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House of Representatives

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

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

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

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

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

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

The SPEAKER. 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
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tanner
Tauscher
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiberi
Toomey
Towns
Turner
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Whitfield
Wilson (NM)

Printed on recycled paper.

Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—55

Aderholt
Baird
Borski
Brady (PA)
Brown (OH)
Capuano
Condit
Costello
Crane
DeFazio
English
Filner
Fossella
Gillmor
Gutknecht
Hastings (FL)
Hefley
Hill
Hilliard
Hinchey
Jackson-Lee (TX)
Jones (OH)
Kennedy (MN)
Kucinich
Larsen (WA)
Larson (CT)
Lewis (GA)
LoBiondo
Matheson
McDermott
McNulty
Menendez
Miller, George
Moore
Oberstar
Peterson (MN)
Phelps
Pomeroy
Ramstad
Sabo
Schaffer
Schakowsky
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiahrt
Udall (CO)
Udall (NM)
Visclosky
Waters
Watkins (OK)
Weller
Wicker

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—27

Barr
Blagojevich
Buyer
Clay
Clement
Deutsch
Dingell
Doyle
Ehrlich
Fattah
Gutierrez
Lantos
Lipinski
Markey
Platts
Rush
Sessions
Shadegg
Shows
Stark
Tauzin
Terry
Tierney
Traficant
Weldon (PA)
Wexler
Young (AK)

□ 1024

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. FOSSELLA). Will the gentlewoman from California (Ms. MILLENDER-MCDONALD) come forward and lead the House in the Pledge of Allegiance.

Ms. MILLENDER-MCDONALD 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.

REVEREND SYLVIA SUMTER

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

Ms. MILLENDER-MCDONALD. 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 Unity, 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.

URGING GOVERNMENT OF UKRAINE TO ENSURE A DEMOCRATIC, TRANSPARENT, AND FAIR ELECTION PROCESS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 339, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 339, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 1, not voting 25, as follows:

[Roll No. 70]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—25

Blagojevich
Clay
Cox
Davis (FL)
Dingell
Ehrlich
Ford
Gutierrez
Johnson (CT)
Lantos
Lipinski
Mica
Murtha
Nethercutt
Payne
Rush
Sanders
Shadegg
Shows

Stark	Tauzin	Traficant
Sullivan	Thomas	Weldon (PA)

□ 1047

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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 (Mr. FOSSELLA). 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.

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.

LOOPHOLES IN GUN SAFETY LAWS MUST BE CLOSED

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

Mrs. MCCARTHY of New York. Mr. Speaker, I rise to extend my deepest sympathy to the families of the Reverend Larry Penzes and Eileen Tosner. Both were fatally shot last week during a 9 a.m. mass at Our Lady of Peace Church in Lynbrook, Long Island. My heart is with the parishioners, the clergy and staff of Our Lady of Peace who witnessed this brutal violence.

However, what is equally disturbing is that this could have been prevented. The assailant had a history of mental health problems. However, he was able to purchase a rifle several days before the attack because most States do not provide mental health records to FBI NICS database.

According to the General Accounting Office, for every 75,000 people who attempt to buy a gun, only one was denied through NICS based on the mental health criteria. This is one of the loopholes in our gun safety laws that must be closed.

Gun violence wreaks havoc in our lives in various ways, not the least of which is the loss of safe places in our communities. If we are not safe in our churches, our schools, our trains, where are we going to be safe?

I urge this body to seriously consider the havoc gun violence creates in our society. Better yet, consider its effect on your community. It can happen anywhere.

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 not only 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 10 years, because 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 students at Sutro 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 298th day that Martin and Gracia Burnham have been held captive by Muslim terrorists in the Philippines.

A couple of weeks ago our spirits were raised 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's beard is shorter, and the Burnhams are much healthier looking

than in November. So we still await recent pictures and statements from Martin and Gracia.

The tape is noteworthy, however, because for the first time the Abu Sayyaf Group, or the ASG, indicates that it regards itself as part of Osama bin Laden's al Qaeda network, something we have long suspected. This admission should give the Philippine government and their military added incentive to quickly track down and capture the ASG. It should also embolden our government to do as much as they can to free our fellow Americans.

As always, I ask you to join me in prayer for Martin and Gracia and their loved ones, so that this nightmare may soon be over.

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 seniors, 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. NUSSLE), 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 ''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 presenting 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 over the next 5 years by $205 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 Street in Barrio Logan to Caesar 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 San Diego Cesar Chavez 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 in celebration of 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? This is not a 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.

□ 1100

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 Gardiner 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 underfund education. 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 underfunds 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. Caesar 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, Caesar 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 Caesar 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 known worldwide as 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 crown. Led by coach Gene 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 are part of the winds of political change and activism: Christie Adair, Irma Leroy, Ninfa Lorenzo, Kathy Whitmire, 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 Dockery, all women who realize that we must stand up and be counted for what is right in our community, and stand up and be counted to make sure that for all of the spoils of America, all the issues that deal with a good quality of life, women of this community and women that I have just listed have all been advocates for helping those in their communities.

They are our heroes. They are part of America's history. They are part of the history of women in America.

PROVIDING FOR CONSIDERATION OF H.R. 3924, FREEDOM TO TELECOMMUTE ACT OF 2002

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 373 and ask for its immediate consideration.

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 House resolved into the Committee of 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 minority 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 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion 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 only, I yield the customary 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 yielded is 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 rule allows the chairman of the Committee of the whole to accord priority in recognition to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Finally, the rule provides for 1 motion to recommit, with or without instructions.

Mr. Speaker, I am pleased today that the House is considered the Freedom to Telecommute Act. Currently, a Federal agency may refuse a bid proposal from a potential contractor that utilizes telecommuting in its work force. This legislation would prohibit agencies from continuing this practice. That a potential contractor would allow its employees to telecommute when appropriate would not disqualify or reduce the chances of that company winning a Federal contract.

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.

In the past 25 years, telecommuting has become an increasingly attractive option for employees in the workplace, and, I would also add, a commonsense

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 country 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 work force, 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 leading advocate for 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 opened the door 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 there. 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 before. So I am kind of proud 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 contract employees 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 noncontroversial. 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. TOM DAVIS), chairman of the Subcommittee on Technology and Procurement Policy.

Mr. TOM 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 noncontroversial bill, but I think it is one long overdue in this House.

Telecommuting is something we ought to encourage. I want to thank 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 the contract. 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.

□ 1115

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 getting motorists off the roads at key hours and allowing them to telecommute either from their home or from telecommuting work stations. And by easing traffic congestion, not only is it friendlier and saves motorists time, but it helps the 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. The testimony 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 would no longer be 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.

By allowing Federal agencies 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 utilize 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

with classified or sensitive information. You do not want to let out information to some foreign Web site or information. This will ensure that Federal marketplaces continue to be a competitive choice among contractors.

H.R. 3924 would also prohibit agencies from issuing solicitations that would reduce the scoring of a potential contractor's proposal if that contractor utilizes telecommuting.

We ought to be encouraging it, not prohibiting it. I urge my colleagues to support the rule and the underlying bill, H.R. 3924.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 5 minutes to my good friend, 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. Speaker, I thank the distinguished gentleman from Florida (Mr. HASTINGS) for his leadership.

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 this 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. And I would hope that the time we spend on this rule supporting this very valid legislation would cause us to think about the time that we have to utilize and debate on the budget resolution, particularly as we look at the Republican budget and the budget of the President, that has clearly squandered the surplus that is going after Social Security and slashes the lock box of which all of us have had such a strong and vital commitment.

Only 2 hours of debate is the cause that we have. And I believe that 2 hours of debate does not equate to the time we are spending on the telecommute resolution and the telecommute bill. I think it is important to note that the budget resolution of the Republicans dissipates most of the Social Security surplus and decimates all of the Medicare surplus for the next 5 years. In fact, it is evident that we have a situation that shows us that the President's budget surplus shorts Medicare $226 billion; $226 billion is what the President's budget does to Medicare. The Republican resolution shows only 5 years of budget figures instead of 10. The Republican resolution uses OMB, Office of Management and Budget, rather than CBO figures, which we all know the Congressional Budget Office is far more objective.

The Republican resolution omits numerous impending budgetary costs so, therefore, it undermines and misrepresents how much money we have left. The Republican resolution pays more lip service to prescription drug benefits. It gives nothing to my constituents who ask me time after time, senior citizens, about when are they going to get their prescription drug benefit. And then, of course, the Republican resolution on the budget does not even fund the education bill. If you want to see the results, in fact, the education bill, leave no child behind, has been cut by the Republican budget. And something that impacts Houston most of all is to realize that his budget and the Republican budget guts mental health federally funded evidence-proven programs. Coming from Houston, seeing the tragedy of Andrea Yates, knowing how important it is for intervention and prevention dollars in the budget, it is an outrage.

I would say this is a good rule on the telecommute 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 does not have a budget, let me just point you to Newt Gingrich, because it is the responsibility of the majority to put a budget that America can be proud of. We are not proud of this budget, and we stand by the fact it is up to you all to fix the problem. You have not fixed it. You have decimated the needs of Americans as it relates to the domestic budget.

It clearly decimates the domestic policies of this country, and it speaks to the contrast of the words of the President some many months ago when he said the bipartisan education bill was a priority by not leaving any child behind. How can you do that if your budget cuts that very authorization? I would simply argue to my friends and colleagues on the other side of the aisle, would it not have been better in times like these for us to have been able to fight together for more funding for homeland security, more funding for education, more funding for health care, more funding for mental health needs, more funding for housing, and more funding for economic development in our communities? Yet what we have here is a raiding of Social Security and a killing of Medicare and no relief for our seniors with a prescription drug benefit and no relief for our veterans and our military personnel.

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

Mr. Speaker, last night in the Committee on Rules we had a fabulous opportunity to speak not only about this telecommuting bill but also about the budget. And last night I spoke to the senior Democrat who is on the Committee on the Budget and I said is there one penny, one penny that is being taken away from Medicare, Social Security or Medicaid? Not one penny in this new budget. Not one penny.

The second thing I would like to speak about that the gentlewoman from Texas (Ms. JACKSON-LEE) talked about is the lock box. Dag-gum right we passed a lock box, but the other body has not. The other body has not taken this important legislation up so it is not the law of the country. So the things which we as Republicans have talked about in this House for a long time, of making sure that the American public has the growth and the opportunity and the take-home pay for jobs and opportunity in this country for retirement security is exactly what this budget is all about.

Mr. Speaker, I yield such time as he may consume to the chairman of the Committee on Rules, the gentleman from California (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, I am sorry the gentleman is not in the Chamber because I want to say some very nice things about him. I am talking, of course, about the author of this important measure, the gentleman from Virginia (Mr. TOM DAVIS). He has been on the forefront of our effort to realize that the technology revolution has brought about some incredible changes to our lives. And clearly when it comes to the issue of telecommuting, dealing with the Washington, D.C. metropolitan area is a very high priority because we have so many serious problems here. I happen to hail from Los Angeles where we have even worse problems. In fact, I like to say that I live in two of the most congested areas on the face of the Earth, Los Angeles, California, and Washington, D.C. where we have very serious traffic problems.

So the idea of encouraging telecommuting is something that I believe is important for us to pursue and I think it is very apropos that the gentleman from Virginia (Mr. TOM DAVIS) lead the charge in doing that.

Let me say that this rule is an open rule that will allow for a free-flowing debate on this issue, and I think there should be a strong bipartisan consensus on it. And my colleagues have begun 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 rule debate this afternoon. 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 so 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. HASTINGS 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 as late 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 discuss 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).

□ 1130

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

Mr. TIERNEY. Mr. Speaker, I thank the gentleman from Florida (Mr. HASTINGS) for yielding me the time.

Mr. Speaker, I rise to address 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 probably 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 at their behest.

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 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 when we should be standing united 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 is needed for a bill and the other rule does not.

POINTS OF ORDER

Mr. TOM DAVIS of Virginia. Mr. Speaker, point of order, relevancy. I make a point of order the gentleman is not discussing the rule at hand.

Mr. TIERNEY. Mr. Speaker, the gentleman that just spoke was not discussing it either.

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman will suspend.

The pending special order of business provides for the consideration of the telecommuting bill. It does not provide for the consideration of the budget resolution. The Members will confine their remarks to the issue of consideration of the telecommuting bill.

Mr. TIERNEY. Mr. Speaker, I will make a note on that, that as the last speaker was speaking about the process of the Committee on Rules last night, not pertaining to this bill, the Chair was completely silent on that, and I would like some fair treatment as this moves forward and would expect it from my colleague from New York, who has been known in the past to be a person of fairness, and I would expect that to apply here.

The SPEAKER pro tempore. The gentleman from Massachusetts will suspend.

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. It 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.

POINT OF ORDER

Mr. SESSIONS. Mr. Speaker, I make a point of order that the gentleman is in violation of House rule XVII, which requires a Member to confine himself to the question under debate.

The SPEAKER pro tempore. The Chair will remind the gentleman and all Members that remarks should be confined to the pending special order of business and the underlying telecommuting bill.

Mr. TIERNEY. Mr. Speaker, I would just suggest to the Chair that my memory being fine, I was discussing and comparing the rule under the telecommunications 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 drawing 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. TIERNEY. 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 can 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 step out and 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. TIERNEY. 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 assiduously 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 percent 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, BALDACCI, BALDWIN, BECERRA, BERKLEY, BERMAN, BLAGOJEVICH, BLUMENAUER, BONIOR, BOSWELL, S. BROWN, CAPPS, CAPUANO, CARDIN, B. CARSON, CHRISTENSEN, CLAYTON, CLEMENT, CLYBURN, COYNE, CROWLEY, CUMMINGS, D. DAVIS, DELAHUNT, DELAURO, DOGGETT, EDWARDS, FARR, FILNER, FRANK, GORDON, G. GREEN, GRAHAM, HARMAN, HINCHEY, HOEFFEL, HOLT, HONDA, HOUGHTON, HYDE, JACKSON, TUBBS JONES, W. JONES, KILDEE, KIND, KUCINICH, LAFALCE, LAMPSON, LANGEVIN, LANTOS, LARSEN, LARSON, B. LEE, JACKSON LEE, J. LEWIS, LOBIONDO, LOFGREN, LYNCH, MALONEY, MARKEY, MATSUI, MCCARTHY, MCGOVERN, MCKINNEY, MCNULTY, MEEKS, MENENDEZ, MILLENDER-MCDONALD, G. MILLER, MOORE, NADLER, NEAL, NORTON, OLVER, PALLONE, PASCRELL, PASTOR, PAYNE, PELOSI, PHELPS, QUINN, RAHALL, RIVERS, RODRIGUEZ, ROSS, SANDLIN, SAWYER, SCHAKOWSKY, SCHIFF, SCOTT, SHOWS, SKELTON, SLAUGHTER, SNYDER, SOLIS, STUPAK, SWEENEY, M. THOMPSON, THURMAN, TIERNEY, TOWNS, TURNER, M. UDALL, T. UDALL, WAMP, WATSON, WAXMAN, WELDON, WOOLSEY, WU, and WYNN, all of whom share 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, ROD BLAGOJEVICH, SHERROD BROWN, MICHAEL CAPUANO, STEVE LYNCH, BOB MATSUI, NANCY PELOSI, CIRO RODRIGUEZ, LUCILLE ROYBAL-ALLARD, MAX SANDLIN, and TOM SAWYER 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 ensuring 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 local communities—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 percent 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. . 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 as well as the anthrax attacks of October 2001;

(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;

(3) the proposed $3.5 billion for FEMA's State and Local Terrorism Preparedness Initiative, $2.625 billion of which would be directed toward local communities might not allow most first responders to participate because of an onerous 25 percent local match prerequisite for Federal assistance; and

(4) Congress can fashion a budget-neutral remedy to assist communities that otherwise could not afford to participate in the State and Local Terrorism Preparedness Initiative through waiver or reduction of the local match requirement, thereby relieving local police, fire and emergency responders of this unfunded mandate and ensuring that local first responders may continue to serve as America's first line of defense.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Government should assist local communities who stand ready to participate in FEMA's Local Terrorism Preparedness Initiative by waiving the 25 percent local match prerequisite or by reducing the percentage as much as practicable.

CONGRESS OF THE UNITED STATES,
Washington, DC.

Hon. JIM NUSSLE,
Chair, House Budget Committee, Cannon House Office Building, Washington, DC.

Hon. JOHN SPRATT,
Ranking Member, House Budget Committee, O'Neil House Office Building, Washington, DC.

DEAR CHAIRMAN NUSSLE AND RANKING MEMBER SPRATT: We are writing to respectfully request that the fiscal year 2003 budget resolution include a waiver for local first responders in desperate 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 iniative—$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) 25% local ''match'' prerequisite for federal assistance. Congress has an historic opportunity to assist local communities by adding $875 million to this package, thereby relieving them of this unfunded mandate, and 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 respectfully request that you waive the local match or reduce the percentage as much as possible and adjust local terrorism preparedness appropriations accordingly.

We recognize the difficult choices that you face this fiscal year. However, we continue to believe that funding for local homeland security efforts demands our attention and assistance.

Thank you for your consideration of our request.

Sincerely,

Representatives Abercrombie, Ackerman, Andrews, Baca, Baldacci, Baldwin, Becerra, Berkley, Berman, Blagojevich, Blumenauer, Bonior, Boswell, S. Brown, Capps, Capuano, Cardin, B. Carson, Christensen, Clayton, Clement, Clyburn, Coyne, Crowley, Cummings, D. Davis, Delahunt, DeLauro, Doggett, Edwards, Farr, Filner, Frank, Gordon, G. Green, Graham, Harman, Hinchey, Hoeffel, Holt, Honda, Houghton, Hyde, Jackson, Tubbs Jones, W. Jones, Kildee, Kind, Kucinich, LaFalce, Lampson, Langevin, Lantos, Larsen, Larson, B. Lee, Jackson Lee, J. Lewis, LoBiondo, Lofgren, Lynch, Maloney, Markey, Matsui, McCarthy, McGovern, McKinney, McNulty, Meeks, Menendez, Millender-McDonald, G. Miller, Moore, Nadler, Neal, Norton, Olver, Pallone, Pascrell, Pastor, Payne, Pelosi, Phelps, Quinn, Rahall, Rivers, Rodriguez, Ross, Sandlin, Sawyer, Schakowsky, Schiff, Scott, Shows, Skelton, Slaughter, Snyder, Solis, Stupak, Sweeney, M. Thompson, Thurman, Tierney, Towns, Turner, M. Udall, T. Udall, Wamp, Watson, Waxman, Weldon, Woolsey, Wu, and Wynn.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCHROCK).

Mr. SCHROCK. Mr. Speaker, I rise today in support of the Freedom to Telecommute Act of 2002.

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 that is good 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, a 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 the normal workday will be removed if employees can work from home and contractors will invest money in their product rather than costly 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. Moms and dads 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 these contractors will save money and 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 pro-taxpayer, 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. HASTINGS of Florida. Mr. Speaker, may I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) has 17½ minutes remaining, and the gentleman from Texas (Mr. SESSIONS) has 16 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).

Mrs. CAPITO. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me the time, and I thank most especially the gentleman from Virginia (Mr. TOM DAVIS) for bringing this Freedom to Telecommute Act on the floor.

I rise in support of the rule and of the bill, H.R. 3924. This legislation is vital to transforming our entire workforce into the model for the 21st century.

In the year 2000 there were 2.8 million regularly employed teleworkers in the United States, growing about 20.6 percent from the previous years. A recent telemarketing cost-benefit analysis suggests telework arrangements can save employers $3,000 per year per employee.

There is no doubt that this family friendly work arrangement is more productive both for the employer and the employee and will become more commonplace in the next century, but

currently Federal Government employers lag far behind their private counterparts in accepting and implementing alternative work methods such as telecommuting. Many Federal employers are stuck in the old style of management, believing that employees must be in the employer's sight in order to be productive and effective, and that I believe is a problem.

In my home district of West Virginia, particularly in the Eastern Panhandle area, which is very close to Washington, D.C., there are many Federal employees who endure a tremendously long commute every day. These hours in the car or on a train cause stress or strain and they prevent parents from spending more time with their families.

The Jefferson Telecenter in Ranson, West Virginia, has been a wonderful resource for setting up a more family friendly work environment. I was just there yesterday and visited with an employee from the EPA who expressed her arrangement was very satisfactory, both for her and for her employer.

These personal stories of a better quality of life where people can spend more time with their children and less time in a car are ample evidence that Congress should be more open to telecommuting opportunities.

I urge my colleagues to join me and pass not only the rule but the act.

I again want to thank 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. HASTINGS of Florida. 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 advices 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 fewer people will be able to telecommute because there will be fewer jobs. That is simply the point we were trying to make, and telecommunication in the final analysis, the contractors that we are trying to protect are people who will be dealing with Medicare, people dealing with hospitals and health care, people dealing with roads, people dealing with education, all of these telecommuters that we are about the process of trying to protect.

Thus, we saw some of my colleagues come down here to the floor to discuss the fact that I raised last evening, and that is that we did not have enough time to discuss those matters that are germane, and there is a distinction in this rule and the rule that we will be discussing on the more germane points having to do with this Nation's security both economically as well as its defense.

Let me just say, stifling debate is the antithesis of opening up the process that we are trying to do on this telecommunications rule.

Mr. Speaker, I yield back 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 underlying legislation that 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-around 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.

□ 1145

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SESSIONS). Pursuant to House Resolution 373 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 3924.

