbia, to hold hearings on proposed budget estimates for fiscal year 2003 for the District of Columbia Courts, Court Services, and Defender Supervision Agency, 2:30 p.m., SD–192.

Committee on Armed Services: Subcommittee on Readiness and Management Support, to hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense and the Future Years Defense Program, focusing on the readiness of U.S. Armed Forces for all assigned missions, 10 a.m., SR–232A.

Committee on Banking, Housing, and Urban Affairs: to continue oversight hearings to examine accounting and investor protection issues raised by the fall of the Enron Corporation and by other public companies, 10 a.m., SH–216.
Committee on the Budget: business meeting to continue markup of a proposed concurrent resolution setting forth the fiscal year 2003 budget for the Federal Government, 9 a.m., SD–608.

Committee on Commerce, Science, and Transportation: to hold hearings to examine airport capacity expansion plans in the Chicago area, 9:30 a.m., SR–253.

Committee on Finance: to hold hearings on the nomination of Randal Quarles, of Utah, to be Deputy Under Secretary of the Treasury for International Affairs, 9:30 a.m., SD–215.

Full Committee, to hold hearings to examine corporate tax shelters, 10 a.m., SD–215.

Committee on Governmental Affairs: business meeting to consider issuance of various subpoenas to employees of Enron, 9 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: business meeting to continue markup of S. 1992, to amend the Employee Retirement Income Security Act of 1974 to improve diversification of plan assets for participants in individual account plans, to improve disclosure, account access, and accountability under individual account plans; and begin markup of S. 1335, to support business incubation in academic settings, 9 a.m., SD–406.

Full Committee, to hold hearings to examine the Individuals With Disabilities Act, as it applies to children and schools, 10:30 a.m., SD–430.

Committee on Indian Affairs: business meeting to consider pending calendar business, 9:45 a.m., SR–485.

Full Committee, to hold hearings on S. 958, to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, 326–K, 10 a.m., SR–485.

Committee on the Judiciary: to hold hearings to examine reform of the Federal Bureau of Investigation, focusing on lessons learned from the Oklahoma City bombing, 9:30 a.m., SD–226.

Subcommittee on Crime and Drugs, to hold hearings to examine homeland defense, focusing on assessing the needs of local law enforcement, 2 p.m., SD–226.

Committee on Veterans’ Affairs: business meeting to consider the nomination of Robert H. Roswell, of Florida, to be Under Secretary for Health, and Daniel L. Cooper, of Pennsylvania, to be Under Secretary for Benefits, both of the Department of Veterans Affairs, time to be announced, S–216 Capitol.

House

Committee on Appropriations. Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on FDA, 9:30 a.m., 2362A Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, Center for Disease Control and Prevention, 9:45 a.m., 2358 Rayburn.

Committee on Armed Services, Special Oversight Panel on Department of Energy Reorganization, hearing on the findings and recommendations of the report of the Panel to Assess the Reliability, Safety, and Security of the United States Stockpile, 11 a.m., 2212 Rayburn.

Committee on Education and the Workforce, Subcommittee on 21st Century Competitiveness, hearing on “Assessing the Assistive Technology Act of 1998,” 10:30 a.m., 2175 Rayburn.

Committee on Financial Services, Subcommittee on Oversight and Investigations, hearing entitled ‘‘The Effects of the Global Crossing Bankruptcy on Investors, Markets, and Employees,’’ 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, hearing on “EPA Cabinet Elevation-Federal and State Agency Views,” 9:30 a.m., 2154 Rayburn.

Subcommittee on National Security, Veterans’ Affairs, and International Relations, hearing on “Combating Terrorism: Protecting the United States—Part II,” 1 p.m., 2247 Rayburn.

Subcommittee on Technology and Procurement Policy, hearing on “Turning the Tortoise Into the Hare: How The Federal Government Can Transition From Old Economy Speed to Become a Model for Electronic Government,” 2 p.m., 2154 Rayburn.

Committee on the Judiciary. Subcommittee on Immigration and Claims, oversight hearing on “The INS and Office of Special Counsel for Immigration Related Unfair Employment Practices,” 9 a.m.; and to mark up the following: H.R. 3214, to amend the charter of the AMVETS organization; H.R. 3988, to amend title 36, United States Code to clarify the requirements for eligibility in the American Legion; H.R. 2623, Posthumous Citizenship Restoration Act of 2001; H.R. 3838, to amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization; and a private relief measure, 10 a.m., 2237 Rayburn.

Committee on Resources, Subcommittee on National Parks, Recreation, and Public Lands, oversight hearing on the Status of the Future Visitor Center and Associated Fund-raising Efforts at the Gettysburg National Military Park, 2 p.m., 1334 Longworth.

Permanent Select Committee on Intelligence, Subcommittee on Human Intelligence, Analysis and Counterintelligence and the Subcommittee on Intelligence Policy and National Security, executive, hearing on Southeast Asia Issues, 9 a.m., H–405 Capitol.
Next Meeting of the SENATE
9:45 a.m., Thursday, March 21

Senate Chamber

Program for Thursday: Senate will resume consideration of S. 517, Energy Policy Act, with a vote to occur on or in relation to Kyl Amendment No. 3038 (to Amendment No. 3016).

Next Meeting of the HOUSE OF REPRESENTATIVES
2 p.m., Friday, March 22

House Chamber

Program for Friday: Pro forma session.

The House stands adjourned until 2 p.m. on Friday, March 22, 2002 unless it sooner has received a message from the Senate transmitting its concurrence in H. Con. Res. 360, in which case the House shall stand adjourned until 2 p.m. on Tuesday, April 9, 2002.