

That is true. It is also true that the House bill, which will then come up, also violates the Budget Act for the same reasons, as does the bill offered by my good friend from Iowa, as does the White House proposal. They all do.

The reason is because we have an emergency here. There are problems with which we have to deal. That is why. I wish this waiver would pass, but I know it won't.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield the floor. Let's vote.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays are ordered and the clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Texas (Mr. GRAMM) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

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

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 338 Leg.]

YEAS—51

Akaka	Dodd	Levin
Baucus	Dorgan	Lieberman
Bayh	Durbin	Lincoln
Biden	Edwards	Mikulski
Bingaman	Feingold	Miller
Boxer	Feinstein	Murray
Breaux	Graham	Nelson (FL)
Byrd	Harkin	Nelson (NE)
Cantwell	Hollings	Reed
Carnahan	Inouye	Reid
Carper	Jeffords	Rockefeller
Cleland	Johnson	Sarbanes
Clinton	Kennedy	Schumer
Conrad	Kerry	Stabenow
Corzine	Kohl	Torricelli
Daschle	Landrieu	Wellstone
Dayton	Leahy	Wyden

NAYS—47

Allard	Enzi	Nickles
Allen	Fitzgerald	Roberts
Bennett	Frist	Santorum
Bond	Grassley	Sessions
Brownback	Gregg	Shelby
Bunning	Hagel	Smith (NH)
Burns	Hatch	Smith (OR)
Campbell	Helms	Snowe
Chafee	Hutchinson	Specter
Cochran	Hutchison	Stevens
Collins	Inhofe	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voivovich
Domenici	McConnell	Warner
Ensign	Murkowski	

NOT VOTING—2

Gramm	McCain
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The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Mr. President, I supported a motion to waive the Budget Act with respect to a point of order raised against the substitute amend-

ment to H.R. 3090, even though there are a number of provisions in that amendment that are troubling.

Just a few weeks ago, this body voted to provide emergency funding to the nation's airlines. We recognize the special situation caused by the terrorist attacks of September 11, and understood that if we failed to act, the consequences for those firms, and for the economy as a whole, could well have been devastating.

At the time of that vote, I noted that we also needed to address the problems facing the workers in those firms. This legislation will do that, in part, and it will also provide assistance to other families who have been thrown out of work by the economic slowdown, and should provide the weakened economy with a boost.

Unfortunately, a number of special interests have taken advantage of this human and economic adversity to advance their own agenda. The measure that passed the other body is teeming with special interest tax breaks that do little or nothing for the economy as a whole in the short term, and seriously jeopardize our long term budget position. The substitute amendment before us is vastly superior in this respect. It provides far more benefit for our economy in the short term, while minimizing the long term impact.

Nevertheless, there are a number of special interest spending and tax provisions in the amendment that raise serious questions, such as provisions that provide money for citrus growers and buffalo farmers and tax breaks for electricity produced from chicken waste and aviation fuel for crop-dusters. A provision common to both the substitute amendment and the House-passed bill would reduce taxes on corporations' overseas investment income. As the Washington Post noted in a recent editorial: "It's hard to see how this measure, which would encourage firms to keep money outside the country, would do anything to stimulate the American economy."

The substitute amendment before us, even with its flaws, is far more fiscally responsible than the House bill, but as this legislation proceeds there is a real risk that it will continue to pick up still more special interest provisions. Indeed, the House version is largely a lobbyist's wish list. Unless this body is able to restrain itself, and resist efforts to advance special interest spending and tax breaks, the costs of a fiscal stimulus measure will outweigh any benefit it provides to our economy.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business with Senators allowed to speak of a period not to exceed 10 minutes.

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

FARM POLICY THAT WORKS

Mrs. LINCOLN. Mr. President, I joined my colleague from Arkansas, Senator HUTCHINSON, to introduce a bill of the utmost importance to our farmers.

Since the passage of the Freedom to Farm bill in 1996, our farmers have toiled under clouds of uncertainty. Quite simply stated, our Nation needs a farm policy that works for working farmers.

That is why I and Senator HUTCHINSON, along with Senator HELMS of North Carolina, Senator MILLER of Georgia, and Senators BREAUX and LANDRIEU of Louisiana, are proud to offer a new alternative.

We offer a farm bill that will ensure a strong safety net for America's farmers and ranchers.

We offer a farm bill that will increase investment in conservation programs by 80 percent.

We offer a farm bill that provides more effective support for disadvantaged working families through nutrition programs.

We offer a farm bill that will increase and improve our Nation's agricultural trade programs, such as the Food Aid program that sends food to the neediest nations.

We offer a farm bill that will preserve and protect our Nation's forests and environment while investing in rural America.

For too many years, while the American economy at large was posting astonishing and unprecedented gains, our agricultural producers have not benefited from our prosperity.

It is not only our farmers who are suffering as a result of failed government policy. The institutions of small-town and rural America local banks and merchants, feed and supply stores, equipment dealers, even corner groceries and family-owned hardware stores are all caught in the web of financial collapse.

Here is a letter I received from a young farmer in northeast Arkansas just a few months ago. He says that his family's farm is nearing "a point of no return," and that if the crisis continues, he will have to leave the land that his grandfather worked.

Here is a letter from a bank president in southeast Arkansas, who notes that when he moved to his community in 1969, a new John Deere combine sold for about \$15,000. Today, a comparable model sells for \$220,000. Fuel for that combine cost 15 cents per gallon in 1969, he writes; today, a gallon of diesel fuel costs \$1.05. He goes on to note that while a farmer could expect to receive \$3 for a bushel of rice 32 years ago, today he only gets \$2.7 for the same bushel. The costs skyrocket, but the returns on these investments continue to fall.