□ 1145

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 bill (H.R. 3924) to authorize telecommuting for Federal contractors, with Mr. FOSSELLA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Texas (Mr. TURNER) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Chairman, I ask unanimous consent that Members may have 5 legislative days in which to revise and extend their remarks on the bill now under consideration.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 3924, the Freedom to Telecommute Act of 2002. I want to thank the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform, for his assistance in bringing this to the floor, as well as the ranking member, the gentleman from California (Mr. WAXMAN); and the ranking member of my subcommittee, the gentleman from Texas (Mr. TURNER); and also the gentleman from Virginia (Mr. WOLF), my colleague from Virginia, who has been a pioneer in the area of telecommuting throughout this Congress and previous Congresses.

Mr. Chairman, we have seen a tremendous push for competitors to enter the marketplace. As the economy has cooled and the Federal Government appears to be ramping up on spending, vendors are now turning to the government marketplace as the first stop, not the last. Current acquisition law hampers the expansion of the government marketplace because Federal agencies may, under current law, refuse a bid proposal from a potential contractor that utilizes telecommuting in its work force. This is a hindrance to some contractors wishing to participate in the Federal marketplace. It also reduces the pool of contractors from whom the Federal Government can procure innovative services and technologies, and by so doing, of course, raises the cost to the American taxpayer and limits the number of items and the breadth of items that we can purchase that will accomplish the governmental mission.

H.R. 3924 would prohibit Federal agencies from continuing this practice. 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 may apply if a contractor deals with classified or sensitive information. This will ensure that the Federal marketplace continues to be a competitive choice among contractors.

The bill would also prohibit agencies from issuing solicitations that would reduce the scoring of a potential contractor's proposal if that contractor utilizes telecommuting.

Technological advances make telecommuting an attractive choice for employees because it allows them to work almost anywhere at any time. Telecommuting has caught on over the last 25 years and has become an option for Federal employees just over the last decade. Today, we estimate that close to 19 million people telework, and that number is increasing.

Private sector organizations and Federal agencies with telecommuting programs receive significant benefits. Telework has gained in popularity since it promotes a productive workforce and increases morale and quality of life, often resulting in higher rates of worker retention. The potential for

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 for 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 the way. 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 employee 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. 3832, 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. And the 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 passed a variety of legislation promoting 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 an acquisition system for 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 8 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.

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

I am pleased to rise in support of H.R. 3924, and I commend Chairman DAVIS for his work on this legislation. It is very clear, I think to all of us, that the Federal Government faces a severe and looming human capital crisis; and one of the ways, one of the ways that we can encourage a strong Federal workforce is to utilize some of the management principles that the private sector has adopted. And we know for certainty that the private sector has been much more aggressive in promoting the use of telecommuting in the private sector than has the Federal Government.

The benefits to the Federal Government would be to improve worker productivity, morale and retention, and to improve recruitment of Federal workers. And to do so, the gentleman from Virginia (Mr. TOM DAVIS) has proposed in this legislation an encouragement to the private contractors, those who contract with the Federal Government, a provision that would prohibit them from outright banning the use of telecommunication unless there is some clear and distinct justification for doing so, such as national security or some other practical prohibition that would keep those employees of that private contractor from being able to engage in telecommuting.

Advances in information technology have made it so that many jobs in our society can be conducted from many locations. People can, in fact, perform work at home, on the Internet, rather than coming in to the traditional office. We look at the numbers of how many people are utilizing telecommunication in the private sector and we see, according to the latest figures, that there are about 19 million Americans who telecommute as a part of their job, and that number is rising. But when we look at the Federal Government, according to the Office of Personnel Management, there are only about 45,000 employees, or about 2.6 percent of our Federal workforce, that telecommute once a week, and almost half of those are in a single agency.

So we can see that the Federal Government has, in fact, lagged behind the private sector. Now, this bill is designed to encourage the greater use of telecommuting in the Federal Government. And it is interesting to note that though this is a very significant piece of legislation to the gentleman from Virginia, who represents northern Virginia, where we have a large Federal workforce, the encouragement of telecommuting could in fact provide Federal employment opportunities as far away as my district in east Texas. Because if jobs can in fact be performed at home through the use of the Internet, perhaps some of those very lucrative Federal jobs could be spread

around, Mr. Chairman, to some of the rest of us.

So I am very pleased to be able to join my colleague 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 east 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 outmoded 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 telecommunicating 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 more 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 greater family satisfaction, I think, goes greater worker productivity.

□ 1200

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 predicts that more than 137 million workers will be involved in some sort of remote work by next year.

Increasingly, private and public organizations are adopting 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 one or more days each week. 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 can.

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 by 20 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.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 3924 is as follows:

H.R. 3924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Freedom to Telecommute Act of 2002''.

SEC. 2. AUTHORIZATION OF TELECOMMUTING FOR FEDERAL CONTRACTORS.

(a) AMENDMENT TO THE FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) shall be amended to permit the use of telecommuting by employees of Federal contractors in the performance of contracts with executive agencies.

(b) CONTENT OF AMENDMENT.—(1) The amendment issued pursuant to subsection (a) shall, at a minimum, provide that solicitations for the acquisition of goods or services shall not set forth any requirement or evaluation criteria described in paragraph (2) unless the contracting officer first—

(A) determines that the needs of the agency, including the security needs of the agency, cannot be met without any such requirement; and

(B) explains in writing the basis for that determination.

(2) A requirement or evaluation criteria under this paragraph is a requirement or evaluation criteria that would—

(A) render an offeror ineligible to receive a contract award based on the offeror's plan to allow its employees to telecommute; or

(B) reduce the scoring of an offeror's proposal based upon the contractor's plan to allow its employees to telecommute.

(c) GAO REPORT.—Not later than one year after the date on which the amendment required by subsection (a) is published in the Federal Register, the Comptroller General shall submit to Congress an evaluation of—

(1) compliance by executive agencies with the regulations; and

(2) conformance of the regulations with existing law, together with any recommendations that the Comptroller General considers appropriate.

(d) DEFINITION.—In this section, the term ''executive agency'' has the meaning given that term in section 105 of title 5, United States Code.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to 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.

Accordingly, 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 tempore 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 8(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 taken immediately 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. 71]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Blagojevich
Davis (FL)
Gutierrez
Lipinski
Lofgren
Morella
Northup
Peterson (PA)
Rush
Shadegg
Shows
Traficant
Weldon (PA)

□ 1225

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 was unavoidably detained. Had I been present, I would have voted "yea."

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES REGARDING WOMEN'S HISTORY MONTH

The SPEAKER pro tempore (Mr. FOSSELLA). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 371.

The Clerk read the title of the resolution.

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]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)

King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Blagojevich
Davis (FL)
Ehrlich
Gutierrez
Lipinski
Morella
Rush
Shadegg
Shows
Traficant
Weldon (PA)

□ 1236

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.

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

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

A recorded vote was ordered.

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

[Roll No. 73]

AYES—77

Allen
Baird
Baldwin
Bentsen
Berkley
Berry
Boyd
Brown (FL)
Carson (OK)
Clay
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
Deutsch
Dicks
Doggett
Evans
Farr
Filner
Frank
Frost
Gephardt
Gordon
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Holt
Honda
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
LaFalce
Langevin
Lantos
Lee
Lewis (GA)
Lowey
Markey
McDermott
McNulty
Meek (FL)
Mink
Olver
Owens
Pastor
Pelosi
Pomeroy
Price (NC)
Roybal-Allard
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Slaughter
Smith (MI)
Smith (WA)
Solis
Stark
Thompson (MS)
Tierney
Towns
Udall (CO)
Velazquez
Waters
Watson (CA)
Wexler
Woolsey
Wu
Wynn

NOES—337

Abercrombie
Ackerman
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bereuter
Berman
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Everett
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson-Lee (TX)
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Paul
Payne
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Gilchrest

NOT VOTING—19

Blagojevich
Carson (IN)
Diaz-Balart
Emerson
Ganske
Gutierrez
Istook
Johnson (CT)
Lipinski
Millender-McDonald
Peterson (PA)
Ros-Lehtinen
Rothman
Rush
Shadegg
Shows
Traficant
Watkins (OK)
Weldon (PA)

□ 1256

Mrs. JO ANN DAVIS of Virginia and Messrs. MATSUI, KLECZKA, and MOORE changed their vote from ''aye'' to ''no.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H. CON. RES. 353, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2003

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

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 state of 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, 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 the subject of economic goals and policies equally divided and controlled by Representative Saxton of New Jersey and Representative Stark of California or their designees. The amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The concurrent resolution, as amended, shall be considered as read. After general debate the Committee shall rise and report the concurrent resolution, as amended, to the House. The previous question shall be considered as ordered on the concurrent resolution and amendments thereto to final adoption without intervening motion except amendments offered by the chairman of the Committee 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 of the question of its adoption.

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

MOTION TO ADJOURN

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

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentlewoman from New York (Ms. SLAUGHTER).

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

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 72, noes 333, not voting 29, as follows:

[Roll No. 74]

AYES—72

Ackerman
Allen
Baird
Baldwin
Bentsen
Berkley
Bonior
Boyd
Brown (FL)
Carson (OK)
Clay
Clyburn
Conyers
Coyne
Davis (IL)
DeFazio
Dicks
Doggett
Eshoo
Farr
Filner
Frank
Frost
Gephardt
Hastings (FL)
Hilliard
Hinchey
Honda
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kilpatrick
LaFalce
Lampson
Langevin
Lantos
Lee
Lewis (GA)
Lowey
Markey
McDermott
McNulty
Meek (FL)
Meeks (NY)
Mink
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rodriguez
Roybal-Allard
Sanders
Sandlin
Schakowsky
Scott
Slaughter
Thompson (MS)
Tierney
Towns
Velazquez
Waters
Watson (CA)
Woolsey
Wynn

NOES—333

Abercrombie
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Etheridge
Everett
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Istook
Jenkins
John
Johnson (IL)
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaHood
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roukema
Royce
Ryan (WI)
Sabo
Sanchez
Sawyer
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)

NOT VOTING—29

Blagojevich
Carson (IN)
Dooley
Emerson
Evans
Gutierrez
Issa
Johnson (CT)
Johnson, Sam
Kleczka
Millender-McDonald
Miller, George
Moran (VA)
Oxley
Platts
Riley
Ros-Lehtinen
Rothman
Rush
Ryun (KS)
Serrano
Shadegg
Sherwood
Shows
Smith (WA)
Taylor (NC)
Traficant
Weldon (PA)
Young (FL)

□ 1316

Mr. WEXLER changed his vote from ''aye'' to ''no.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H. CON. RES. 353, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2003

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman 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 years past, 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 this body in the wake of the September 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 77 Members, or 72 Members in 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 may 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 with 2 hours confined to the Congressional budget, equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget. Additionally, 1 hour of what we call Humphrey-Hawkins debate on the subject of economic goals and policies will be equally divided and controlled by the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. STARK), the House chairman and ranking member of the Committee on Joint Economics respectively.

The rule further waives all points of order against consideration of the concurrent resolution and provides that the amendment in the nature of a substitute printed in the report of the Committee on Rules shall be considered as adopted in the House and in the Committee of the Whole, and the rule permits the chairman of the Committee on the Budget to offer amendments in the House to achieve mathematical consistency.

Finally, the rule provides that the concurrent resolution shall not be subject to a demand for a or division the question of its adoption. So this is a fair rule. It is a practical rule and it fits the circumstances that we have today very well.

Mr. Speaker, in previous years the beginning of the budget season was a time when Members of this body would show the full color of their beliefs. Like in that other great rite of spring, the growth of the cherry blossoms, Washington explodes with new life and vividness as the great budgetary debates began, and we heard lots of good ideas. We argued over what programs should grow, what should prosper, what should be cut. We disagreed about how much money should be used to pay down debts and how much should be given back to the citizens, and we debated about lockboxes and highway funds, and in short, we argued about what are the proper responsibilities of the government, how do we go about our spending.

In all my years on Capitol Hill I have seldom met a Member of this body who did not believe that security and defense are among the most basic and essential duties of government, 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. It 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 this $2.1 trillion budget the gentleman from Iowa (Mr. NUSSLE) has put together meets all of America's longstanding commitments while it greatly increases funds for programs that will safeguard the lives of our families, our neighbors, our fellow citizens in this time of unusual peril.

Many may try to argue that this is the first deficit budget in recent years or that some favorite project of theirs is not sufficiently funded. Many will even try to claim both of these at the same time, and it is true that some projections show we will run a modest deficit this year, but in the last 6 months our Nation has been through war and recession. The small deficit we may face this year is a minor cost considering the urgency of defense needs and given the fact that all major social programs are fully funded.

Further, most budget experts agree that for the rest of the decade after this emergency year we can expect increasing budget surpluses.

When I speak to my constituents back home in southwest Florida, the last thing in the world they are concerned about is which political party scored points in this debate today. What matters to them now is that their government steps up and does the job that it was created to do to protect their lives and their liberty. It is our duty to give the American people a budget that does precisely that.

This is a fair rule to bring forward, an excellent budget. I urge passage of the rule.

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

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

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Florida (Mr. GOSS) for yielding me the customary 30 minutes.

Mr. Speaker, I oppose this closed rule. I oppose the cynicism it embraces and the contempt it demonstrates for honest debate. With this rule, the Republican leadership has blocked amendments offered by Democrats, all in an effort to adapt a flawed and disingenuous budget.

Our side of the aisle has made clear that the President has the firm support of this caucus when it comes to waging war on terrorism, and as a ninth generation American whose ancestors have fought in every United States conflict since the Revolutionary War, 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 retired. This body has 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.

Indeed, the measure before us wipes out most of the Social Security surplus and decimates 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 be fooled by today's rhetoric. The negative impact of the budget priorities of the majority were already stinging many Americans well before the tragedy that unfolded September 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 budget 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 Congress' 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 ruled kills honest debate on these and other issues.

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 our children 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 question 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 come from our President 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 NIH to solve and give us cures related to medicine.

□ 1330

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 insincere 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, the Secretary of Defense, though he is a fine man; the President, or anyone else. As Harry Truman once said, and the little sign said on his desk: ''The buck stops here.'' 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 those in uniform received last 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, may I inquire of the time that remains on either side?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Florida (Mr. GOSS) has 20 minutes remaining, and the gentlewoman from New York has 22½ minutes remaining.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. FROST).

Mr. FROST. Mr. Speaker, I thank the gentlewoman for yielding me this 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 to win the war on terrorism. 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 and Medicare surplus 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 wants to increase the debt ceiling 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 lock boxes, pledging not to spend Social Security on other government programs. But this year, Republicans have broken their promise to America and offered a budget that raids Social Security in each of the next 10 years.

Mr. Speaker, there is only one way to dig ourselves out of this hole and that is by working together as a national family to restore fiscal responsibility and honest budgeting. That is how families across the country operate. They sit down at the kitchen table and take an honest look at their expenses, their debts, and their income. Mr. Speaker, that is why Democrats have repeatedly urged Republicans to forget politics as usual and join us at the negotiating table to work out a bipartisan budget.

Unfortunately, Republicans refuse to even acknowledge the mess they have made or the threat it poses to Social Security. Instead, their budget cooks the books yet again and tries to pass off another bad check on the American people. Mr. Speaker, Republicans are hiding behind budget gimmicks and accounting tricks that no self-respecting accountant would stomach, unless he worked for Enron.

Republicans are desperate, Mr. Speaker. They are desperate to hide the fact that the Republican budget is a trillion dollar raid on Social Security, one that still increases the debt and shortchanges priorities like education and prescription drugs. Additionally, as the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from Mississippi (Mr. SHOWS) have pointed out, Republicans are seriously shortchanging health care for veterans and military retirees.

Vote ''no'' on the rule and ''no'' on the budget.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Charlotte, North Carolina (Mrs. MYRICK), the hub of most good flights going to Florida these days, and a member who does great work on our Committee on Rules.

Mrs. MYRICK. Mr. Speaker, I thank the gentleman for yielding me this time. I think over this next period of hours we are going to be hearing a lot of rhetoric about Social Security and what is happening to 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 1995, 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 wanted to bring that to everyone's attention and again commend Chairman NUSSLE for the good job he has done 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.

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

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentlewoman for yielding me this time.

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 cuts; 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. GOSS. 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. CHAMBLISS. Mr. Speaker, will the gentleman yield?

Mr. NUSSLE. I yield to the gentleman from Georgia.

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

Mr. CHAMBLISS. 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 in 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 security updates.

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?

□ 1345

Mr. NUSSLE. Mr. Speaker, the gentleman is correct. The budget resolution assumes $4.3 billion to counter the threat of bioterrorism. Emphasis, I believe, should be given to hospitals and other public health facilities, research and development, and it does accommodate the Georgia CDC lab in Atlanta.

Mr. CHAMBLISS. Mr. Speaker, if the gentleman would continue to yield, can the gentleman clarify that the budget resolution will accommodate at least $300 million of the $4.3 billion for improvements to the buildings and facilities at the CDC in Atlanta, Georgia, an amount that was authorized in the bioterrorism bill passed by the House and the Senate last year?

Mr. NUSSLE. Mr. Speaker, the gentleman is correct, it would accommodate for a facility such as the gentleman has described in Atlanta, Georgia, $300 million for CDC.

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman for his clarification of this matter.

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

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, too. 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 surpluses 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 offered which 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 the debt, to help keep interest 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 avoiding a raid on the 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 the 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 undemocratic. It is the majority's way or no 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 meets 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 majority has led on this topic.

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 decade, and each time that budget 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 and proudly 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 as 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 hope they will.

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 the votes, and 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 $1 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 slapped 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, we would have to use the gimmicks 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 asked and was given permission to revise and extend his remarks.)

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. NUSSLE) 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 budget 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 $1.1 billion to be available to fully implement the Department of Energy's accelerated cleanup effort.

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 and Pacific Northwest residents 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 expansion 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 from the Pacific Northwest.

□ 1400

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 partisan 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, specifically to 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. In other words, if the NIH 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, ''Support this 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 the pursuit of 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 Democrats. To have 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.

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 perfecting amendment 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 said to all people who brought a rule, ''Bring a budget that is scored by CBO.'' We did. The gentleman from Iowa (Mr. NUSSLE) 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 get to stand up and provide 218 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 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. NUSSLE), chairman of the Committee on the Budget, for a colloquy.

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

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

Mr. YOUNG of Alaska. First of all, I would like to commend Chairman NUSSLE 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 provision 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 at least $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 Funding 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 restoring 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. NUSSLE. 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 again 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, all of us have 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 amendment you 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, that we will have to dip into Social Security trust funds, then the Budget Committee has to produce a path, a budget plan over 5 years to bring us back into balance without using Social Security. That is all it does. If you vote against the rule, you are saying that you are letting off the Budget Committee from coming up with a 5-year plan that is not based upon raiding Social Security trust funds. And this budget does do that. That is the problem with this budget.

There is a $224 billion deficit in this year's budget that is paid for by Social Security Trust Funds. Over the next 5 years, $830 billion comes out of the Social Security trust funds. 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 health funds. 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. GOSS. 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 may increase the allocation for outlays for the highway program if the Appropriations Committee bill allocates the additional funding in accordance with TEA–21.

□ 1415

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 limitation 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 and extending the highway and transit firewalls beyond the current fiscal year should include the Committee on Appropriations?

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 against terrorism, 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 TEA21 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 these unmet 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 firewalls 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 his job is not the easiest job in the 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.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. GEPHARDT), the minority leader of the House of Representatives.

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

Mr. GEPHARDT. Mr. Speaker, I urge Members to vote against this rule. The rule is unfair. It does not allow an adequate debate on the most important issue we will decide on the floor of this House this year. It is a travesty that we have 3 hours to talk about the most important set of decisions we will make perhaps in a generation.

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, fails 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, $4.5 trillion, gone in the flash of an eye. Gone. $4.5 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. We are not keeping our word.

Let us look at the words. The gentleman from Texas (Mr. ARMEY) declared the House of Representatives is not going to go back to raiding the lockbox. He said, ''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 committee, said, ''This Congress will protect 100 percent of Social Security and Medicare trust funds. Period. No speculation. No supposition. No projections.''

These are words that mean something. They are being broken.

The Speaker of the House in the same month said, ''Since I have been Speaker, we have not spent a penny of the Social Security Trust Fund, and,'' he said, ''we don't intend to.''

Promises are being broken. The contract is being broken. The word, our collective word, is being broken by what we are trying to do here today with this budget.

$1.8 trillion will be spent from Social Security in the next 10 years with this budget. We do not even have time to talk about it, to debate it, to worry about it. We said a number of years ago, let us put Social Security first. This budget puts Social Security last. We are in essence taking money out of the Social Security Trust Fund and we are spending it on everything else. It is last. That is not what we said to the American people.

Then there is prescription drugs. Oh, we all ran ads on prescription drugs. Oh, we are going to take care of prescription drugs.

Where are the prescription drugs in this bill? The program that is described in this Republican budget is paltry. It does not affect most of the senior citizens who thought they were going to get something out of this program, because, once again, I guess it is prescription drugs last in Medicare. We are going to put it behind everything else.

Let me just finally say this: I guess my greatest worry is that we are doing this without anybody in the country much knowing about it. How many people in the country actually know what happened to Social Security in this budget? It is 3 hours, I fear, because we do not want them to know what is happening to their Social Security.

This bill has real live consequences for people, millions of people all over this country. Let me just tell you my story as kind of a symbol or an analogy of what is happening to lots of other people.

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 $1,200 a month. My brother and I, we are lucky. We are fine and we can help her with the difference.

But as we were going over her checks, she kept saying to me, ''Dick, what if the Social Security check were to stop coming? How would we do this?'' She even suggested to me, ''Maybe I ought to move out of this place because we cannot afford it,'' because her prescription drug bill has been going up every month.

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? We are fortunate. 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 only way you are going to get it is 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 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 we are not going 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 discussion. Let us get to a family discussion with the President. Let us work out 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 occured last year and what is about to happen today.

I encourage my colleagues to oppose the rule and to oppose this budget resolution.

□ 1430

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, if the previous question is defeated, we will be calling a vote on it. I will offer an amendment to this unfair and undemocratic closed rule.

Democrats are seeking to make in order two amendments to the budget resolution. The first is a trigger amendment offered by the gentleman from Virginia (Mr. MORAN), and the second is the Moore-Stenholm-Tanner-Matheson substitute that the majority

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 complaining that no substitutes were offered in the Committee on Rules. I beg to differ. The gentleman from Kansas (Mr. MOORE) and the gentleman from Texas (Mr. STENHOLM), along with the gentleman from Tennessee (Mr. TANNER) and the gentleman from Utah (Mr. MATHESON), 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 promised that every dollar 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. LATOURETTE). 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 one.''

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. NUSSLE) 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 war on terrorism and to 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.

That is why it is so important that we 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, and the way to do it is 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 resolved in to the Committee 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 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, 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 the subject of economic goals and policies equally divided and controlled by Representative Saxton of New Jersey and Representative Stark of California or their designees. After general debate the concurrent resolution shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The concurrent resolution, as amended, shall be considered as read. No further amendment to the concurrent resolution shall be in order except those specified in section 2 of this resolution. Each further amendment may be offered only in the order specified in section 2, may be offered by a Member designated in section 2 or a designee, shall be considered as read, shall be debatable as specified in section 2, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments specified in section 2 are waived. After the conclusion of consideration of the concurrent resolution for amendment, the Committee shall rise and report the concurrent resolution, as amended, to the House with such further amendment as may have been adopted. The previous question shall be considered as ordered on the concurrent resolution and amendments thereto to final adoption without intervening motion except amendments offered by the chairman of the Committee 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.

Sec. 2. The further amendments referred in the first section of this resolution are as follows:

(a) By 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, if 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, then the concurrent resolution on the budget for the budget year shall reduce on-budget deficits relative to CBO's projections and put the budget on a path to achieve balance within 5 years, and shall include such provisions as are necessary to facilitate deficit reduction.

(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 not be in order in the House or the Senate to consider a concurrent resolution on the budget for the budget year or any conference report thereon that fails to reduce on-budget deficits relative to CBO's projections and put the budget on a path to achieve balance within 5 years.

(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 not be in order in the House or the Senate to consider an amendment to a concurrent resolution on the budget that would increase on-budget deficits relative to the concurrent resolution on the budget in any fiscal year or cause the budget to fail to achieve balance within 5 years.

(c) SUSPENSION OF REQUIREMENT DURING WAR OR LOW ECONOMIC GROWTH.—This section is suspended if—

(1) the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth (as measured by real GDP) for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent; or

(2) a declaration of war is in effect.

(b) By Representative Moore of Kansas, debatable for one hour

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2003.

The Congress declares that this is the concurrent resolution on the budget for fiscal year 2003 and that the appropriate budgetary levels for fiscal years 2004 through 2007 are hereby set forth.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

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:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2003: $_____.
Fiscal year 2004: $_____.
Fiscal year 2005: $_____.
Fiscal year 2006: $_____.
Fiscal year 2007: $_____.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced 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 total 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 budget outlays 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: $_____.
Fiscal year 2006: $_____.
Fiscal year 2007: $_____.

SEC. 102. HOMELAND SECURITY.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal year 2003 for Homeland Security are as follows:

(1) New budget authority, $_____.
(2) Outlays, $_____.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2003 through 2007 for each major functional category are:

(1) National Defense (050):
Fiscal year 2003:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2004:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2005:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2006:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2007:
(A) New budget authority, $_____.
(B) Outlays, $_____.

(2) International Affairs (150):
Fiscal year 2003:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2004:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2005:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2006:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2007:
(A) New budget authority, $_____.
(B) Outlays, $_____.

(3) General Science, Space, and Technology (250):
Fiscal year 2003:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2004:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2005:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2006:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2007:
(A) New budget authority, $_____.
(B) Outlays, $_____.

(4) Energy (270):
Fiscal year 2003:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2004:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2005:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2006:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2007:
(A) New budget authority, $_____.
(B) Outlays, $_____.

(5) Natural Resources and Environment (300):
Fiscal year 2003:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2004:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2005:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2006:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2007:
(A) New budget authority, $_____.
(B) Outlays, $_____.

(6) Agriculture (350):
Fiscal year 2003:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2004:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2005:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2006:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2007:
(A) New budget authority, $_____.
(B) Outlays, $_____.

(7) Commerce and Housing Credit (370):
Fiscal year 2003:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2004:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2005:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2006:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2007:
(A) New budget authority, $_____.
(B) Outlays, $_____.

(8) Transportation (400):
Fiscal year 2003:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2004:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2005:
(A) New budget authority, $_____.

(B) Outlays, $_____.
Fiscal year 2006:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2007:
(A) New budget authority, $_____.
(B) Outlays, $_____.
(9) Community and Regional Development (450):
Fiscal year 2003:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2004:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2005:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2006:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2007:
(A) New budget authority, $_____.
(B) Outlays, $_____.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2003:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2004:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2005:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2006:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2007:
(A) New budget authority, $_____.
(B) Outlays, $_____.
(11) Health (550):
Fiscal year 2003:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2004:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2005:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2006:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2007:
(A) New budget authority, $_____.
(B) Outlays, $_____.
(12) Medicare (570):
Fiscal year 2003:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2004:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2005:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2006:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2007:
(A) New budget authority, $_____.
(B) Outlays, $_____.
(13) Income Security (600):
Fiscal year 2003:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2004:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2005:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2006:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2007:
(A) New budget authority, $_____.
(B) Outlays, $_____.
(14) Social Security (650):
Fiscal year 2003:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2004:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2005:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2006:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2007:
(A) New budget authority, $_____.
(B) Outlays, $_____.
(15) Veterans Benefits and Services (700):
Fiscal year 2003:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2004:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2005:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2006:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2007:
(A) New budget authority, $_____.
(B) Outlays, $_____.
(16) Administration of Justice (750):
Fiscal year 2003:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2004:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2005:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2006:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2007:
(A) New budget authority, $_____.
(B) Outlays, $_____.
(17) General Government (800):
Fiscal year 2003:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2004:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2005:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2006:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2007:
(A) New budget authority, $_____.
(B) Outlays, $_____.
(18) Net Interest (900):
Fiscal year 2003:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2004:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2005:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2006:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2007:
(A) New budget authority, $_____.
(B) Outlays, $_____.
(19) Allowances (920):
Fiscal year 2003:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2004:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2005:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2006:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2007:
(A) New budget authority, $_____.
(B) Outlays, $_____.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2003:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2004:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2005:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2006:
(A) New budget authority, $_____.
(B) Outlays, $_____.
Fiscal year 2007:
(A) New budget authority, $_____.
(B) Outlays, $_____.

TITLE 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 is authorized to certify that the budget is projected to meet the goals of a balanced budget and protecting social security.

(b) CALCULATING DISCRETIONARY SPENDING BASELINE.—Notwithstanding any other provision of law, the Director of the Congressional Budget Office shall use the discretionary spending levels set forth in this resolution to calculate the discretionary spending baseline. In calculating the report referred to in subsection (a), such Director shall exclude the emergency appropriations provided in the Emergency Supplemental Appropriations Act for Recovery From and Response to Terrorist Attacks on the United States (Public Law 107–38) in calculating the baseline for discretionary spending.

SEC. 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) will be in deficit in fiscal year 2007, the chairman of the Committee on the Budget of the House 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, increase revenues, or both; and

(2) the text of a special resolution implementing the President's recommendations through reconciliation directives instructing the appropriate 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 OF PRESIDENT'S PROPOSAL.—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 restore balanced budgets and restore the social security surplus under section 202, 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 appropriately revised section 302(a) allocations to the Committee on Appropriations.

(b) REQUIREMENT FOR SEPARATE VOTE TO ALLOW FOR A UNIFIED DEFICIT IN FISCAL YEAR 2003.—If the resolution reported by 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 separate resolution waiving the balanced 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 rescission or costs related to the war on terrorism.

(c) PROCEDURE IF HOUSE BUDGET COMMITTEE FAILS TO REPORT REQUIRED RESOLUTION.—

(1) 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 it shall be placed on the appropriate calendar.

(2) CONSIDERATION BY HOUSE.—Ten days after the applicable committee or committees have been discharged under paragraph (1), any Member may move that the House proceed to consider the resolution. Such motion shall be highly privileged and not debatable.

(d) APPLICATION OF CONGRESSIONAL BUDGET ACT.—To the extent that they are relevant and not inconsistent with this title, the provisions of title III of the Congressional Budget Act of 1974 shall apply in the House of Representatives and the Senate to resolutions and legislation under this title and reconciliation legislation reported pursuant to directives included in those resolutions.

SEC. 204. INCREASE IN DEBT LIMIT CONTINGENT UPON PLAN TO RESTORE BALANCED BUDGET AND PROTECT SOCIAL SECURITY.

(a) TEMPORARY INCREASE IN STATUTORY DEBT LIMIT.—The Committee on Ways and Means of the House shall report a bill as soon as practicable, but not later than March 25, 2002, that consists solely of changes in laws within its jurisdiction to increase the statutory debt limit sufficient to extend the authority of the Secretary of the Treasury to meet the obligation of the Government through, but not later than, September 30, 2002.

(b) POINT OF ORDER.—(1) Except as provided by paragraph (2), it shall not be in order in the House to consider any bill, joint resolution, amendment, or conference report that includes any provision that increases the limit on the public debt beyond September 30, 2002.

(2) Paragraph (1) shall not apply in the House if—

(A) the chairman of the Committee on the Budget of the House has made the certification described in section 201 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

(B) 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.

TITLE III—RESERVE FUNDS AND ENFORCEMENT

SEC. 301. POINT OF ORDER AGAINST CERTAIN LEGISLATION REDUCING THE SURPLUS OR INCREASING THE DEFICIT AFTER FISCAL YEAR 2007.

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

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

SEC. 302. CRITICAL DEFENSE NEEDS.

This resolution includes $10 billion in new budget authority requested by the President 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 be available for critical defense requirements, including additional pay raises for military personnel, military construction, readiness, naval shipbuilding, and other procurement requirements not originally 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 other appropriate levels in this resolution 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, or if an amendment thereto is offered or a conference report thereon is submitted, that provides for reductions in revenues of not more than $4,431,000,000 for fiscal year 2003 and $27,853,000,000 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 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. 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 thereto 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 shall 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 $7,529,000,000 in new budget authority 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 (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 level for such program not in excess of 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, $2,763,000,000 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 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 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 may increase the allocation of outlays 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 made available solely for programs, projects, or activities as distributed under section 1102 of the Transportation Equity Act for the 21st Century;

(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 $1,180,000,000 in outlays for fiscal year 2003.

(b) RULE OF ENFORCEMENT.—In the House, section 302(f)(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 Directors 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 this resolution, then the chairman of that committee may increase the surplus or reduce the deficit, as applicable, and reduce the level of the public debt and 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;

(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 for the purposes 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, direct spending, 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 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 underlying 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 attack;

(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;

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

(5) in the absence of a national 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. It 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 Republicans, this budget protects our domestic agenda and allows for the nation to fight the war on terrorism.

However, this budget is anything but fair. After pushing 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, 2002 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 because of the tax cuts, $4 trillion of that surplus 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 enough funding for President Bush's signature education legislation, Leave No Child Behind. The budget for that is underfunded $90 million.

The President also campaigned on strengthening health care for all Americans. Since assuming office, he has repeatedly urged Congress to send him legislation that will help Americans with the burdens associated with health care. However, we do not have to look any further than his own budget to see what a low priority he and his party place on health care. While there seems to be a $1.5 billion increase to health care services programs, in reality, the House Republican Leadership has required the elimination or reduction of several important programs in order to achieve this increase. For example, they have eliminated the Community Access Program, which coordinates health care to the under-insured and uninsured offered by public hospitals and community health centers and other community providers. They have also eliminated State Planning Grants, which help provide access to health insurance coverage. Additionally, the budget provides absolutely no assistance to those individuals and families who do not have health insurance, and requires States to return expiring SCHIP (State's Children Health Insurance Program) funds to the US Treasury. This means that 900,000 children would lose their health coverage.

I urge adoption of a budget that will protect the programs that millions of individuals depend on. A budget that will protect Social Security so that retirees can be assured that their benefits will be paid and that future generations will not be saddled with massive tax increases or reductions in benefits. Unfortunately, President Bush and his party have rejected this kind of budget. While I support the President in his efforts to combat terrorism both here and abroad, I am concerned that we are neglecting our domestic responsibilities and putting intense strain on the nation's finances—a strain that will remain for generations after the war on terrorism has been won.

Mr. OTTER. Mr. Speaker, I rise today to express my support of the rule and for fully funding the Individuals with Disabilities in 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 for Congress to 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 question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. 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 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of agreeing to the resolution.

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

[Roll No. 75]

YEAS—221

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—206

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)

Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

Blagojevich
Gutierrez
Riley
Schaffer
Shows
Tierney
Traficant

□ 1457

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 (Mr. LATOURETTE). The question is on the motion to table the motion to reconsider offered by the gentleman from Florida (Mr. GOSS).

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

[Roll No. 76]

YEAS—222

Abercrombie
Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—206

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Blagojevich
Gutierrez
Knollenberg
Riley
Shows
Traficant

□ 1507

Mr. SULLIVAN changed his vote from ''nay'' to ''yea.''

So the motion to table the motion to reconsider was agreed to.

The result of the vote was announced 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 yeas 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

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions

Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—206

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Blagojevich
Boyd
Gutierrez
Harman
Shows
Traficant

□ 1518

So the resolution was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, a motion to reconsider is laid on the table.

Ms. SLAUGHTER. Mr. Speaker, I object.

MOTION TO RECONSIDER OFFERED BY MR. DREIER

Mr. DREIER. Mr. Speaker, I move that we reconsider the vote.

MOTION TO TABLE OFFERED BY MR. GOSS

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. GOSS) to lay on the table the motion to reconsider the vote offered by the gentleman from California (Mr. DREIER).

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 yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 213, nays 206, not voting 15, as follows:

[Roll No. 78]

YEAS—213

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Schaffer
Schrock
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—206

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kucinich
LaFalce
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Blagojevich
Buyer
Callahan
Doolittle
Gutierrez
Hilleary
Hobson
Jenkins
Kennedy (MN)
Kleczka
Lantos
Saxton
Shadegg
Shows
Traficant

□ 1538

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. KENNEDY of Minnesota. Mr. Speaker, this afternoon I was inadvertently detained and

missed rollcall vote No. 78, providing for consideration of H. Con. Res. 353, Budget Resolution for Fiscal Year 2003.

Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. LATOURETTE). 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.

□ 1538

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 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:

H. CON. RES. 353

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

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2003.

The Congress declares that this is the concurrent resolution on the budget for fiscal year 2003 and that the appropriate budgetary levels for fiscal years 2004 through 2007 are hereby set forth.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

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:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2003: $1,531,893,000,000.
Fiscal year 2004: $1,626,605,000,000.
Fiscal year 2005: $1,747,988,000,000.
Fiscal year 2006: $1,837,957,000,000.
Fiscal year 2007: $1,927,213,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2003: $4,431,000,000.
Fiscal year 2004: $5,455,000,000.
Fiscal year 2005: $6,418,000,000.
Fiscal year 2006: $5,994,000,000.
Fiscal year 2007: $5,555,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2003: $1,784,073,000,000.
Fiscal year 2004: $1,840,292,000,000.
Fiscal year 2005: $1,930,171,000,000.
Fiscal year 2006: $2,020,704,000,000.
Fiscal year 2007: $2,114,974,000,000.

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

Fiscal year 2003: $1,756,432,000,000.
Fiscal year 2004: $1,815,097,000,000.
Fiscal year 2005: $1,899,231,000,000.
Fiscal year 2006: $1,978,512,000,000.
Fiscal year 2007: $2,058,894,000,000.

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

Fiscal year 2003: $224,539,000,000.
Fiscal year 2004: $188,492,000,000.
Fiscal year 2005: $151,243,000,000.
Fiscal year 2006: $140,555,000,000.
Fiscal year 2007: $131,681,000,000.

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

Fiscal year 2003: $6,414,000,000,000.
Fiscal year 2004: $6,762,000,000,000.
Fiscal year 2005: $7,073,000,000,000.
Fiscal year 2006: $7,371,000,000,000.
Fiscal year 2007: $7,661,000,000,000.

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

Fiscal year 2003: $3,495,000,000,000.
Fiscal year 2004: $3,505,000,000,000.
Fiscal year 2005: $3,448,000,000,000.
Fiscal year 2006: $3,369,000,000,000.
Fiscal year 2007: $3,270,000,000,000.

SEC. 102. HOMELAND SECURITY.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal year 2003 for Homeland Security are as follows:

(1) New budget authority, $37,702,000,000.
(2) Outlays, $21,860,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2003 through 2007 for each major functional category are:

(1) National Defense (050):
Fiscal year 2003:
(A) New budget authority, $393,828,000,000.
(B) Outlays, $375,259,000,000.
Fiscal year 2004:
(A) New budget authority, $401,640,000,000.
(B) Outlays, $390,578,000,000.
Fiscal year 2005:
(A) New budget authority, $422,740,000,000.
(B) Outlays, $409,696,000,000.
Fiscal year 2006:
(A) New budget authority, $444,243,000,000.
(B) Outlays, $425,090,000,000.
Fiscal year 2007:
(A) New budget authority, $466,458,000,000.
(B) Outlays, $439,181,000,000.

(2) International Affairs (150):
Fiscal year 2003:
(A) New budget authority, $23,752,000,000.
(B) Outlays, $22,343,000,000.
Fiscal year 2004:
(A) New budget authority, $24,683,000,000.
(B) Outlays, $22,675,000,000.
Fiscal year 2005:
(A) New budget authority, $25,481,000,000.
(B) Outlays, $23,165,000,000.
Fiscal year 2006:
(A) New budget authority, $26,137,000,000.
(B) Outlays, $23,769,000,000.
Fiscal year 2007:
(A) New budget authority, $27,043,000,000.
(B) Outlays, $24,467,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2003:
(A) New budget authority, $22,743,000,000.
(B) Outlays, $22,095,000,000.
Fiscal year 2004:
(A) New budget authority, $23,398,000,000.
(B) Outlays, $22,798,000,000.
Fiscal year 2005:
(A) New budget authority, $23,917,000,000.
(B) Outlays, $23,577,000,000.
Fiscal year 2006:
(A) New budget authority, $24,476,000,000.
(B) Outlays, $24,073,000,000.
Fiscal year 2007:
(A) New budget authority, $25,055,000,000.
(B) Outlays, $24,667,000,000.

(4) Energy (270):
Fiscal year 2003:
(A) New budget authority, $316,000,000.
(B) Outlays, $364,000,000.
Fiscal year 2004:
(A) New budget authority, $157,000,000.
(B) Outlays, $129,000,000.
Fiscal year 2005:
(A) New budget authority, $687,000,000.
(B) Outlays, $644,000,000.
Fiscal year 2006:
(A) New budget authority, $526,000,000.
(B) Outlays, $467,000,000.
Fiscal year 2007:
(A) New budget authority, $532,000,000.
(B) Outlays, $454,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2003:
(A) New budget authority, $29,218,000,000.
(B) Outlays, $29,868,000,000.
Fiscal year 2004:
(A) New budget authority, $30,546,000,000.
(B) Outlays, $30,362,000,000.
Fiscal year 2005:
(A) New budget authority, $31,449,000,000.
(B) Outlays, $30,932,000,000.
Fiscal year 2006:
(A) New budget authority, $30,851,000,000.
(B) Outlays, $31,677,000,000.
Fiscal year 2007:
(A) New budget authority, $31,474,000,000.
(B) Outlays, $32,032,000,000.

(6) Agriculture (350):
Fiscal year 2003:
(A) New budget authority, $23,641,000,000.
(B) Outlays, $24,054,000,000.
Fiscal year 2004:
(A) New budget authority, $23,848,000,000.
(B) Outlays, $23,860,000,000.
Fiscal year 2005:
(A) New budget authority, $22,167,000,000.
(B) Outlays, $22,280,000,000.
Fiscal year 2006:
(A) New budget authority, $21,300,000,000.
(B) Outlays, $21,438,000,000.
Fiscal year 2007:
(A) New budget authority, $21,157,000,000.
(B) Outlays, $21,307,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 2003:
(A) New budget authority, $8,800,000,000.
(B) Outlays, $4,985,000,000.
Fiscal year 2004:
(A) New budget authority, $9,274,000,000.
(B) Outlays, $4,192,000,000.
Fiscal year 2005:
(A) New budget authority, $8,798,000,000.
(B) Outlays, $3,128,000,000.
Fiscal year 2006:
(A) New budget authority, $8,015,000,000.
(B) Outlays, $1,910,000,000.
Fiscal year 2007:
(A) New budget authority, $9,405,000,000.
(B) Outlays, $2,361,000,000.