Here is a letter from a young woman in east Arkansas who works a 600-acre rice and soybean farm with her husband and child. Her husband is so depressed that he needs counseling and

medication. She can't let her child participate in after-school sports because of the additional costs entailed. She writes that where she and her family once felt pride in their sense of independence and self-sufficiency, today they feel only shame at having to rely on loans and supplemental income payments to get by.

These stories are not unusual. In many rural areas, they are becoming the norm. We cannot afford to let our farmers continue suffering like this. They can't wait another year for us to pass a farm bill. Their problems are here today.

Our bill will address their problems. Our bill will restore to them a better economic future. Our bill will restore to them their hope, so that they can build a better future for their children.

I am proud to be a coauthor of this bill, and I am proud to say that I will take my stand to fight for its passage.

#### 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 this 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 March 29, 1997 in Huntington Beach, CA. Michael Reign Caywood, 21, allegedly beat and robbed a gay man in his home. The assailant, who allegedly has ties to white supremacist groups, was charged with assault and residential robbery in connection with a hate crime.

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, we can change hearts and minds as well.

#### ADDITIONAL STATEMENTS

##### NOVARTIS PHARMACEUTICALS

• Mr. BROWNBACK. Mr. President, more than at any other time in my career we are a nation that is unified. We are a nation that, recognizing a common goal, is rallying with a knowledge that we will achieve a remarkable thing. It is extraordinary to witness.

One of the things that has always made this nation great, is that when we witness that which is extraordinary, we try to emulate it. You see it one thousand times a day, from the magnitude of contributions that have flooded to relieve every heroic firefighter's family, to the full sized flags flying from the back of Topeka pickup trucks, to the once rare act offering a smile and a bid of good morning to a stranger on the street.

And these acts of unity have not been the lot of individuals alone, nor have they been reserved to a response to the tragedy of September 11. It is one of these acts of unity—one of these recognitions of a common goal—that brings me to the floor today.

Last week the Novartis Pharmaceuticals Corporation announced their new CareCard drug discount program to aid the needy elderly who lack prescription drug coverage. This new program will translate to a savings of 30 to 40 percent off of retail pharmaceutical prices for the seniors with the greatest need. For this remarkable thing, Novartis deserves our thanks.

Over the past several years, the issue of the increasing cost of prescription drugs for seniors has remained a dominant story. Nearly every American has read of seniors forced to choose between the food to sustain them, the rent to shelter them or the medicine to keep them well. Because our antiquated Medicare system includes only very limited prescription drug coverage, the neediest senior have to figure out a way to pay for their medication.

In the absence of Congressional action to fundamentally reform and modernized the Medicare system in a way that would include prescription drug coverage, companies, like Novartis, have acted. In the case of the CareCard program. Novartis is offering seniors age 65 or older, with an annual income of less than 300 percent of the Federal Poverty Level who do not currently have prescription drug coverage substantial discounts on their products. This program could translate to \$10 million Americans who may now be able to afford the medicine they need.

All of this said, Mr. President, that we congratulate Novartis for stepping up and making these discounts available to seniors, should not serve as an excuse for Congress to continue not to act. That Novartis has done the right thing, is not reason for us to do nothing. Medicare is a 36 year old program that has not kept up with our health care economy. We must modernize Medicare. We must reform Medicare. We must make prescription drug coverage available for all seniors; and we must act soon.●

#### MESSAGES FROM THE HOUSE

At 10:57 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2330) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes.

At 2:17 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, an-

nounced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 400. An act to authorize the Secretary of the Interior to establish the Ronald Reagan Boyhood Home National Historic Site, and for other purposes.

H.R. 2541. An act to enhance the authorities of special agents and provide limited authorities to uniformed officers responsible for the protection of domestic Department of State occupied facilities.

H.R. 2546. An act to amend title 49, United States Code, to prohibit States from requiring a license or fee on account of the fact that a motor vehicle is providing interstate pre-arranged ground transportation service, and for other purposes.

H.R. 2776. An act to designate buildings 315, 318, and 319 located at the Federal Aviation Administration's William J. Hughes Technical Center in Atlantic City, New Jersey, as the "Frank R. Lautenberg Aviation Security Complex."

H.R. 2828. An act to authorize payments to certain Klamath Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project's transferred works for 2001, to authorize refunds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001, and for other purposes.

H.R. 2841. An act to designate the building located at 1 Federal Plaza in New York, New York, as the "James L. Watson United States Court of International Trade Building."

H.R. 2873. An act to extend and amend the program entitled Promoting Safe and Stable Families under title IV-B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV-E of that Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

H.R. 2976. An act to provide for the issuance of a special entrance pass for free admission to any federally owned area which is operated and maintained by a Federal agency and used for outdoor recreation purposes to the survivors, victims' immediate families, and police, fire, rescue, recovery, and medical personnel directly affected by the September 11, 2001, terrorist hijackings and the attacks on the World Trade Center and the Pentagon, and for other purposes.

H.R. 2985. An act to amend the Federal Trade Commission Act to increase civil penalties for violations involving certain proscribed acts or practices that exploit popular reaction to an emergency or major disaster declared by the President, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act.

H.R. 3060. An act to amend the Securities Exchange Act of 1934 to augment the emergency authority of the Securities and Exchange Commission.

H.R. 3240. An act to amend 38, United States Code, to restore certain education benefits of individuals being ordered to active duty as part of Operation Enduring Freedom.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 88. Concurrent resolution expressing the sense of the Congress that the President should issue a proclamation to recognize the contribution of the Lao-Hmong in defending freedom and democracy and supporting the goals of Lao-Hmong Recognition Day.