(8) Transportation (400):
Fiscal year 2003:
(A) New budget authority, $63,447,000,000.
(B) Outlays, $60,807,000,000.
Fiscal year 2004:
(A) New budget authority, $66,950,000,000.
(B) Outlays, $59,675,000,000.
Fiscal year 2005:
(A) New budget authority, $67,561,000,000.
(B) Outlays, $60,068,000,000.
Fiscal year 2006:
(A) New budget authority, $68,221,000,000.
(B) Outlays, $61,318,000,000.
Fiscal year 2007:
(A) New budget authority, $68,897,000,000.
(B) Outlays, $63,302,000,000.

(9) Community and Regional Development (450):
Fiscal year 2003:
(A) New budget authority, $14,668,000,000.

(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, $81,037,000,000.
(B) Outlays, $79,090,000,000.
Fiscal year 2004:
(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, $84,023,000,000.
Fiscal year 2006:
(A) New budget authority, $89,463,000,000.
(B) Outlays, $86,353,000,000.
Fiscal year 2007:
(A) New budget authority, $92,734,000,000.
(B) Outlays, $89,259,000,000.
(11) Health (550):
Fiscal year 2003:
(A) New budget authority, $223,536,000,000.
(B) Outlays, $219,931,000,000.
Fiscal year 2004:
(A) New budget authority, $237,930,000,000.
(B) Outlays, $236,645,000,000.
Fiscal year 2005:
(A) New budget authority, $255,817,000,000.
(B) Outlays, $253,959,000,000.
Fiscal year 2006:
(A) New budget authority, $274,576,000,000.
(B) Outlays, $272,695,000,000.
Fiscal year 2007:
(A) New budget authority, $295,541,000,000.
(B) Outlays, $293,035,000,000.
(12) Medicare (570):
Fiscal year 2003:
(A) New budget authority, $237,705,000,000.
(B) Outlays, $237,599,000,000.
Fiscal year 2004:
(A) New budget authority, $245,612,000,000.
(B) Outlays, $245,856,000,000.
Fiscal year 2005:
(A) New budget authority, $272,903,000,000.
(B) Outlays, $272,795,000,000.
Fiscal year 2006:
(A) New budget authority, $292,418,000,000.
(B) Outlays, $292,173,000,000.
Fiscal year 2007:
(A) New budget authority, $317,411,000,000.
(B) Outlays, $317,667,000,000.
(13) Income Security (600):
Fiscal year 2003:
(A) New budget authority, $322,031,000,000.
(B) Outlays, $322,385,000,000.
Fiscal year 2004:
(A) New budget authority, $325,372,000,000.
(B) Outlays, $323,791,000,000.
Fiscal year 2005:
(A) New budget authority, $334,538,000,000.
(B) Outlays, $332,599,000,000.
Fiscal year 2006:
(A) New budget authority, $344,039,000,000.
(B) Outlays, $341,754,000,000.
Fiscal year 2007:
(A) New budget authority, $352,017,000,000.
(B) Outlays, $348,019,000,000.
(14) Social Security (650):
Fiscal year 2003:
(A) New budget authority, $14,303,000,000.
(B) Outlays, $14,303,000,000.
Fiscal year 2004:
(A) New budget authority, $15,170,000,000.
(B) Outlays, $15,170,000,000.
Fiscal year 2005:
(A) New budget authority, $16,063,000,000.
(B) Outlays, $16,062,000,000.
Fiscal year 2006:
(A) New budget authority, $16,863,000,000.
(B) Outlays, $16,863,000,000.
Fiscal year 2007:
(A) New budget authority, $18,013,000,000.
(B) Outlays, $18,012,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2003:
(A) New budget authority, $56,858,000,000.
(B) Outlays, $56,733,000,000.
Fiscal year 2004:
(A) New budget authority, $59,127,000,000.
(B) Outlays, $58,888,000,000.
Fiscal year 2005:
(A) New budget authority, $61,220,000,000.
(B) Outlays, $63,473,000,000.
Fiscal year 2006:
(A) New budget authority, $63,401,000,000.
(B) Outlays, $63,246,000,000.
Fiscal year 2007:
(A) New budget authority, $65,550,000,000.
(B) Outlays, $62,642,000,000.
(16) Administration of Justice (750):
Fiscal year 2003:
(A) New budget authority, $36,948,000,000.
(B) Outlays, $39,320,000,000.
Fiscal year 2004:
(A) New budget authority, $39,663,000,000.
(B) Outlays, $42,219,000,000.
Fiscal year 2005:
(A) New budget authority, $37,606,000,000.
(B) Outlays, $38,201,000,000.
Fiscal year 2006:
(A) New budget authority, $38,880,000,000.
(B) Outlays, $38,775,000,000.
Fiscal year 2007:
(A) New budget authority, $39,776,000,000.
(B) Outlays, $39,550,000,000.
(17) General Government (800):
Fiscal year 2003:
(A) New budget authority, $17,604,000,000.
(B) Outlays, $17,408,000,000.
Fiscal year 2004:
(A) New budget authority, $18,067,000,000.
(B) Outlays, $18,196,000,000.
Fiscal year 2005:
(A) New budget authority, $18,426,000,000.
(B) Outlays, $18,334,000,000.
Fiscal year 2006:
(A) New budget authority, $18,442,000,000.
(B) Outlays, $18,227,000,000.
Fiscal year 2007:
(A) New budget authority, $18,788,000,000.
(B) Outlays, $18,546,000,000.
(18) Net Interest (900):
Fiscal year 2003:
(A) New budget authority, $262,524,000,000.
(B) Outlays, $262,524,000,000.
Fiscal year 2004:
(A) New budget authority, $277,366,000,000.
(B) Outlays, $277,365,000,000.
Fiscal year 2005:
(A) New budget authority, $286,992,000,000.
(B) Outlays, $286,991,000,000.
Fiscal year 2006:
(A) New budget authority, $294,769,000,000.
(B) Outlays, $294,768,000,000.
Fiscal year 2007:
(A) New budget authority, $302,679,000,000.
(B) Outlays, $302,678,000,000.
(19) Allowances (920):
Fiscal year 2003:
(A) New budget authority, −$689,000,000.
(B) Outlays, −$1,791,000,000.
Fiscal year 2004:
(A) New budget authority, −$917,000,000.
(B) Outlays, −$859,000,000.
Fiscal year 2005:
(A) New budget authority, −$816,000,000.
(B) Outlays, −$787,000,000.
Fiscal year 2006:
(A) New budget authority, −$631,000,000.
(B) Outlays, −$609,000,000.
Fiscal year 2007:
(A) New budget authority, −$696,000,000.
(B) Outlays, −$678,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2003:
(A) New budget authority, −$48,197,000,000.
(B) Outlays, −$48,197,000,000.
Fiscal year 2004:
(A) New budget authority, −$56,150,000,000.
(B) Outlays, −$56,150,000,000.
Fiscal year 2005:
(A) New budget authority, −$57,370,000,000.
(B) Outlays, −$57,370,000,000.
Fiscal year 2006:
(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 revisions to 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 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 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 $350,000,000,000 in new budget authority and $350,000,000,000 in outlays for the period of fiscal years 2003 through 2012.

(b) APPLICATION.—After the consideration of any measure for which an adjustment is made pursuant to subsection (a), the chairman of the Committee on the Budget shall make any 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 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 (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 level for such program not in excess of 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, $2,763,000,000 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 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 may increase the allocation of outlays 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 made available solely for programs, projects, or activities as distributed under section 1102 of the Transportation Equity Act for the 21st Century;

(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 $1,180,000,000 in outlays for fiscal year 2003.

(b) RULE OF ENFORCEMENT.—In the House, section 302(f)(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.

Subtitle B—Additional Surpluses Reserved for Debt Reduction

SEC. 211. CONTINGENCY FUND FOR ADDITIONAL SURPLUSES.

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 Directors 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 this resolution, then the chairman of that committee may increase the surplus or reduce the deficit, as applicable, and reduce the level of the public debt and debt held by the public by the difference between such estimates for that period.

Subtitle C—Contingency Funds for Accounting Changes

SEC. 221. CONTINGENCY FUND FOR ACCRUAL ACCOUNTING.

In the House, the chairman of the Committee on the Budget may make the appropriate changes in section 302(a) allocations of the Committee on Appropriations, the Committee on Armed Services, and the Committee on Government Reform and aggregates, if appropriate, to effectuate and implement the necessary authorizing and appropriation measures to charge Federal agencies for the full cost of accrued Federal retirement and health benefits.

SEC. 222. CONTINGENCY FUND FOR RECLASSIFICATION OF STUDENT AID ACCOUNTS.

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 of new budget authority 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 the student aid administration subject to annual appropriations.

Subtitle D—Implementation of Reserve and Contingency Funds

SEC. 231. 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;

(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 for the purposes 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, direct spending, 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 on the Budget; 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 IN THE HOUSE.

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

(2) Managers on the part of the House may not agree to a Senate amendment that would violate paragraph (1) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(b) EXCEPTION.—In the House, an advance appropriation may be provided—

(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 $23,178,000,000 in new budget authority; and

(2) for the Corporation for Public Broadcasting.

(c) DEFINITION.—In this section, the term ''advance appropriation'' means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2003 that first becomes available for any fiscal year after 2003.

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

(a) IN GENERAL.—In the House, notwithstanding section 302(a)(1) 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(f) 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 provided 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 forecasted economic variables used to 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;

(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 structural economic reforms, and provide medical technology to improve health and life expectancy around the globe; and

(3) good governance and continued economic reforms are essential to eliminating poverty, encouraging economic growth, and ensuring stability in developing countries.

(b) SENSE 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 to combat infectious diseases, those 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) 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 savings, 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 Caucasian 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 self-sufficiency. Tax policy, through $288,000,000,000 in annual tax incentives, has helped lay the foundation for the great middle class.

(6) Lacking 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 been used to purchase long-term, high-return assets, including homes, postsecondary education and training, and small businesses.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Federal tax code should support a significant expansion of Individual Development Accounts so that millions of low-income, working families can save, build assets, and move their lives forward; thus, making positive contributions to the economic and social well-being of the United States, as well as to its future.

SEC. 403. FEDERAL EMPLOYEE PAY.

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

(1) Members of the uniformed services and civilian employees of the United States make significant contributions to the general welfare of the Nation.

(2) Increases in the pay of members of the uniformed services and of civilian employees of the United States have not kept pace with increases in the overall pay levels of workers in the private sector, so that there now exists (A) a 32 percent gap between compensation levels of Federal civilian employees and compensation levels of private sector workers, and (B) an estimated 10 percent gap between compensation levels of members of the uniformed services and compensation levels of private sector workers.

(3) The President's budget proposal for fiscal year 2003 includes a 4.1 percent pay raise for military personnel.

(4) 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.

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

(b) SENSE OF THE HOUSE.—It is the sense of the House 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. SENSE OF THE 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 Benefits and Improvement and Protection Act of 2000, rural and other low-payment areas have continued to lag significantly behind their higher-payment counterparts in average adjusted per capita (AAPCC) reimbursements.

(b) SENSE OF THE HOUSE.—It is the sense of the House that if 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 counties 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 House that this resolution assumes $380 million in new budget authority and a corresponding level of outlays in functional category 750 (Administration of Justice) for the Immigration and Naturalization Service to implement a visa tracking system as part of a comprehensive plan to protect the United States and its territories from threats of terrorist attack.

SEC. 406. PACIFIC NORTHWEST SALMON RECOVERY.

(a) FINDINGS.—Congress finds that—

(1) Pacific Salmon are historically, culturally, and economically important to the people of the Northwest;

(2) the United States Government has negotiated treaties with the Columbia River Indian tribes;

(3) the National Marine Fisheries Service in December 2000 issued a biological opinion on the Federal Columbia River Power System calling for greater efforts by the Federal Government, to satisfy the ESA standards of section 7(a)(2) of the Endangered Species Act; and

(4) the citizens of the Pacific Northwest are committed to salmon recovery and their hard work in communities throughout the region to advance local solutions deserves Federal assistance.

(b) SENSE OF CONGRESS.—It is the sense of Congress that this resolution assumes that the Pacific Northwest salmon recovery program, administered by Federal agencies on the Federal Columbia River Power System and Pacific coast, should be made a high-priority item for funding.

SEC. 407. FEDERAL FIRE PREVENTION ASSISTANCE.

(a) FINDINGS.—Congress finds the following:

(1) Increased demands on firefighting and emergency medical personnel have made it difficult for local governments to adequately fund necessary fire safety precautions.

(2) The Government has an obligation to protect the health and safety of the firefighting and emergency medical personnel of the United States and to ensure that they have the financial resources to protect the public.

(3) The high rates in the United States of death, injury, and property damage caused by fires demonstrates a critical need for Federal investment in support of firefighting and emergency medical personnel.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Assistance to Firefighters Grant Program, administered by the Federal Emergency Management Agency, has successfully provided financial resources for basic firefighting needs since its inception; and

(2) in the wake of the terrorist attacks of September 11, 2001, the ultimate sacrifice paid by over 300 firefighters, that as Congress makes funding decisions regarding the proposed grants for first responders, local firefighters receive at least as much funding as they did under the Assistance to Firefighters Grant Program.

The CHAIRMAN. General debate shall not exceed 3 hours with 2 hours confined to the Congressional budget, equally divided and controlled by the chairman and ranking member of the Committee on the Budget, and 1 hour on the subject of economic goals and policies, equally divided and controlled by the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. STARK).

The gentleman from Iowa (Mr. NUSSLE) and the gentleman from South Carolina (Mr. SPRATT) each will control 1 hour of debate on the Congressional budget.

The Chair recognizes the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. 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 a very 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 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 of 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 reform. We 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 of Social Security benefits, our 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 strategy 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 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. THORNBERRY. 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.

□ 1545

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 country, 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 $46 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 troops as well as an additional 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 border security. So 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 money to train, equip 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 there will be lull in 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. NUSSLE. 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 and 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 (Mr. NUSSLE) during a colloquy 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 particular domestic initiative, and 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 will hear a 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. That is not a different set of priorities. We need a budget and we need vision. That is what this committee has offered.

Mr. NUSSLE. 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 Committee on the Budget, we got 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 national defense. 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 that is the best approach for America's families, because if they were not going 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 corporate 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 moving forward 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 fulfill a commitment 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 higher 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 are committed to continuing our focus on health care and retirement.

This is a balanced, good approach that 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, $4 trillion in debt, to escape the fiscal mistakes that we made in the 1980s and to turn this budget around and finally move it out of deficits and into surpluses. 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 resolution, 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 $248 billion.

□ 1600

$248 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, 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 $5.6 trillion 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 had a way to back the budget out of Social Security, which is an objective we all profess at least to hold. It was not made in order. Nothing was made in order, except this resolution under the rule that was presented to us.

So we have a Republican budget in name, but in name only, because it does not have a plan. Oh, it has a default plan, all right. In the absence of any kind of constructive concerted plan, it has a default plan. That default plan is to keep on borrowing and spending Social Security, to revert to the practice that we all foreswore and said we would never ever do again once we reached that summit and were able to get away from that onerous practice.

Why do we have such little time then in the face of such serious matters to debate the most consequential vote that we will cast in this session? It is not because Republicans are eager to get home. It is because their budget will not stand scrutiny, not for long, and they know it. It will not stand scrutiny because it is just the tip of the iceberg. This is not the real budget. This is part of their budget.

Let me give you an example. Last year, in order to shoe-horn the tax bill into the amount allocated for the total tax bill, they phased it in over time, and then in 2010 they did something dramatic, they actually repealed everything that had just been implemented. So we have a repealer in 2010 that undoes tax cuts that were done last year.

We asked, with this 5-year budget, does it provide or anticipate anything with respect to the repeal of the repealer in 2010? We were told emphatically ''no.'' The next day the Speaker said absolutely, we will repeal the sunset provision in the Tax Code. Ari Fleischer at the White House backed him up. Those are pretty high sources.

But you search this budget in vain for any trace whatsoever of the repeal of the repealer in the year 2010. It is not in here. CBO tells us if you put it in there, you have to make a $569 billion adjustment, deduction, to revenues. It is not in there.

Nor is there any provision for fixing the AMT, nor is there any provision for extending popular tax provisions that will expire, nor, for that matter, is there any of the President's request for $675 billion in additional tax relief. It has all been pushed forward into the second 5 years.

This is not some policy wonk debate whether you should do a budget 5 years or 10 years. This is a concerted strategy to shove everything forward and make the first 5 years as good as you possibly can by ducking the issue that will come just over the horizon.

A budget is a plan, we all know that. We have household budgets, and if we had a plan here, if the Republicans had a plan in their budget, they would display it. They would roll it out. Because surely if they had a plan, one goal, one objective in that plan, would be to get the budget out of Social Security, to quit borrowing and spending the Social Security budget.

One of the reasons we have a 5-year budget, one of the reasons that we have Social Security, one of the reasons that we have OMB as a scorekeeper for this budget instead of CBO, is right here. It is this chart right here. These bar graphs right here tell an awful lot.

If you look to the far left axis, you see a little blue stub. That is where the Clinton administration got us. We were, for the first time in 30 years, out of Social Security, out of Medicare. We had a surplus over and above both of those accounts.

2001, you see a little stub below the line. That too is a partial Clinton year. The reason that stub is below the line is that the Republicans shifted a corporate tax payment, $35 billion worth, from September 15 to October 1 to shore up 2002 numbers. Back that artificial shift out and it too is right at the line.

So this is the beginning baseline that the President inherited, the best fiscal situation any President has inherited in modern times. And these are the deficits that are entailed by his budget and these are the results to Social Security and to Medicare. Medicare, the yellow or orange line at the top. Fully consumes the Medicare surplus, $650 billion over the next 10 years, every penny of it. Social Security, 70 to 75 percent of the Social Security surplus is fully consumed over the next 10 years.

The key thing is if you look in the year 2007, which is a terminal year in this budget, if you looked at their budget you might think, well, they have a plan. It looks like the amount of invasion of the Social Security surplus is about to diminish, they are about to turn the corner. But in truth, it keeps on keeping on. There is no plan. There is no result.

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, I 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 would like to get back on this path. 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 this year is 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 elaborate on 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 nonpartisan 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, when it does 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 instead of relying on 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 down the 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 affection 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 plans 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 they said last year, we have a lot of money, oh, gosh, 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 closed budget, a closed 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.

□ 1615

Everybody 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 about 5 versus 10-year budget numbers and switching to OMB estimates are not just budget wonkery. 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 offered these reassuring words: ''We must understand that it is inviolate to intrude 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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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 terror. I believe the majority does 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 for the right to have an 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, so we can discuss how spending 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 politically-charged 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 affect our ability to 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, 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 big government programs. We are the ones that stopped the raid on Social Security and paid down over $450 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.

Republicans, though, Mr. Chairman, strike a very responsible balance. Our budget gives the President the resources he needs to wage a war against international terrorism and bolster our homeland defenses. It also puts us on the path to a balanced budget, and puts us on track to pay down more than $180 billion in debt over the next 5 years.

Republicans are committed to returning to a balanced budget. We are the ones who balanced it in the first place. This is what our budget does: It returns us to a balanced budget so that we can protect the Social Security trust fund and pay down the debt on our children.

For decades, the Democrats have raided the Social Security trust fund, and for years Republicans, by fighting for a balanced budget, have protected seniors.

The attacks on September 11 and the recession forced a short-term wartime deficit spending, but as our economy rebounds and as we demonstrate fiscal restraint, we will move back into a surplus. That is why it is important to hold the line on spending right now.

So from the other side of the aisle we hear a chorus of criticism, but they offer no answers. Democrats all voted to raid Social Security just last year, and they have not offered a budget this year.

We know what they are against, but where is their solution? If they had the courage of their convictions, they would be forced to answer the question that they have been ducking all year long: Do they want to raise taxes, or raid defense and other priorities to pay for more spending?

The Democrats need to tell us whether they are raisers or raiders. Support this budget, and let us go forward for fiscal responsibility.

Mr. NUSSLE. Mr. Chairman, I ask unanimous consent that the gentleman from Texas (Mr. THORNBERRY) be allowed to control 10 minutes of my time.

The CHAIRMAN pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. THORNBERRY. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New Jersey (Mr. SMITH), the chairman of the Committee on Veterans' Affairs.

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, as chairman of the Committee on Veterans' Affairs, I rise in very strong support of this budget resolution. I want to thank the gentleman from Iowa (Chairman NUSSLE) for crafting a resolution that has the largest increase in veterans' affairs 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,'' but it is needs-based.

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 would 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 NUSSLE) deserves our thanks. He sat down with my staff and I and we spent hours going line by line over why this budget 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. THORNBERRY. 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 also with a 4.2 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. THORNBERRY. 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 current 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 budget resolution earmarks 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 NUSSLE) and other members of the committee, especially the gentlemen from New Hampshire, Mr. BASS and Mr. SUNUNU, the gentleman from Texas (Mr. THORNBERRY), 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. THORNBERRY. 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 NUSSLE) 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 check with real 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 to 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. THORNBERRY. 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 they meet the challenge of protecting our seaports; and takes a dramatic step towards 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?

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 in response to the September 11 terrorist attacks on New York and Washington, and (2) different expectations of the future path of the

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 for 2003, $77 billion for 2004, and $584 billion over the 2003–2007 period. Thus, the difference in baseline projections amounts to $35 billion for 2003, $32 billion for 2004, and $180 billion over 5 years.

The principal difference between CBO and OMB is how the proposed increase in discretionary spending is portrayed. CBO measures from a baseline that assumes that last year's emergency response 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 than does CBO. In addition, OMB 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 cost of 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 services. The 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 Florida (Mr. CRENSHAW), a member of the Committee on the Budget and the Committee on Armed Services.

Mr. CRENSHAW. Mr. Chairman, I would like to just highlight two areas that demonstrate what a sound budget this is in dealing with national defense and homeland security. First of all, there is $3 billion here for what I call ''force security.'' That is to make sure that we protect our men and women in uniform and their families, whether they are here or whether they are abroad anywhere in the world. A lot of that money is going to go for physical assets that you can see and touch, just, for instance, to reinforce an entrance gate to a military installation, to provide fencing to make sure it is off limits, to make sure unauthorized vessels cannot enter our military ports.

And then there is $3.5 billion that goes to FEMA, that will go down to State and local governments, to let the State and local government spend the money as they see fit to equip or train or to hire more policemen, more firemen, more rescue workers, whatever they think is best. Maybe it is to use the money for increased, enhanced communications that we found we needed after a terrorist attack. But I think these are two points that make this a very sound budget. I urge my colleagues to adopt it.

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, and I rise in 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 will provide 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 national VSO's.

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 scud 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 are now being sold to the government of Iran, and these missiles 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 missile threat, then you should 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 1¼ 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 alterative 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 fall 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 it with more than just verbal 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 reserve the balance of my time.

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 8½ minutes to the gentlewoman from North Carolina (Mrs. CLAYTON) for the purposes of control.

The CHAIRMAN. Is there objection to the request of the gentleman 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 the older citizens who are now 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 perspectively because 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, when we began this year in February, we had less than $1 billion, $661 million. Indeed, we are raiding the Social Security trust fund, 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 what we should do and we would challenge each other, the only thing we can do is 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, they 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 them by this 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 deserve the truth. They are not getting it today. They will not get it with this budget. We should vote no.

Mrs. CLAYTON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

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

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. And believe me, 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 borrow against 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 year 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 this 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 we had all three.

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 this. It is going to cost 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.

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Mrs. 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 any corporate officer in America raided their 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.

Mrs. 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 had a choice. We had 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 Iowa?

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.

First and foremost, the suggestion that Social Security taxes paid are not credited to the Social Security Trust Fund. That simply is not true and it is

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 us look at the budgets that the minority voted against in past years, setting aside the Social Security surplus, paying off $450 billion in debt, and that is one of the reasons we start from a strong foundation.

The suggestion that the Social Security Trust Fund balances are changed one iota because of any tax relief legislation that was passed last year is completely false and misleading. We have put together a budget that funds our economy, encourages investments for small businesses and technology and equipment, strengthens agriculture, funds our highway priorities and keeps the economy moving forward, and I think those are the right priorities.

To criticize the budget without offering any alternative, without offering any other proposal is simply wrong, and those on the other side that voted against the tax relief package last year that would want to repeal it this year in increased taxes, I think are headed in the wrong direction. Those on the other side that would want to cut defense spending are headed in the wrong direction. We funded the right priorities.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. SHAW), someone who has worked hard and probably understands Social Security better than anyone else in this Chamber.

Mr. SHAW. 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 raiding the trust fund do not have a 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 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.

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 conference.

However, in February, on Valentine's Day, we finally had that item that we could conference. We are in conference now, and 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. NUSSLE), 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 are being written, the American farm family owes a great deal of gratitude to the gentleman from Iowa (Mr. NUSSLE) 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 me the time.

We have before us today a wartime budget. The fact is that is a difficult task to put together. We have done the responsible thing of assembling just that. It fully funds our national priorities with significant increases in defense spending because we need that for the war that is underway. Huge increases in homeland security, we need that so people will be more secure in their homes. Increases in education, increases in veterans health care, fully funding a prescription drug benefit and, quite importantly, in my judgment, by limiting the growth in the rest of government, but for the extension of unemployment benefits that we all voted for a couple of weeks ago, this budget for fiscal year 2003 is balanced.

We have done the hard work of putting together a wartime budget, and my Democratic friends who are throwing stones, feigning horror, have done so without a single substantive alternative. Are not my colleagues just a little bit embarrassed that they do not have the courage to propose a budget of their own? The only idea frankly that we have heard from the left, although without the courage to put it to a vote, is to repeal last year's tax cut, raise taxes and spend more money.

What would that do for Social Security? Not much. Let me suggest that the idea of raising taxes, while the economy is as weak as it is now, is a terrible idea. We in Congress have a responsibility to be helping people get back to work, to help get this economy moving again, to help people get greater job security, increase the likelihood that people will get raises and improve their standard of living, and the best way to do this frankly is to tear down the barriers to economic growth, tear down the barriers that prevent job creation, and lower taxes do that.

Look at this chart. In the year 2000, as my colleagues can see from this chart, taxes had reached a postwar record high. Not since 1944 had the Federal Government imposed such a huge tax burden on our economy and there is no doubt that many economists agree that that huge tax burden helped to contribute to the economic slowdown, and the fact is we passed tax relief just in time, and this budget accommodates the continued phase-in, gradual though it is, of the tax relief that we passed last year, and that has got to be part of the reason that this slowdown has been relatively mild and it is going to help us get out of this economic decline that we have been in, lessen the severity of it.

The last thing we can do is go back and turn the clock back and go back to those record high taxes. For the sake of job security and economic security for our families, I urge my colleagues to vote for this budget.

Mr. SUNUNU. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. Gary G. MILLER).

Mr. GARY G. MILLER of California. Mr. Chairman, my colleagues should be ashamed of themselves, trying to scare the American people on Social Security, making them believe they are not going to get a check. The gentleman from Missouri (Mr. GEPHARDT), the minority leader, came to the floor and he said, ''We should be talking about another budget.'' The problem is my colleagues do not have a budget. He does not have a budget.

Last week in the markup in Committee on the Budget all my colleagues

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 eyes can see. We have squandered $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 $283 billion 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 drug program? They have 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 this sweet story about his mother, 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 criminal. This self-righteous 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 have got all kinds of 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 probably came through to the American people as well, what this is is a classic debate between those people who believe in America and those who do not, those who believe our brightest days are yet to come and those who think our brightest days are behind us. It is a debate between optimists who believe in America, who believe that we can fight a war, that we can strengthen our economy, that we can meet the legitimate needs of the American people with this budget, and those who believe we cannot.

I have not given up hope on the American people. I have not given up hope that we can have a brighter day. I believe that the economy is going to get stronger. I believe the tax cuts that we have passed were exactly the right medicine at exactly the right time, and I believe that there is better than a 50–50 chance that we not only will have a balanced budget next year, we are going to actually have a surplus.

That is what the American people want. They want responsible government. They want a responsible budget, and they want people who step up and take that responsibility and pass this budget.

Mr. SPRATT. Mr. Chairman, I ask unanimous consent to yield 4 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL) for the purposes of control.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

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

Mr. Chairman, President Bush started with a balanced budget and budget surpluses as far as the eye could see, but today the GOP budget plan has squandered that surplus, and we will have to borrow $1 trillion from Social Security over the next 5 years and $2 trillion from Social Security and Medicare over the next 10 years just to pay their bills.

The lockbox that we all talked about a year ago has been smashed and the contents have been looted.

□ 1700

This budget does, indeed, represent a generational mugging. The majority is demanding spending programs and tax cuts for themselves, paid for by borrowing Social Security and Medicare dollars from seniors and leaving the bill for our children. This budget is putting money in the form of spending programs and tax cuts into the left-hand pocket of the taxpayer, but taking out money from their right-hand pocket where the trust funds are located.

The Social Security trust fund surplus is estimated to be $2 trillion over the next 10 years. This budget spends $1.5 trillion of those dollars by borrowing that money, plus all of the surplus, $556 billion of the Medicare trust fund, in order to pay these bills. If we take Social Security and Medicare out of the mix, as we all agreed to last year, this year we will have a $244 billion on-budget deficit with similar deficits of that size each year for the next 10 years.

Last year, the CBO, Mr. Chairman, estimated that we could pay off our entire debt by 2011. In just 1 year, after the tax cuts, 9–11, and a short recession, we are now projected to have a debt of $2.8 trillion by 2011. The impact of debt, Mr. Chairman, is higher interest payments by the government. One year ago we were facing $709 billion in interest payments over the next 10 years. Now we are facing $1.8 trillion of interest payments, a $1 trillion increase.

This budget plan alone for the 2003 budget year requires us to pay $220 billion in interest payments, 11 percent of our Federal budget. The impact of higher debt and more borrowing is also higher interest rates paid by consumers. When we borrow in Washington, we drive up the long-term rates and the consumer costs for purchases, such as homes and cars and college tuitions.

We need reduced government borrowing, Mr. Chairman, lower government debt, lower interest rates, and increased savings to continue the growth of productivity and the recovery of our economy. This budget plan will do none of these things and should be defeated.

Mr. Chairman, when you find yourself in a hole, the wise man says, stop digging; stop making the problem worse. Stop the renewed borrowing, stop the return of deficits. Vote ''no'' on this budget resolution.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Virginia (Mr. MORAN).

The CHAIRMAN. The gentleman from Pennsylvania has 45 seconds remaining.

Mr. HOEFFEL. I yield 45 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, we were just asked to raise the statutory debt ceiling to almost $7 trillion. Why? Because of this budget. This budget increases the interest costs on our debt by over $1 trillion over the next decade. We are going to increase the debt held by the public to over $3 trillion.

The question is, Who pays off this debt? It is not going to be us. Most of us will be retired. We are going to retire with the baby boom generation. We are going to join those 77 million people that will double the number of people on the retirement rolls. We are going to leave it to our kids to pay off this debt and at the same time pay for our Social Security and Medicare costs, and that is not right.

That is why this budget is not right and why it should be defeated. Our kids deserve better.

Mr. SPRATT. Mr. Chairman, I yield 45 seconds to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Chairman, we face some clear challenges. We are in a recession, and we have a war on terrorism to fight. I have to say that some of the aspects of this budget are things I certainly agree with. I appreciate the commitment to our veterans; I can appreciate the commitment to defense spending and homeland defense.

The issue about the long-term plan, about how we get away from deficit spending, that is something we have to work on. And whether or not we pass this budget today, that problem is not going to go away. I would like to call on my colleagues to work together in a more bipartisan way in the future.

We do need to address this issue. It is important to us. Our constituents expect us to work together. We have not done that yet, but I hope we do so sooner than later.

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

Mr. NUSSLE. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. COLLINS), a very distinguished member of the Committee on the Budget.

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

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 borrow or have borrowed from 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 they are adding jobs to 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 unemployment numbers. In February of 2000, the NASDAQ began to plunge 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 taxpayer cash flow, where our cash flow comes from, by $74 billion in 2001, by over $60 billion in 2002, and by over $90 billion in 2003, plus the stimulus package of $43 billion that we just passed.

In 3 years, Mr. Chairman, the Congress will leave over $300 billion in cash flow to the taxpayers. So, let us look at what has happened when we have had major tax relief over the last few decades. In the 1960s, revenues increased; 1961, $92 billion in revenue for the Federal Government; in 1970, it doubled, $196 billion; in the 1980s, 1981, we had revenues of $599 billion. In 10 years, it increased to over $1 trillion.

Mr. Chairman, the same will happen with the tax relief package that we passed yesterday. This budget is evidence that the Congress trusts the people at home, the people we live with, the people we work beside, the people who are our neighbors running the small and large businesses that are the engine of our economy. And as a reminder, my colleagues, they supply the money we spend here each year.

I trust them and I want them to have more money to spend, to invest, and to use as they see fit. That is why I support this responsible budget, and I urge others to.

Mr. SPRATT. Mr. Chairman, I yield 3½ minutes to the gentlewoman 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 his 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 the Republicans are draining 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. Have they become 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 be a statement of our national 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 retire in dignity; 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 CBO 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, fails to protect Social Security, fails to provide adequate funding for prescription drugs, and fails to fund the education promises signed into law by President Bush. The request from Treasury Secretary O'Neill to raise 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. 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 strength and viability of this program is a priority for all Members of Congress, Republican, Democrat, and Independent alike. Our Democrat colleagues, however, claim that this budget will somehow endanger 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 neither I nor my Republican colleagues around here take lightly.

The gentleman is correct in his understanding that the budget in no way alters the financial position of the Social Security trust fund. The status of the Social Security trust funds is unchanged by this budget.

Mr. SULLIVAN. Mr. Chairman, if the gentleman will continue to yield, is it true that under this budget the Social Security trust funds continue to grow throughout the 5-year budget horizon?

Mr. NUSSLE. Yes. In fact, we add about $1 trillion to it over the next 5 years after this budget is in effect.

Mr. SULLIVAN. Mr. Chairman, it is my understanding that this budget provides full funding for Social Security benefits and cost of living adjustments for all recipients; is that correct?

□ 1715

Mr. NUSSLE. Mr. Chairman, that is correct. The gentlewoman from North Carolina made a comment earlier about how somebody was concerned whether they would get their benefit check. There is not a senior in America that is not going to get their benefit check under Social Security. Nothing in this budget changes that. I wish Members on the other side would stop that scare tactic.

Mr. SULLIVAN. Mr. Chairman, will the gentleman guarantee me that my grandmother, Katherine Boudreau, will continue to receive her Social Security benefits next month and the months to come for the rest of her life? Also, will the gentleman guarantee me that my constituent, Daisy Burris, with the AARP of Tulsa and the people she represents, will receive her Social Security benefits in the next month and the years to come?

Mr. NUSSLE. Not only are the Social Security benefits of the gentleman's grandmother safe, but all of our Social Security benefits are safe under this budget. By voting for this budget resolution, Members will honor their commitment to their constituents and to the seniors of America. Certainly there are concerns about Social Security on the horizon that we need to be concerned about, but this budget does not change the trust fund whatsoever. Every senior will get those benefits.

Mr. SPRATT. Mr. Chairman, I ask unanimous consent to yield 5 minutes to the gentleman from Washington (Mr. MCDERMOTT) for purposes of control.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. MCDERMOTT. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

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

Ms. BALDWIN. Mr. Chairman, one of the issues that I hear most about is the high cost of prescription drugs and the incredible struggle that senior citizens have to pay for them. It is clear that this is a major source of worry and distress for seniors and their loved ones. 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 Medicare beneficiaries 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 used 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.

And if this were not enough, the budget also holds the Medicare prescription drug benefit hostage to Medicare reform and a provider payment adjustment. The Medicare reserve fund can only be tapped when a proposal that includes modernization, prescription drugs, and provider payment adjustments is before this House for consideration.

All three issues must be addressed before we can assist our seniors with their prescription drug crisis. A detailed plan for Medicare reform has not yet even been proposed. Meanwhile, seniors have to continue to struggle and wait for prescription drug help. In addition, an independent commission which advises Congress about Medicare provider payments estimates that the adjustments that are coming will consume half of this Medicare reserve fund that has been set aside for all three purposes.

How long must American seniors wait to see a Medicare prescription drug benefit? I believe that this is not the way to treat the retirees of the greatest generation who worked 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 unfairly 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 (OMB) 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 Medicare beneficiaries is not a priority in this Republican budget.

This budget 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 their increase in Medicare spending appear higher than it actually is.

But if this were not enough, this budget also holds a Medicare prescription drug benefit hostage to Medicare "reform" and provider payment adjustments. The Medicare reserve fund can only be tapped when a proposal including "modernization," prescription drugs, and provider payment adjustments is before the House for consideration. All three issues must be addressed before we can assist our seniors with the prescription drug crisis. A detailed plan for Medicare reform has not yet even been proposed. Meanwhile, seniors will have to continue to struggle and wait for a prescription drug benefit.

In addition, an independent commission that advises Congress about Medicare provider payments, estimates that provider payment adjustments will consume half of the Medicare reserve fund that has been set aside for all three purposes.

How long must American seniors wait to see a Medicare prescription drug benefit? I believe that this is not the way to treat the retirees of the greatest generation who worked hard, lived through the depression, won a war, raised their families and created the strongest economy in the world. They deserve access to the affordable drugs they need to stay healthy. I urge my colleagues to vote against this flawed budget.

Mr. MCDERMOTT. Mr. Chairman, I yield 2½ minutes to myself.

Mr. Chairman, here we are with another variation of the three shell game. This budget purports to offer a prescription drug benefit. Now if we take the numbers of last year's program and look at how much the Congressional Budget Office says they will cost, it is $400 billion. Do we have $400 billion? No, we have $350 billion. But in Sunday's New York Times, many doctors

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 $128 billion. That gives us 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 we are going to have a prescription drug benefit. But there is no money. It is a shell game. They are hiding it and confusing people with statements, but the figures do not lie. Vote ''no'' on this thing.

The CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. PENCE) assumed the chair.

FURTHER MESSAGE FROM THE SENATE

A further 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. 2356. An act to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

The SPEAKER pro tempore. The Committee will resume its sitting.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2003

The Committee resumed its sitting.

Mr. NUSSLE. Mr. Chairman, I yield 2½ minutes to the gentleman from Oklahoma (Mr. WATKINS).

(Mr. WATKINS of Oklahoma asked and was given permission to revise and extend his remarks.)

Mr. WATKINS of Oklahoma. Mr. Chairman, I appreciate the work that 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 balancing 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 thankful that we passed the tax relief package nearly a year ago, and also just 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 in the spirit of 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 of the other interests. 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 gentlewoman 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 is not 100 percent supportive of winning 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 level.

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 cut by 41 percent. Telehealth 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 cops on the street, meaning we can expect an increase in crime because this budget, as I just stated, eliminates this program.

□ 1730

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 see that is what is authorized, 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 pass another 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? No.

We are now starting down the same path with 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 meaningless without 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 28 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 to offer. Let me remind my colleagues that last week I offered an amendment in the Budget Committee that would have increased funding for professional development and teacher quality by $325 million, title I funding for disadvantaged students by $2.15 billion, and after-school programs by $250 million from levels proposed in today's Republican budget. Every Republican on the committee voted it down.

Mr. Chairman, I support the President when it comes to the war. I, like all of us in this body, am confident that we will win the global war against terrorism. But I fear this budget may cause us to lose the battle at home to protect and educate future generations of Americans. As a former educator, I urge my colleagues to vote against this resolution that leaves so many of our children behind.

Ms. HOOLEY of Oregon. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, I am extremely concerned whether this education budget is adequate. It is true that there are some program increases; but at a time of increased need and urgency, this increase is the smallest in a decade.

In the end, this education budget leaves me wondering whether we are truly keeping our commitment to our children and our teachers. I know my spirits were up when just 2 months ago the President signed into law the new education bill promising to leave no child behind. I am afraid to say that we are leaving more than a few children behind.

The budget we are debating today actually cuts funding for these programs by $90 million. In fact, this budget funds the No Child Left Behind Act at $4.2 billion below the authorized level. One cannot help but ask if we are keeping our promise. In fact, I fear this budget falls far short of that promise.

Looking at the details, this plan cuts or freezes many elementary and secondary education programs. It cuts programs to improve teacher quality at a time when we need them the most, down by $105 million. It cuts the safe and drug-free schools program, down $102 million. By the way, these programs are working in our communities. And it freezes funding for after-school programs when we need after-school programs more than ever.

However, the truth is that it did not have to be this way. During the Budget Committee markup, we offered amendments to strengthen education, to stand with the President on what he wanted in his education bill. But amendment after amendment to keep the President's promise to leave no child behind were rejected. Republicans rejected an amendment to provide $3 billion more for elementary ed programs. They rejected raising the maximum Pell Grant award for our college students. They rejected an amendment to allow Head Start to serve 1 million more children.

While I could argue that education should always be a top priority, properly investing in education is more critical than ever. A strong commitment to education is good for the economy, and it is good for national security. We support the President on the war and homeland defense. We should be doing more for our children in education.

Ms. HOOLEY of Oregon. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. HOLT).

The CHAIRMAN. The gentleman from New Jersey is recognized for 1½ minutes.

Mr. HOLT. Mr. Chairman, there is much in this budget that is not as it appears. We have just now heard the fact that this actually cuts $90 million from the President's much touted Leave No Child Behind Act. It cuts back on educational funding. In the area of the environment, the authors of the budget claim to fully fund the Land and Water Conservation Fund; but in fact if you remove from this the account that funds open space and parkland and preserving critical natural resources, if you remove the items that do not belong in there, that are added, that are not really new spending, budget accounting gimmicks, it actually is a reduction. It does not fully fund the Land and Water Conservation Fund.

With regard to research and development in science, the authors here have claimed that there is an 11 percent increase. Actually if you do their math correctly, it is really closer to 8 percent. But then if you remove the accounting gimmicks, the things that have been added in there that are not new spending in the National Science Foundation, for example, the sea grant program and EPA education programs, you find out that there is really a growth of perhaps 1 percent. This is not enough.

If we shortchange research and development in the United States, we cannot hope to have the kind of economic growth that the authors of this budget resolution are counting on in some magic wand way to get us out of deficit spending. As a Nation we underinvest in research and development. This budget resolution not only fails to balance, it fails to fund our Nation's critical needs.

Ms. HOOLEY of Oregon. Mr. Chairman, if the gentleman will yield, I urge my colleagues to vote against this budget so we can go back to work and put together a genuine bipartisan plan that truly addresses the ever-growing needs of our country.

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WELDON), a very distinguished gentleman, who has some concerns with our budget.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. WELDON).

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 3 minutes.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, this is the toughest vote that I have made in my 16 years in Congress, because I campaigned for this President and made 200 speeches on his behalf in 25 States and raised a significant amount of money. I do not like to stand up here and announce that I am going to vote against the budget resolution. I have the highest respect for the budget chairman. But, Mr. Chairman, my job in this Congress has been to work on defense issues for our country. I take it seriously like all of my colleagues do.

I took the President at his word when he announced in his State of the Union that he would increase defense spending by $48 billion to make up for the shortfalls of the past decade. But when you analyze that $48 billion, you end up with a potential increase of $38 billion because $10 billion is being set aside for some future uncertain time and need. Of that $38 billion, you end up with about $10 billion to be used for the shortfalls that we have. The other money is going for health care costs; it

is going to make up for the unfair budgeting or the unfair accounting process that was used during the Clinton administration where they did not properly account for the cost of the ships and the airplanes that we ordered but did not pay for. The Rumsfeld leadership is trying to correct that and 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. My colleagues on the Committee on Armed Services know that.

Mr. Chairman, the shipbuilding accounts, which I heavily criticized the Clinton administration for over the past 6 years, decrease under this budget by $1.3 billion. We built 19 ships a year under Ronald Reagan. We go down to five ships next year. We just heard in a hearing I chaired, 15,000 more shipbuilders and workers are being laid off. Tactical aviation, our aircraft, the need is 180 aircraft a year. We bought 90 last year. This budget has us buying 87 aircraft.

I realize there are other pressures. I realize you have to fund all the priorities. I am an educator. I want to fund education. I want to fund the environment and other issues. But we have $10 billion that the President said was for defense in that $48 billion that all Americans agree should be spent on the military, and you know as well as I do we will give the President whatever amount of money he needs for a supplemental to pay for the war. This Congress voted 420 to one. The Senate voted 99 to zero. We are not going to deny him whatever he needs to pay for the war. But this $10 billion needs to go for the shortfall we have.

I cannot intellectually and honestly stand up here in spite of the aggressive and successful effort of the gentleman from Arizona (Mr. STUMP) and the gentleman from California (Mr. HUNTER) and my colleagues who fought this good fight and did get some movement. The President has now said he will come to us and that $10 billion may have a partial request for modernization. We do not know how much, and we do not know when.

Mr. Chairman, because of these reasons, I cannot in good conscience vote for this budget. President Bush is my President. I support him. It pains me unbelievably to stand up here and have to say what I am saying. But my job and the job that you have given me as my colleagues is to tell you honestly what we need to provide for our military and this year more than any other our military is being tested. Our soldiers, sailors and Marines are flying aircraft and working on ships that we are not properly replacing.

Unfortunately, I tell my colleagues, and I have not lobbied anyone on my position, that I just cannot in good conscience vote for this bill and I will vote ''no'' on the budget resolution. I thank the gentleman from Iowa (Mr. NUSSLE) and the gentleman from South Carolina (Mr. SPRATT) 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. PENCE. Mr. Chairman, I rise in strong support of the budget resolution. I wish to commend the gentleman from Iowa (Mr. NUSSLE) and the House Committee on the Budget. Just think of it: as a conservative, 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.)

□ 1745

Mr. HILL. Mr. Chairman, I thank the gentleman for yielding me time.

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. STENHOLM), the gentleman from Tennessee (Mr. TANNER), the gentleman from Kansas (Mr. MOORE) and the gentleman from Utah (Mr. MATHESON) in offering a budget substitute 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 reflects 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 provide a plan to get our budget back into balance and put Social Security surpluses off limits.

It is mind-boggling to think that the House leadership could have opposed these aims. But they did. I am disappointed that our good faith attempt at cooperation was dismissed, and I urge my colleagues to vote no on the budget resolution.

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

The CHAIRMAN. The gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. STARK) each will control 30 minutes on the subject of economic goals and policies.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

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

Mr. Chairman, let me first begin by commending the members of the Committee on the Budget for the very commendable job they did in bringing forward this budget proposal, and particularly the hard work of the chairman, the gentleman from Iowa (Mr. NUSSLE), who has worked untiringly throughout the last 6 months, under difficult circumstances, I might add, and often without thanks, for bringing this budget proposal to us. It has been a great job, and I am pleased to stand here and say that I fully support the bill.

Let me also say that, aside from being the chairman of the Committee on Joint Economics, I am also one of the senior members of the Committee on Armed Services, and it is true that the members of the Committee on Armed Services had some reservations about the budget because of the way certain monies were being set aside.

I must say that I have a different read of the current situation than the gentleman who just spoke, however. Throughout the last 48 hours or so, the gentleman from Arizona (Chairman STUMP) has led us in the direction of defining what will ultimately happen with that seemingly elusive $10 billion, and I am perfectly satisfied, after having sat in the Oval Office with the gentleman from Arizona (Chairman STUMP) and most of the senior members of the Republican side of the Committee on Armed Services, to talk with President Bush this morning about what his intentions are, and his intentions are to recommend that those monies be spent this year on measures yet to be defined.

I think it is important to point out that the Committee on Armed Services, upon which I and the just-completed speaker serve, will help define those needs. That is our job.

I am particularly thankful to the President for taking time to explain his position to us this morning, and I

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 into the context what is 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 people did not recognize early on in the eighties. 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 being so.

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 had 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 long lags, 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 remained 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. Happily, 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 by the end of 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 created 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 impact on certain 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 security costs, it became 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 nineties, 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 necessary, do not create the productivity that investment in technology does. So, this was a factor which we believe was very important.

Similarly, 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 terrorist 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 preponderance 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 include the Federal Reserve's lower interest 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.

Fifth, 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 66,000 jobs in payroll gains in the month of 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.

□ 1800

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 saw, and we should have learned some things based on what went wrong in 1999 and the first half of 2000.

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.

First of all, we need 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 policy lowers interest rates, reduces unnecessary uncertainty 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 Kennedy in 1963 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 enter market activity. All this promotes growth without inflation.

So the policies that we saw 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 shrinking 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 economists used to refer to which is called 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 limited supply, 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 expansion without inflation.

Finally, foreign markets play a continuing important role in our understanding of how to promote growth in our economy. Reducing tariff barriers and promoting open markets increases the size of the international sector, and all this helps with economic growth while fostering lower prices.

Increased international integration enables the economy to take advantage of larger markets and become more specialized and more efficient, productive, and competitive. This allows the economy to produce more goods with the same or less input, and to grow faster without inflation; the remarkable strategies that were used by the government, by the private sector, and by the Fed during the eighties and nineties.

Finally, the economic data released in recent weeks suggests the recession appears to be over and the recovery is now under way. In terms of budgetary policy, this means that we can expect the same kinds of things to happen in the future growth period that happened during the last growth period in terms of Federal revenue.

The economic outlook looks positive, and with sound 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 has been granted the debate on 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 led us into deficit spending 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 misplaced priorities of the Republican 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.

What this budget is 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 they probably earned 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 seem to spend all their time working in the House to protect, because they certainly are not doing anything to help the people who depend on Social Security or Medicare.

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 the 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 the money will stay 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 amendments to the economic stimulus bill recently.

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.

So, as I say, 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 decade, and just 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 made 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 few rich fat cats helped, or do they want to continue to see Medicare and Medicaid and Social Security as some of the safety nets for the seniors?

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

Mr. NUSSLE. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the Joint Economic Committee.

Mr. ENGLISH. Mr. Chairman, I wish to lift this debate above the grotesque ad hominem quality we have been hearing too much on the floor today and focus instead on the real direction this budget takes us in.

I have to say, Mr. Chairman, it is important that people understand that I came here in 1994 with the first conservative and the first fiscally responsible Republican majority in my lifetime. At the time we inherited the House, we discovered that we had deficits as far as the eye could see.

In those 8 years, we have seen a radical change in the landscape because we have had a fiscally conservative Congress not spending on impulse, like the previous Congress had. We have trimmed the deficit, we have cut taxes, we have encouraged economic growth.

What is particularly important, Mr. Chairman, we have made a commitment to stay within a range of fiscal responsibility and activity that has allowed us to balance two budgets, and now this year we face the acid test: Can we maintain fiscal discipline under very adverse circumstances.

As this budget evidences, we can do that. Our answer is yes. This is a budget that will meet America's needs while keeping us on a path to balancing the budget as we come out of the recession.

As the Treasury Secretary testified before our Committee on Ways and Means, it is important to understand, the United States has never run a surplus during a recession. The last time someone tried that was Herbert Hoover, and it did not work very well.

□ 1815

And we have never run a surplus during war time. Well, Mr. Chairman, we are in the midst of a serious conflict, and we are trying to work our way out of a recession. And in that context this budget keeps us on a path to a balanced budget. The projected deficit is less than 1 percent of GDP. For most of the other industrialized nations that deficit would be a marvel. And it proves that this budget maintains sensible funding levels. It is a fiscally responsible budget.

Contrary to what we have heard here today, despite the over-heated partisan rhetoric, this takes care of our social needs by funding Medicare with 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 need to have a continuing 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 highway 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. MARKEY).

Mr. MARKEY. Mr. Chairman, it is March madness like I have never seen it before. But I am not talking about college basketball. 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 drugs. Education, it undercuts by 60 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 both hemorrhaging. This is Enron-onomics. 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 the plan? 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. MARKEY), was talking about seniors; and he made me very concerned because he was not talking about our budget. 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, using 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 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. MARKEY) 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 in fact it keeps the promise to our seniors. It does not touch 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 time 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 on Rules that 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 or education. 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 homes with inadequate 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. HINCHEY).

Mr. HINCHEY. 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 because this budget resolution invades 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 programs because of the larger numbers of retirees that are coming into play. Furthermore, this budget resolution does not live up to its promises. It

takes money out of education. We promised money to the State for increased education funding. It does not deliver on that. And it makes virtually impossible a prescription drug program for the elderly.

All of that so it can continue the ruse, the farce, that we can afford the $1.7 trillion tax cut which you rammed through this Congress last year. The money just is not there. And you want to continue to pay for that tax cut and the only way that you can do it is by borrowing money from the Social Security trust fund, $1.5 trillion over the next 10 years, and taking all of the surplus out of Medicare, and by failing to deliver on the promises of health care and education which you have made. That is our plan: get a real budget on this floor.

Mr. STARK. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, Republicans who control the House denied the most responsible fiscally conservative Members of the Democratic Party the right to their alternatives on this floor. You act as a big bully, and now you want to hold it out there as where is your alternatives, where is your suggestions. No matter how you want to paint it, a deficit is a deficit is a deficit; and the Republican budget is swimming in red ink and broken promises. President Bush and every Republican leader promised that they were committed to a balanced budget.

□ 1830

President Bush and every Republican leader promised that they would put the Social Security surplus in a lockbox and never use it again for other spending, but today, no matter, one thing my colleagues do deny is that Republicans want to take a sledge hammer to that lockbox so they can bust it open and loot the money that hardworking Americans have spent a lifetime contributing. It is that bad and it is that ugly.

The Republicans are doing this because they believe it is the only way that they can cover up the deficits they created as far as the eye can see, and that is why they are only giving us 5-year numbers instead of the 10-year numbers and that is why they are using the overly optimistic OMB estimates instead of nonpartisan CBO numbers.

Democrats spent 8 years putting this Nation on a sound fiscal course, and it has taken Republicans 14 months to undo that. Now they want to blame the recession for everything, but no one here or in the country really believes that this recession can be blamed for deficits 10 years from now.

The fact is we Democrats saved enough for a rainy day like this, but the Republicans spent every penny of it on an irresponsible economic plan, leaving few priorities that they claim to support like education, prescription drug coverage for seniors and environmental protection.

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. NUSSLE. 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 who the Republicans gave 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 fine gentlemen for setting the table 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 I 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 my constituents believe 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 that 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 will not even allow 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 Black Caucus 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 understand.

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. NUSSLE. 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 us 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 got a 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 should run and 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. NUSSLE. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman may inquire.

Mr. NUSSLE. Mr. Chairman, could the RECORD be read back? Did the gentleman just call our government a fascist government? I am just wondering

if that was what was just said on the floor of the House of Representatives.

Mr. STARK. Mr. Chairman, no. I talked about the fascist wing of the Republican Party.

Mr. NUSSLE. Mr. Chairman, excuse me?

Mr. STARK. Mr. Chairman, the fascist wing of the Republican Party.

Mr. TANNER. Mr. Chairman, let me just say, that we are in a time of war and the President called for unity, and in that spirit, four of us, the gentleman from Kansas (Mr. MOORE), the gentleman from Texas (Mr. STENHOLM), the gentleman from Utah (Mr. MATHESON) and myself, went to the Committee on Rules last night and asked that this amendment be made in order.

Concurrent resolution on the budget for fiscal year 2003, we used their numbers, the Republican numbers. We offered this using their numbers. We offered to extend the debt ceiling till the end of this fiscal year without any strings attached save one, that was that we would be able to review the numbers in August when the CBO numbers come out again to see if we are on the right track and what they say today is actually coming to fact and coming to fruition. We were denied that. That is a plan. This is a budget that we tried to offer last night. Not in order.

People watching may wonder, why is all this arguing going on. I want to tell them. Only the majority can make a legislative body bipartisan. The minority cannot do that. We are like a jackrabbit in a hailstorm, all we can do is just hunker down and take it, and if my colleagues do not want to be bipartisan, when we offer a budget based on their numbers, offering to extend the debt ceiling, without the approval really of our leadership and they turn us down and then come here today and say there is no plan, we do not have plan. Some of us did, I tell my friends. I saw naked raw partisanship work when I was in the majority here and my colleagues are practicing that today when they deny us the ability to at least debate using their numbers, a different approach.

People are not dumb in this country. They know unfair partisanship when they see it, and if they insist on keeping on doing this, we are going to have a very difficult time solving the problems that the people of this country face.

So I would just tell my colleagues that I am very disappointed in the way this debate has gone today, and I hope we can do better in the future.

Mr. NUSSLE. 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.

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 colleague 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 in August 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. Got this side in trouble.

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 giving this year. What that means, according to the Children's Defense Fund, is 30,000 more kids are going to be out from under this shell. They are not going to be covered by day care, and at the end of 10 years of this they are going to have 114,000 more kids if they keep flat-lining it.

Now, we can try and confuse people, but when a mother leaves the house in the morning and she is going off to a job, she wants to work, raise her level of dignity. She feels good about herself, but she does not feel good and cannot concentrate on what she is doing if she does not know her kid is in good child care, and if we do not supplement what people making $7 an hour in those jobs making beds in the hotels are making, they cannot get good child care.

Do not come out here with that rhetoric about leave no child behind. Vote no on this resolution.

The CHAIRMAN. The gentleman from California (Mr. STARK) has 6 minutes remaining. The gentleman from Iowa (Mr. NUSSLE) has 2½ minutes remaining.

Mr. NUSSLE. Mr. Chairman, I yield myself 10 seconds.

Would the gentleman from Washington look under one of those shells and see if there is a Democratic plan? I mean they are leaving the entire country behind by not having a plan. The entire country is left behind by the Democrats today. Please look under that shell and look for a Democratic plan.

Mr. Chairman, I yield 3¼ minutes to the gentleman from Oklahoma (Mr. WATTS), the very distinguished chairman of the Republican Conference.

□ 1845

Mr. WATTS of Oklahoma. Mr. Chairman, I thank the gentleman for yielding me this time. I have heard a lot over the last couple of hours about what the Republican budget does not do, and it is ironic that in this budget we take care of IDEA, which we have been fighting for; we take care of seniors and prescription drugs; we protect the homeland security; we do things for national security; we do things to try to get some growth in the economy.

So I continue to ask the question, Where is the Democrats' plan? Where is their budget? And the fact is they have no budget. That tells the American people there is no vision.

I just want to share something. I could come up here and I would not have to say a word but point out what the Democrats are doing, because they have nothing. Wanted: Democrat budget plan. Suspected of raising taxes on American families; increasing wasteful Washington spending.

And I could go on forever. Again, I ask the question, Where do we go from here? Give me a plan on what you propose to win the war against terrorism. Give me a plan. It is easy to beat up ours, but give me something to show where you want to take the Nation.

Again I ask you the question, What do you want to do to secure the homeland? Are you going to raise taxes? Are you going to cut other programs? What are you going to do?

Give me a fiscal break. What are you going to do to protect America's homeland? Again, I ask the question, since we have taken care of families, we have done things to try to grow the economy, what is the Democrats' plan to grow the economy? Give me a fiscal break. If you are going to beat us up, give us your plan.

We have seen nothing over the last 2 hours, over the last 2 weeks, over the last 2 months. We have seen nothing.

Again, I ask the Democrats, What do you do to help workers? I see nothing in your budget. I have seen no budget

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? Are you going to increase wasteful Washington spending? 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?

No plan. No budget. No vision. No nothing. My colleagues just come to the floor and beat us up over the things that we have done trying to help people. What are you going to do for Social Security? Nothing. Zilch. Not nothing. Not nothing do you do. No budget. No vision.

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 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 debate. 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 these tax cuts, that will go mostly to the well-to-do and 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 could 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 eight wars on terrorism. 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.

ANNOUNCEMENT BY THE CHAIRMAN

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 worked to make the compromises needed to create 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 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, which gives teachers 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, which administers 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 have not even been 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 mushrooms.

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 spending on non-military or homeland security programs. An astonishing 85 percent agreed that a good reason to increase federal spending on education was that ''our national security depends 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 California has 4 minutes remaining.

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 a budget. 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 Security and Medicare and special education 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 overwhelming 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 uniform. And I would like to suggest, as I said before, none of them have worked in free enterprise, 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 children 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 are going to 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 contractors, who are related to former Republican Presidents, 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 unanimous 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 1½ minutes.

The gentleman from Iowa (Mr. NUSSLE) has 8½ minutes remaining and the gentleman from South Carolina (Mr. SPRATT) has 9½ minutes remaining on the debate on the congressional budget.

The Chair 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. Chairman, 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 deeper financial hole; and it is the obligation 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 Republican 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 budget takes away that safety net. Republicans are stealing the Social Security trust fund. The Republicans are taking the security out of Social Security.

Mr. Chairman, I urge all of my colleagues tonight to vote for the people, vote for the old folks, vote for the disabled, and vote against the Republican budget.

Mr. NUSSLE. 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 they should stand tall? Do they sit quietly 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 not 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 demands of these historic times and provides for our national defense, it provides for homeland security, and it provides for personal security.

Let me talk about health care just briefly. Our plan provides $350 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.

□ 1900

But we have added a very reasonable amount. If Members look at prescription 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 provides prescription drugs with an increase in taxes or an increase in deficit.

We also have expanded and enhanced our community health centers, which provide health care for those who fall through the cracks. We have 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 remarkable 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 anger on the floor today, and to me this is such a sad day. It is total reversal of all our former self-congratulation. The last administration 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 fraudulent 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 to be convinced by a budget that tells them we can do tax cuts, fight 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 gentleman 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 only wanted 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 firewalls. I understand in the budget resolution we cannot construct firewalls to protect 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.

Second, 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 to discuss. 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 made promises and broken 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 this is not acceptable 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. Well, Mr. Chairman, 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 the 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 do not respond. 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 a little bit 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, and the President today 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. So we dipped 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 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 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 malarkey.

So 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's right to disagree. 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 our history, but now it fails.

The minority leader said, ''We 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.

Did the gentleman come down here with a plan? No. Did he say I have got some ideas? No. Did he criticize? Sure, and he has a right to do that. I will fight for his right to do that. But Members are not allowed to just complain. Members are not allowed to just play politics. At this most crucial time in American history, Democrats have to stand up and say what is important and put their plan on the table. They are not allowed to just snipe from the sidelines and say, oh, we are for national defense and homeland security. Yes, we want a prescription drug benefit. Gosh, we want more than the Republicans do for education. Oh, yes, in fact, we want more for science, and let me think, we want more for all of these things.

We cannot do that without a plan, or without raising taxes. So please, I ask the other side of the aisle to demonstrate their leadership by coming forward with a plan. I beg them. This is too crucial a time in American history for them to let us down.

I implore Members to vote for a plan to win the war and get this country secure again.

Mr. SPRATT. Mr. Chairman, I yield 30 seconds to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Chairman, the reason the sign used by the gentleman from Iowa (Mr. NUSSLE) was made yesterday was because the majority knew last night when we went to the Committee on Rules with our plan that we were not going to be able to offer it. So these nice charts we see about not having a plan, we would have a plan today, but the other side of the aisle would not let us offer it.

We would like to look in August and see if what the gentleman says tonight is actually coming true. What the other side of the aisle said last year we know has not come true, and we only ask to review it in August. We used the Republican plan as a gesture of bipartisanship. The other side of the aisle will not let us have a plan, and then they bring all of these charts down here that they made up yesterday and say the Democrats do not have a plan.

□ 1915

This raw partisanship, people are not dumb, they see it. It is going to get you in trouble just like it got this side in trouble sooner or later.

Mr. SPRATT. 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. As 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 fails to fully fund discretionary spending at the level of inflation, that is all, current policy, and picks up another couple of hundred billion dollars. We do not think that is realistic. If we had to put up a plan that would be comparable on an apples to apples basis, we would have to adopt these and many other devices in this budget which we think would be a bad precedent. That is why we declined to do it. There will be a Democratic plan. Senator CONRAD is producing one as we talk.

Let me just say once again with respect to the war, when the votes come on the defense appropriations bill and on the other appropriations bill with homeland security and national security, Democrats' names will be the board because we back the President and we support those appropriated items.

Let me say something else about the key concern that we have in this budget and the situation we are in today. This graph here shows the extent to which previous administrations have invaded Social Security. The Clinton administration came to office in 1993 inheriting a budget deficit of $290 billion, a record deficit. On February 17, less than a month after being in office, they put on our doorstep a deficit reduction plan which passed this House by one vote. As a result, every year for the next 8 years the bottom line of the budget got better to the point where in the year 2000, we were literally in surplus without counting Social Security or Medicare, the first time in our fiscal history that that happened. It happened under the aegis of the Clinton administration. Sure you cast some of those votes and I cast some of those votes, they were costly votes in most cases; but this is where the handoff occurred to President Bush.

I have seen at least five Republicans come here to the well and tout the fact that you have had $400 billion in debt reduced in the last several years. All of that happened on the Clinton administration's watch. Why did it happen? When you move your budget out of deficit into surplus, you have got money to pay off debt. That is why it happened.

But look what happens. Here at the pinnacle of this summit, there is a handoff to President Bush and immediately things go south. Some of that is due to the fact that we have had fundamentally unexpected, terrible tragedies to occur in this country; and I would be the first to admit that that has had an impact, no question about it. But your tax cuts had an impact, too. Your miscalculation of what the economy was going to do has had a big impact as well. It is at least 40 percent of this. But look at this. And the reason we cannot go with your budget tonight is it has no plan, it has no strategy, it has no way for us to reverse that course which is graphically laid out there, showing you that we are backpedaling right to where we were 10 years ago. After 10 years of progress on the deficit, we are literally backsliding.

Since everybody seems to be poohpoohing the deficit, as if this is a temporary, transitory phenomenon, let me read CBO's analysis, dated March 6, of the President's budget. It says that this year we will incur a deficit under President Bush of $248 billion; $297 billion next year under his budget. Over the next 10 years it says we will incur deficits of $1.8 trillion. The consequence of that is we will be invading Social Security to the tune of $1.8 trillion.

Here is this chart which we have used before. You start with a blue stub there, you start with a blue stub there which shows that we handed off the budget to the Bush administration with a budget out of Social Security and out of Medicare and look what happened. Immediately the red lines below the line begin to appear. The yellow lines up here indicate that every year over the next 10 years we will consume the Medicare surplus. Every year over the next 10 years we will consume the Social Security surplus. There is no way around it. You do not have a plan in your budget to reverse course here. 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. That 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 is a 180-degree reversal of where we were last year. That is why we respectfully decline to vote for this budget resolution. We think it is a badly designed element, and we think it will take us back to where we were. We hoped that we had recovered from that from a long time ago, but it does not appear that we have.

Mr. NUSSLE. Mr. Chairman, I yield the balance of my time to the very distinguished gentleman from Illinois (Mr. HASTERT), the Speaker of the House.

Mr. HASTERT. I thank the gentleman for yielding me this time.

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 propose a real substitute. Instead 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 must spend money to win this war. This budget contains a historic increase in defense spending. Our troops need this money so that they have the

weapons, the supplies, the equipment to do the job. Some say that there is not enough money in this budget to fight this war. I assure you if the President needs more money to fight this war, this Congress will make sure that any man or woman who wears the uniform of the United States military and puts themselves in harm's way, they will have the training, the equipment and the weapons and whatever they need to win.

This budget also contains the necessary money for homeland security. On September 11, we found out that terrorists can attack in the most unconventional way. We do not know where they will strike next. We do not know, but we have to be prepared. This budget helps our Nation prepare for these contingencies.

This budget also helps prepare our Nation for other challenges on the domestic front. It includes money to implement the President's ambitious education agenda, so that our schools will teach our children better. It includes the largest financial commitment to a prescription drug benefit in our Nation's history. We reserve $350 billion to Medicare and prescription drugs for seniors in this budget. It also includes important funding for our Nation's veterans and for our Nation's farmers. The President's budget sets the right priorities for our Nation.

My friends on the other side of the aisle, some have criticized our budget with great enthusiasm; but they have failed to offer a real alternative. Why did they not offer an alternative? Some would like to play politics with Social Security. Any realistic budget would have to confront the fact that the surplus disappeared because of the economic slowdown, because of the war and certainly because of domestic terrorism in this country and our willingness to prepare ourselves for it.

Folks, we made a real decision last year. I heard some of our friends talk about surplus. We had a great surplus. We made a conscious decision to take some of that surplus off the table, because we thought moms and dads and local people who make money, punch a time clock, own their small business, they make better decisions with that money in their pocket than the Washington bureaucrats. We also made a conscious decision to pay down debt. During this period of time, we paid down over $450 billion of public debt. I think that is probably better than having that surplus sitting there and being tempting for people here in Washington.

I know people have big plans, big thick books on how to spend that money. But times have changed. We must prepare this Nation to continue to fight the fight that we are in. We must prepare our people for domestic violence and prevent people from coming into this country and have terrorist attacks across this Nation. We need to take care of our senior citizens. We need to take care of our veterans. We need to take care of farmers. 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 so I can be 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 our President as he leads us in the war against terrorism. But I cannot vote for this budget proposal because I have serious concerns over this Budget's treatment of health car for seniors, veterans and retired military. In addition, Mr. Speaker, the Rules Committee refused to make in order the Blue Dog Coalition budget alternative. I cannot support a rule that will not allow for open, honest debate on a matter as important as the Federal budget.

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 Trust Funds that are set aside for 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 a limited number of disabled retirees, but his Budge 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 fully 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 Shows-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 broken promises? Too many military veterans 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, today.

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 here knows—and 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 generation begins to retire in just six short 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 indeed? 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, over half of the projected 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 reversal in our nation's budget picture? Mr. Speaker, 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 $318 billion, over the next 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 respect my colleagues right to hope 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. Last

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 enhance the solvency of these critical 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-touted stimulus bill that was enacted 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 $224 billion in 2003 and $830 billion between 2003 and 2007, excluding the Social Security surplus.

Finally, Mr. Chairman, adding insult to 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'' and provider givebacks. Without ten-year numbers for the rest of the budget, how can this proposal be credible? Further, the budget condition release of monies for a drug benefit on enactment of a Medicare modernization bill and provider payment adjustments. Last 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 along party lines. 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 funds are essential if a 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'' measure that turn its back on hard-learned fiscal of the passed decade and undermine 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 86 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 not the time to deplete the Social Security and Medicare surpluses.

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 budget 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. But 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 the 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 and our children's 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. BOEHLERT. 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 debate defense spending and 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'm especially pleased with the funding for Function 250, 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 it.

I urge my colleagues to support this Resolution.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise today to express my concerns about the budget resolution that is under consideration. I feel very strongly that the budget we are debating is seriously flawed because it contains cuts and funding amounts that are frozen at previous year levels.

Furthermore, the priorities reflected within the budget are a clear indication that vital needs and programs are being sacrificed. I am dismayed about this budget because the majority failed to make in order any of the amendments offered before the Rules Committee that would have restored many of the cuts proposed by the president.

None of the (4) amendments I offered in committee were ruled in order. Consequently, my efforts to restore $379 million for Community Development Block Grants (CDBG's) to the purchasing power level of FY 2002 will not become a reality. These grants are critical to local communities. They fund programs that promote economic development in low and moderate-income communities and are used to eliminate or prevent slums and blight and to address needs that pose a threat to the health and safety of our communities. The cuts, if implemented, would affect wealthy and low and moderate-income communities that receive CDBG's.

I also advocated restoring funding for employment and training programs, which was cut by $686 million from the 2001 level. My amendment would have restored the funding for the Youth Opportunity grants program back to its current 2002 level which would have amounted to a nominal add-back of $180.6 million to the program for 2003.

Youth training services prepare low-income youth for academic and employment success. They are vital to curtailing high school dropout rates, increasing college enrollment, and improving the unemployment rate of young adults.

I also sought to restore a modest amount of $3 million to the Public Health Service's Office of Minority Health that is located in the Department of Health and Human Services. The funding would be used to reverse the tragic imbalance and racial disparity in terms of babies born in the African American and white communities in our country whereby a black baby born today is twice as likely to die within the first year of life than a white baby. That baby is twice as likely to be born prematurely and at a low birth weight.

We must do all that we can to determine why out of 1,000 births, 14 African American babies die, while for their white counterparts it is only 6 out of 1,000.

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 target goals.

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 shortchange our infrastructure needs.

Mr. Chairman, these are just some of the shortcomings of the budget being offered today. At this time in 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 in these difficult days. Our funding of key programs must be sustained, if our fellow Americans are not to lose faith in our leadership.

Money counts for all Americans but if you are unemployed, hungry, elderly and sick, homeless and or a dependent child, it is a lifeline and a commitment that must be kept. Our Government should shortchange no American and that is why this budget is so disappointing. The gap between our socio-economic reality and this proposal is daunting. The Budget does not add up, Mr. Chairman, and should be voted down.

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 budget position over the last year 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 and budget policies 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 supposition. No projections.'' 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 robs 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 when 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. It's a ''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 hid 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 the 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 not even a ''current services'' 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 worker 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 to keep them from being subjected 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 education, ensures the solvency of Social Security and Medicare, and pays down the national debt. We need an honest budget, not this sham Republican press release.

Securing our national defense and homeland security, adopting a real prescription drug benefit, improving education, providing affordable housing for the poor and the homeless, maintaining the solvency of Social Security and Medicare, paying 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 last year's tax cuts, which would cost $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 appropriations 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-homeland 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 CBO and OMB revenue projections is $110.4 billion. OMB also plans on 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 ifs.

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 baby boomers start 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 had hoped 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 instituting a $1500 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's retired pay be reduced 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.

Ms. SCHAKOWKSY. Mr. Chairman, on July 11, 2001, Republican House Majority Leader DICK ARMEY said, ''We must understand that it is inviolate to intrude against either Social Security or Medicare and if that means forgoing or, as it were, paying for tax cuts, then we'll do that.'' Unfortunately, the Republican Budget Resolution does not reflect 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 Resolution 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 compassionate one 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:

[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 keeps 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 to 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 a hint. 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 public welfare, the 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 benefitted the wealthiest 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, I urge my colleagues on both sides of the aisle to keep your promises to your 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 exhorted the American people to continue our normal activities—perhaps being more aware of what's around us, 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 surpluses 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 retirement in conjunction with veterans 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 over due.

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 different compensations. I was pleased to cosponsor 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 gratified 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 the industry 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 fully funding its commitment to assist 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 the 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. 353, 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 our children 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, what 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.'' But 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. Chairman, I strongly support 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 regretfully 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 to produce what we call soundbite legislation. Once again, we are seeing that budget resolutions can engage in flights of fancy, while the Appropriations Committee will be forced to do the hard work of deciding how the real money will be spent in this place. This resolution really makes the budget process a sham. This is a budget that's based less on sound economic assumptions and more on the principles of Enronomics.

The supporters of this budget are working on a selling job to make you believe that this plan will provide a balanced budget by fiscal year 2010. But what we are told is far different from the fiscal reality. This is feel good legislation that will exact fiscal harm and pain in the out years. To hide the real truth, the Republican budget purposely uses 5 year numbers instead of 10.

The Republican budget is simply irresponsible. In its budget, the GOP proposes new tax cuts and funds these cuts by spending hundreds of billions from the Social Security trust fund to pay for other programs. Moreover, the Republican leadership plans to bring to the floor next month even larger tax cuts and has expressed support for making permanent the provisions in last year's tax cut. CBO estimates that by making these tax cuts permanent, revenues would be reduced by $569 billion over 10 years.

Democrats want a budget that reflects our Nation's priorities. Unfortunately, key Democratic amendments on key issues that the majority of Americans care deeply about were blocked by Republicans from reaching the House floor.

An amendment I offered relating to prescription drugs, which would have ensured that seniors receive a prescription drug benefit that is comprehensive and meaningful, was blocked from being considered on the floor. 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 in getting the prescription drug coverage they need—and deserve. We have all made this 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.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in House Report 107–380 is adopted and the concurrent resolution, as amended, is considered read.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. SIMPSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration 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, pursuant to House Resolution 372, he reported the concurrent resolution, as amended pursuant to that resolution, back to the House.

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

The question is on the concurrent resolution.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 209, not voting 5, as follows:

[Roll No. 79]

YEAS—221

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—209

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr

Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOT VOTING—5

Blagojevich
Ehlers
Gutierrez
Shows
Traficant

□ 1955

Mr. JOHN changed his vote from ''yea'' to ''nay.''

Mr. RILEY changed his vote from ''nay'' to ''yea.''

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. EHLERS. Mr. Speaker, on rollcall No. 79, adoption of H. Con. Res. 353, Concurrent Resolution on the Budget for FY 2003, I was too late to cast my vote because I was detained in a meeting. Had I been present, I would have voted ''yea.''

PERSONAL EXPLANATION

Mr. SHOWS. Mr. Speaker, regarding rollcall votes on today, March 20, 2002:

On rollcall 69, I would have voted ''yea'' on Approving the Journal.

On rollcall 70, I would have voted ''yea'' on Motion to Suspend the Rules and Agree, as Amended H. Res. 339, urging the Government of Ukraine to Ensure a Democratic, Transparent, and Fair Election Process Leading Up to the March 31, 2002 Parliamentary Elections.

On rollcall 71, I would have voted ''yea'' on Passage of H.R. 3924, the Freedom of Telecommute Act.

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, 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 Bduget 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. LATOURETTE). Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 353, Concurrent Resolution on the Budget, Fiscal Year 2003.

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

There was no objection.

COMMENDING MEMBERS OF COMMITTEE AND STAFF FOR WORK ON HOUSE CONCURRENT RESOLUTION 353, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2003

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

Mr. NUSSLE. Mr. Speaker, I would like to first of all thank our competitors today. As the old saying goes, I think it was a saying by a former Speaker, the Democrats are just our opposition; it is the Senate that is the real enemy around here. I realize that is probably not appropriate.

The point I am trying to make is that the gentleman from South Carolina (Mr. SPRATT) and the Democrats on the Committee on the Budget did an admirable job of presenting their points of view, both in committee and here on the floor today. I want to thank them for that, and I would also like to thank our staffs.

We get to come on the floor and do all of this debating, but the preparation to put this budget together, like it or not, is done by a lot of work during a lot of hours, many of them late nights, by our staff. Rich Meade and Tom Kahn and the whole gang at the Committee on the Budget do an excellent, professional job.

Again, as I say, like the budget or not, it is professional work and they need to be commended for that.

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 am sure, 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 MIDNIGHT THURSDAY, APRIL 4, 2002, TO FILE REPORT ON H.R. 3762

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce have until midnight on Thursday, April 4, to file a report to accompany H.R. 3762.

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

There was no objection.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF HOUSE AND SENATE

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, or Thursday, March 21, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 9, 2002, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, March 21, 2002, Friday, March 22, 2002, or Saturday, March 23, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed 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 recess 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 whenever, 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 the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 10, 2002.

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

There was no objection.

AUTHORIZING SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. GOSS. Mr. Speaker, I ask unanimous consent 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 to make appointments authorized by law or by the House.

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

There was no objection.

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CONDITIONAL ADJOURNMENT OF THE HOUSE TO TUESDAY, APRIL 9, 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. LATOURETTE). 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. 3924.

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:

MARCH 20, 2002.

Hon. DENNIS HASTERT,
Speaker,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Having been notified of my appointment by the Steering Committee to the House Committee on Energy and Commerce, I hereby tender my resignation from the Committees of Agriculture, Budget, and Education and the Workforce, effective Wednesday, March 20, 2002.

Thank you for your leadership, and I look forward to continuing to work with you on issues important to our party and the nation.

Sincerely,

ERNIE FLETCHER (KY–6),
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

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.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider is laid on the table.

DIRECTING THE CLERK TO MAKE CORRECTIONS IN ENROLLMENT OF H.R. 2356, BIPARTISAN CAMPAIGN REFORM ACT OF 2001

Mr. NEY. Mr. Speaker, I offer a 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(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(A) by striking clause (viii); and

(B) by redesignating clauses (ix) through (xv) as clauses (viii) through (xiv), respectively.

(2) NONPREEMPTION OF STATE LAW.—Section 403 of such Act (2 U.S.C. 453) is amended—

(A) by striking ''The provisions of this Act'' and inserting ''(a) IN GENERAL.—Subject to subsection (b), the provisions of 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 304(f)(2)(E) 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 203(b) 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)))''.

(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 AGGREGATING $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. 434(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 ''subsection (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 section 301 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 ''not'' after ''imprisoned''.

(8) In section 301(25) of the Federal Election Campaign Act of 1971 (as added by section 304(c) of the bill), strike ''The term'' and insert ''For purposes of sections 315(i) and 315A and paragraph (26), 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 102 shall apply with respect to contributions made on or after January 1, 2003; and

(B) section 307 shall take effect as provided in subsection (e) 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 323(b) of the Federal Election Campaign Act of 1971 (as added by section 101(a)), section 103(a), title II, sections 304 (including section 315(j) of Federal Election Campaign Act of 1971, as added by section 304(a)(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 323(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 purpose of—

(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 for 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.

(10) Add at the end of section 403 the following:

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

(d) APPLICABILITY.—

(1) 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.

(2) 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 elects such provisions to apply to the action.

Mr. HOYER. Mr. Speaker, further reserving the right to object

Mr. Speaker, it has been a long and difficult road to campaign finance reform. But it has been a road well worth taking.

With the adoption of this package of technical amendments, the legislative branch will have worked the people's will and taken an important step forward in taming the influence of special interests.

I commend the other body for moving expeditiously on Shays-Meehan.

I urge the President to sign immediately this landmark legislation.

The technical amendments before us, with the exception of one, are just that: Technical. They simply correct minor drafting errors and clarify provisions of Shays-Meehan that this House overwhelmingly passed on February 13.

These amendments will help ensure that this historic reform legislation achieves its central purpose: Banning unregulated soft money donations to the National parties.

The foes of Shays-Meehan have lost the battle in Congress. But they are determined to continue the battle on a new battleground, the Judiciary, and they are apparently determined to do whatever it takes to become lead plaintiff.

Under our system of laws, that is their right.

To help them gain standing, one amendment before us authorizes any member of Congress to challenge this legislation. Supporters of Shays-Meehan are confident the legislation will withstand Constitutional challenge, just as it withstood legislative challenge.

Mr. Speaker, it is time for Shays-Meehan to be sent to the White House.

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

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 361.

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

There was no objection.

APPOINTMENT OF HON. TOM DAVIS OF VIRGINIA OR THE HON. FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH APRIL 9, 2002

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

WASHINGTON, DC,
March 20, 2002.

I hereby appoint the Honorable TOM DAVIS or, if not available to perform this duty, the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through April 9, 2002.

J. DENNIS HASTERT,
Speaker of the House of Representatives

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

APPOINTMENT AS MEMBERS OF NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE PLAN FOR ACTION PRESIDENTIAL COMMISSION

The SPEAKER pro tempore. Without objection, and pursuant to section 2(b) of the National Museum of African American History and Culture Plan for Action Presidential Commission Act of 2001 (P.L. 107–106), the Chair announces the Speaker's appointment of the following members on the part of the House to the National Museum of African American History and Culture Plan for Action Presidential Commission:

As voting members:

Ms. Vicky A. Bailey, Washington, D.C.,

Mr. Earl G. Graves, Sr., New York, New York,

Mr. Michael L. Lomax, New Orleans, Louisiana,

Mr. Robert L. Wright, Alexandria, Virginia,

Mr. Lerone Bennett, Jr., Clarksdale, Mississippi,

Ms. Claudine K. Brown, Brooklyn, New York.

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, to the House floor.

I would like to take this opportunity to thank my colleague, the gentlewoman from North Carolina (Mrs. CLAYTON), and others that will be here this evening for their commitment to this issue and their time to speak about it.

Hate crimes have been a persistent problem in the United States. The FBI recently released its hate crimes statistics of 2000. Sadly the report indicated that bias-motivated crimes continue to increase. During the year 2000, law enforcement reported 8,063 bias-motivated criminal incidents, indicating a 3.5 percent increase since 1999. In this report, crimes based on race ranked number one, while crimes based on religion and sexual orientation ranked second and third.

The most disturbing part of this report is what it does not show. The official numbers barely scratch the surface of the hate crime problem across the country. The true number of hate crimes actually committed last year could top 50,000 according to the Southern Poverty Law Center. Yet hate crimes continue to go unreported because of victims' fear and lack of law enforcement resources.

Mr. Speaker, hate crimes continue to occur every day in our cities and small town. What is extremely disturbing is that some of these crimes are committed by children who have learned a pattern to hate. Such an incident occurred in my home State of California on March 11 in Huntington Beach, California. Three teenagers confronted a Filipino-American in the rear parking lot of his place of employment.

The teens began shouting racial slurs and ''white power'' before beating him with metal pipes. After the attack, the victim was even more frightened when he received a call from a person identifying himself as a parent of one of the attackers. This parent proceeded to threaten the victim using racial slurs.

This pattern of violence, Mr. Speaker, cannot continue. Our children are learning to hate from their parents and from their peers. We must set an example in Congress by passing legislation that will help to prevent hate. That is why I am a proud co-sponsor of the gentleman from Michigan's (Mr. CONYERS) bipartisan 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 prosecutions 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 (Mrs. JO ANN DAVIS of Virginia). 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 responded by 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 deposing 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 someday in the future Saddam Hussein might pose a threat to us means 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 prodding of our President to invade Iraq. There is no practical benefit for such action. Iraq could end up in even more dangerous hands like Iran.

Number five, an attack on Iraq will not likely be confined to Iraq alone. Spreading the war to Israel and rallying all Arab nations against her may well end up jeopardizing the very existence of Israel. The President has already likened the current international crisis more to that of World War II than the more localized Viet Nam war. The law of unintended consequences applies to international affairs every bit as much as to domestic interventions, yet the consequences of such are much more dangerous.

Number six, the cost of a war against Iraq would be prohibited. We paid a heavy economic price for the Vietnam war in direct cost, debt and inflation. This coming war could be a lot more expensive. Our national debt is growing at a rate greater than $250 billion per year. This will certainly accelerate. 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 to protect 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 weaken the United Nations. Our participation more often than not lately is 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 see a rise of militant 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.

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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.)

RECOGNIZING MS. DIANE S. ROARK

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

Mr. GOSS. 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 is secure and the 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 NAS 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 managers 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 managers do.''

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, I rise today to 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 cowered 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 doing 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 has remained steadfast, and I would encourage every American to inquire as to what their local United Way is doing in this controversy.

One of the supreme ironies with this campaign against the scouts is that local Americans, ordinary Americans have 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 no longer required for 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 in 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 associations based on shared values.

When gays were targeted by 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 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 comments lumped 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 helping the government fight 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 attacks, the 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 by 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 from the taxpayers, who has 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 number 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 using 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, in fact, includes 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 that is a very disturbing trend. 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 a relic. It is still very 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 taxpayers' 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.

Mrs. CLAYTON. Madam Speaker, I want to thank my colleague, the gentlewoman from California (Ms. WOOLSEY), who asked Members to appear in a Special Order in honor of the United Nations' International Day for the Elimination of Racial Discrimination, which takes place Thursday, March 21. I also want to thank my colleague, the gentleman from Michigan (Mr. CONYERS), who introduced H.R. 1343, the Local Law Enforcement Hate Crimes Prevention Act of 2001.

There is no place in our society for racism, whether in the form of religious and ethnic discrimination or otherwise. Throughout history, wars have been fought over these types of differences. Many lives have been lost and many people uprooted. As in the dark past, today we are still witnessing violence being perpetrated against others with perceived differences. This is something that must be not only rooted out abroad, but we must also root out the ethnic and religious intolerance that we witness in our daily lives right here in our own communities.

Hate crimes, those committed against a group because of racial or religion or sexual orientation, is alive and well in America. Matthew Shepard and James Byrd are notable victims of these types of crimes; but there are many, many other victims as well of this type of crime, this cycle of violence. It has been stated that crimes based on race ranked number one of all the U.S. crimes reported in the FBI's ''Hate Crimes Statistics of 2000'' status report. The total number of all hate crimes across the Nation increased 3.5 percent from 1999 to 2000. These numbers reflect only the reported crimes. Many crimes continue to go unreported; and many States, because of budgetary reasons, do not keep tallies of crimes that would fall under this category.

The bill introduced by the gentleman from Michigan (Mr. CONYERS) would provide Federal assistance to States and local jurisdictions so that they can more readily report and prosecute hate crimes. It must be understood that violence motivated by race, color, gender, sexual orientation, or disability will not be tolerated.

It is important for Congress to show solidarity with those around the world honoring the United Nations' International Day for the Elimination of Racial Discrimination by showing that we are ready, willing and able to address hate-motivated crimes within our own borders, within our own Nation. Our country and the world is very diverse. It is our diversity that should make us stronger as a Nation, stronger as a world community. Until we eliminate racial, gender, religious, and other types of discrimination, our unity as a country and as a world community will be threatened.

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. Madam Speaker, I stand here today in utter shock and disbelief and absolute anger.

For 2 years, I have been telling stories about missing children. For 2 years, I have been talking about internationally abducted children. For 2 years, I have been working with Jeff Koons and his attorneys to help bring his son Ludwig home from Italy. For 2 years, I have not seen progress. No change in Italy, and no response from our own government. I cannot express today the outrage that I feel right now about our Justice Department, our State Department, and the government and judicial systems of Italy.

Since 1984, for 8 years, Jeff Koons has been trying to get his son back, a son who he has legal custody of, who has been abused and neglected and forced to live in a pornographic compound in Rome, Italy, by his mother. On March 4 of 2002, this year, the Supreme Court of Cassation confirmed Ilona Staller's conviction for kidnapping Ludwig from his habitual residence in New York. This means Ilona Staller is a convicted kidnapper; yet Italy is still letting her retain Ludwig.

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 dog and pony 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 abused 9-year-old little 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 damage might be done 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, 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 abuse 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, and write the President of the United States, 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 Texas (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 there would not be half 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 the country, with what a serious 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 a lot of our children, 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 today.

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 political force in her own 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'Keefe, born in Sun Prairie, Wisconsin. Ms. O'Keefe was one of the first nationally recognized female American artists. After attending high school in Edgewood, Wisconsin, 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 remembrance not only during the month of March but throughout the rest of the year as well.

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 Democrat on the Committee on the Budget, to talk both about how we got to where we are, exactly what we believe the facts to be, because at a minimum the American public deserves to at least have the facts before we debate our different opinions about how we achieve the Nation's priorities; and then to talk a little bit at the conclusion about some of the solutions we have proposed that were rejected.

These solutions were not even allowed to be debated today on the floor of the House of Representatives. But we are confident they will be brought up in the Senate and, hopefully, will be part of a bipartisan solution, because we cannot achieve a solution in this body, working with the President and the Senate, unless it is truly bipartisan.

So at this time I yield to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Madam Speaker, I thank my colleague for yielding to me, and I want to thank him for his leadership on the Committee on the Budget. He has been actively involved in trying to shape bipartisan budget agreements, and his knowledge and insight on the subject is invaluable to the institution, and his leadership is appreciated; and I thank him for all his hard work.

Today, anyone tuning into the deliberations on the House floor probably witnessed one of the most important debates we could have in this session of Congress. It sets the terms of the budget for the rest of the year. And not just for this year, but for many years to come. The budget resolution, although nonbinding, establishes the parameters of 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 in the coming fiscal year, 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 some of these very important programs, and also the younger generation, 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.

□ 2045

Unfortunately, the budget resolution that was before us today was a budget resolution that only Enron could love. It was full of smoke and mirrors, gimmicks, sleight of hand, and deceit, not in the parameters of the budget resolution, but in how we were going to pay for it and what was going to be sacrificed in the course of the coming year and years based on the decisions that we will be making in the months to come.

Even though we have been debating 10-year budget plans with 10-year forecasts, the majority party decided to go with the 5-year. Perhaps they realized with the $2 trillion tax cut passed last year the effect of the explosion of tax cuts in the second 5 years of this decade and the tremendous impact it is going to have in creating annual structural deficits again.

They also used budget calculations from the OMB within the Bush administration, rather than the established CBO numbers that we have reached bipartisan agreement in using before in scoring all pieces of legislation, not just budget resolutions, but for obvious

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 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.

Interesting 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 flip-flopped on that issue out of political expedience. Medicare spending in the next decade, they are underestimating the true impact of Medicare costs.

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 the first part of the 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 early 1990s. So this large debt that we have outstanding already is a relatively recent phenomenon attributed to the policies that were pursued in the 1980s and the first part of the 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 today, even 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, realizing this demographic retirement boom is around the corner.

Last June the gentleman from Illinois (Mr. HASTERT) was on the floor stating, ''I was very pleased today that the House passed the Social Security and Medicare Safe Deposit Box Act. This important 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.

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 locks away 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 for us 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 chairman, the gentleman 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 why many of us 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 on the Budget, 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 course of these annual structure deficits, ''Today I have one priority, one overriding objective, and it is simply this: To make sure that we do not backslide into the hole we just dug ourselves out of. That is my overriding objective, and that is why I have a problem with the Republican resolution, because it leaves so little room for error.''

Madam Speaker, 1 year later we have seen how wrong that budget resolution was. There was no built in flexibility for a September 11, for an economic slowdown, and some of these other national emergencies that we must deal with, and hopefully deal with in the short term and get back on fiscal footing again.

What is different today that did not exist in the 1980s and 1990s is we no longer have the luxury of time. We could run some structural deficits during the 1980s and 1990s contributing to the $5.7 in national debt because we had the rest of the 1990s to recover from that. Through the budgets that were passed in 1993 and 1997, it put us back onto a road of fiscal sanity. We were actually able to run budget surpluses in the last 4 years, wall off the 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.

If 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 my 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 dipping 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 existing there 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 they are 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 failing 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 before this massive retirement boom begins to hit our country, which is the greatest fiscal challenge which the country will face for many years to come.

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 for the upcoming fiscal year.

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 today was very clear. We can go back to deficit spending, raid Social Security, increase our debt; or we could have chosen to continue down the path of fiscal responsibility, balancing our budget, saving Social Security, paying down debt.

The Republicans 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 really 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?

□ 2100

Does the majority party in this House really believe it is right to spend whatever is necessary to win the war on terrorism while at the same time telling those 18- and 19- and 20-year-old soldiers that they will be called on to pay for this war when they are in their prime income-earning years? In my humble judgment, that is not the true spirit of American patriotism.

Deficit spending, borrowing money from the Social Security trust fund to fight this war is not only fiscally irresponsible but it is morally reprehensible. It is an injustice to pass the cost of today's war on to the very generation that is tonight fighting this war. What father in any American family would choose to leave an inheritance to his children consisting of a pile of debts, a pile of bills? That is the choice the majority party made in this House today.

After 3 years of budget surpluses achieved by courageous votes of Members of previous Congresses, the majority today refused to face up to the fiscal realities of today. Just 1 year ago, the Congressional Budget Office projected that we would have 10 years of surpluses. This year, the Congressional Budget Office projected that we would show deficits for the next 10 years. At your house or mine, in your business or mine, that would prompt us to change course. But not in this House today. Instead, this House chose to go down the path of fiscal irresponsibility. Yes, it was a sad day for the American people in this House and on this floor this afternoon, because the majority decided it was okay to raid the Social Security trust fund to fund their budget.

On at least four occasions on the floor of this House since 1999, this body has voted overwhelmingly to protect the Social Security trust fund, to put it in what we call the lockbox, pledging never again to spend Social Security funds, the retirement fund of every American, to cover debts incurred in the rest of the budget. If any corporate officer in America raided the employees' retirement fund, they would be guilty of a felony and they would be locked up for a very long time. But here in Washington, after promising never to do it again, the Republican leadership has presented a budget that, without apology and without remedy, raids the Social Security trust fund and returns us to deficit spending and fiscal irresponsibility. This was the wrong choice for the future of America. I am pleased to be on this floor tonight with my colleagues who believe in fiscal responsibility, to stand up for balancing the budget, paying down the debt and protecting Social Security.

Mr. KIND. If the gentleman will yield, I just picked up on a very important issue that the gentleman raised this evening and, that is, who is ultimately paying for the increase in spending or for the tax relief that just passed last year. The gentleman talks about the young men and women who are serving our country now in harm's way overseas and we are blessed that we have such gifted and talented and dedicated individuals looking out after our liberties and our freedoms across the globe in this battle against terrorism. But someone ultimately pays. Unfortunately, while at the same time the majority party delivered tax relief for the most wealthy last year, they are asking to pay for that along with the spending increases in defense and in homeland security through FICA taxes, which we all know is the most regressive form of tax in the Nation, because it is working families, it is low-income working families who have to pay 100 percent of their obligation in FICA taxes to the treasury every year. Those FICA taxes are what goes into the Social Security and Medicare trust funds. So by raiding those trust funds, we are basically saying that we are going to be delivering tax relief to the Bill Gates and the Warren Buffets of this country while at the same time we are going to continue collecting these FICA taxes from hard-working families who, by the way, are the ones offering their young sons and daughters to fight this battle overseas and they are also being asked to shoulder a disproportionate burden, financial burden, in paying for all this stuff. I could not think of anything more inequitable, anything more unfair that we can do to these working families today than the type of economic policies that have been pursued. I thought that that was an important point that the gentleman raised this evening.

Mr. TURNER. The gentleman from Wisconsin is certainly accurate in his assessment, and I think what it comes down to is that in this Nation, at this time of war, all Americans need to recognize that it is not just those young men and women in uniform that are sacrificing for our Nation but all of us must be willing to do so, because our failure to do so does mean, as the gentleman suggests, that the very generation that is fighting this war will later be the generation that is called upon to pay for it.

Mr. DAVIS of Florida. Madam Speaker, I yield to the distinguished gentleman from North Carolina (Mr. PRICE), a senior member of the House Budget Committee.

Mr. PRICE of North Carolina. I thank the gentleman for yielding and for taking out this special order tonight to let us continue the budget debate that has gone on today and that is of such importance to the future of the American people.

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 surplus 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 that we 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 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 well up into several hundred billion dollars later in the decade. Now, a year later, the Bush budget, passed by this House today, put forward 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 gentleman 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. I know 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 September 11 and the money that we understandably have spent and will continue 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 surplus to deficit?

Mr. PRICE of North Carolina. The Congressional Budget Office estimates that actually less 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 President'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 situation. All legislation, including the war on terrorism, accounts for 17 percent and the war on terrorism is about half of that. These technical changes and economic changes have to do with the economic downturn and some of the additional costs in Medicare and Medicaid. It is not all any one factor. But the predominant factor is indeed last year's tax cut.

Mr. DAVIS of Florida. If the gentleman will further yield, as I recall there was a Democratic tax cut proposal 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 massive Federal debt and also built in a cushion to be more conservative, is that correct?

Mr. PRICE of North Carolina. Absolutely. The gentleman is correct. A year ago we were debating Republican and Democratic budget alternatives. The Republican alternative left no 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 Democratic 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 widespread 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 investments in defense, in prescription drug coverage under Medicare, and other pressing national priorities. Most of the American people, I think, agreed that this was a more balanced approach and one that left a greater margin for error in case the economy did not perform as we hoped. Now we know in reprospect that our plan 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 economy, generate more revenues and encourage more growth. They truly believe that. I understand their argument. 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 extremely important point. It is very disappointing to realize that now for 3 years we have been actually buying down the national debt. We have reduced the publicly held debt by something 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 externally held debt. The debt service alone on that burden is $200 billion a year. Any one of our constituents could think of more productive public and private investments. That is simply money down the rathole; $200 billion a year in interest payments. I think the greatest problem is the burden this represents for future generations, particularly at precisely the time when the baby boomers are going to be retiring. These surpluses we are running in Social Security are not going to last forever. Baby boomers are going to start retiring in about 6 or 8 more years and then around 2015 or 2016, all of a sudden we are going to be putting out more money in Social Security benefits than we are taking in in Social Security revenues. What do we have to do at that point? We have to start cashing out those bonds that the Social Security trust fund has been holding all these years. The best single way we could prepare for that obligation is to reduce that publicly held debt, so that we are no longer laboring under that burden, no longer putting out $200 billion worth of interest each year. But I am afraid the situation has precisely been reversed and this budget today that we have been discussing foresees and, in fact, facilitates a huge turnaround in our debt situation.

Mr. KIND. If the gentleman will yield further, I am always interested in listening to Chairman Greenspan when he testifies before our various committees, in the Committee on the Budget, for instance. He is always explaining to us such inherent positive features of debt reduction, not the least of which is the impact on long-term interest rates which can be a hidden tax relief. By keeping debt reduction in check and reducing it will have the beneficial 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 payments and student loan payments and credit card payments. To them, at the Federal Reserve, whether it is Chairman Greenspan, Chairman Volcker before him, the real key to a lot of economic stimulation and growth in the country is what happens with long-term rates.

□ 2115

Through increase in debt and deficits, we have raised those long-term rates because of the reaction from the bond market and financial markets. By maintaining fiscal discipline and reducing 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 with.

Mr. PRICE of North Carolina. I think the gentleman is absolutely right. Even before the tragic events of September 11, it was clear that the fiscal policies of our Republican friends and of the Bush Administration were being read by the markets in ways that simply were keeping those long-term interest rates up and were showing that the fiscal projections did not have much credibility. Of course, with this budget we passed today, that problem has been compounded.

A year ago we were looking at essentially 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 more in debt, for 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 would like to further elaborate 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 more money again, driving up 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 literally 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 Treasury 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, in 2008, 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 such a radical 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 for our country.

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, unfortunately, this 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 began 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 was 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 long run.

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 about 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 to 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 have failed today, as they have 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 into it.

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. Some of 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. The

research and experimentation tax credit is a good example. When it expires we will renew it. This budget today provided only $28.8 billion, an allowance of just under $30 billion, versus the President's request for $675 billion. What is the right number?

One of the biggest issues of all is what happens to last year's tax cuts. Passed last June, by agreement with the Senators who voted for it that made up the majority, the amount of revenue reduction was limited to $1.35 trillion. To shoe horn that into the budget, it was phased in over time, and then in the year 2010 everything that was phased in would suddenly become a pumpkin, it would expire, we know that is not going to happen.

Nevertheless, when we got this 5 year budget, they limited it to 5 years because that precluded them from having to deal with the decision, what happens if you make this tax cut permanent? It has a huge effect on revenues and a backwash effect at the present time.

CBO says the impact on revenues from making that permanent is an additional $659 billion, that much less revenue, $659 billion. Our Republican colleagues on the committee, when asked, said no, we have not made a decision about that. This budget makes no implication.

The next day the Speaker said, absolutely, the repealer, sunsetting that tax bill, will be rescinded. It will not stand. Reporters put the same question to Ari Fleischer at the White House. He said unequivocally, it will be repealed.

That is a $659 billion item. You should reduce your revenues in this budget by that amount and ought to have an honest budget. Not a single penny of that tax policy is reflected anywhere in this 5 year budget. That is why we said this is not a real budget. This is the tip of an iceberg. We are not dealing with reality here.

Mr. PRICE of North Carolina. If I could inquire further of our ranking member, is there any provision in this budget for emergency spending?

Mr. SPRATT. None at all, even though we know from historic experience it averages about $6 billion a year. Let me give credit to our chairman, the gentleman from Iowa (Mr. NUSSLE). Last year he wanted to baseline that amount of money. He wanted to take the historic average and put it in the budget every year so we would not have a supplemental that would add it in later. The appropriators and some others did not like that idea, and he ultimately lost and he simply dropped it this year. But you may as well get ready, it will be there. We will have to spend that amount of money. You will have to add it to the bottom line.

Mr. PRICE of North Carolina. Is there any provision for the supplemental appropriations bill that we know will be before us in a few weeks?

Mr. SPRATT. None at all.

Mr. PRICE of North Carolina. Is there any provision for altering the Alternative Minimum Tax so millions of Americans don't bump up against that?

Mr. SPRATT. We know that 1.7 million taxpayers last year had to deal with the AMT, the Alternative Minimum Tax. We know from the Treasury Department over the next 10 years that number will grow to 39 million taxpayers, mostly middle income Americans. The gentleman was here when that bill passed. I was here. It was not intended for middle income Americans. It was intended for upper bracket taxpayers.

Consequently, when they find out that deductions and credits and preferences that we promised them in the Tax Code are not fully available because of this thing called the AMT, they are not going to like it. They will be numerous, rising to 39 million taxpayers.

I am sure we will eventually relent and have to modify that and should modify the AMT. But every time we bring it up and say you have to factor this in to the future planning for revenues, sooner or later we have to do something about the AMT, it gets shoved forward, gets ignored.

That is another element that was simply omitted in the consideration of this budget and a reason we said this is not a real budget. This is not everything that has to be captured and taken into account.

Mr. PRICE of North Carolina. So as bad as these figures look, about the disappeared surplus from $5.5 trillion to $0.5 trillion, that is actually an optimistic view.

Mr. SPRATT. It could very well be worse. There are several things to bear in mind: The surpluses come from a projected, estimated $5.6 trillion. That includes Social Security, all the way to $0.6 trillion. From $5.6 trillion to $0.5 trillion; $661 billion if we implement the President's budget as he sent it up. That is his number. That is their estimate.

However, the President assumes that Medicare will grow at a rate of growth that is $225 billion less than CBO assumes. The President assumes that revenues will be $110 billion higher than CBO assumes. The President assumes that discretionary spending can be held to about $200 billion non-defense discretionary spending, held about 10 percent below the rate of inflation over the next 10 years.

□ 2130

That is probably doable, but it has not been done before, and it is doubtful.

Add all those things together, and that .6 is gone, too. If they are wrong about those three assumptions, we wipe out what is left of any kind of surplus, which means we have fully consumed the Social Security surplus, because that is what it is, the Social Security.

Mr. DAVIS of Florida. Madam Speaker, I think the gentleman from South Carolina (Mr. SPRATT) has referred to probably one of the most devastating aspects of the budget resolution, and that is the Medicare feature.

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 is estimating 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 reasonable and fair rate of reimbursement 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 this reserve fund over 10 years.

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.

But 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, or hopes to be, 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 (Mr. DAVIS) again for taking out these special orders and allowing us to explore these issues in more depth in a way that the 1-minute sound bites on the House floor do not permit.

It is a real service, and I am grateful for being able to participate in it.

Mr. DAVIS 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 a 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.

Madam 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. ARMEY) 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.

Mrs. 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.

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

Mr. KERNS, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. PLATTS, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1499. An act to amend the District of Columbia College Access Act of 1999 to permit individuals who enroll in an institution of higher education 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. 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.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2019. An act to extend the authority of the Export-Import Bank until April 30, 2002.

ADJOURNMENT

Mr. DAVIS of Florida. Madam Speaker, pursuant to House Concurrent Resolution 360, 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 has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 360, in 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:

5973. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Isoxadifen-ethyl; Pesticide Tolerance [OPP–301224; FRL–6628–5] (RIN: 2070–AB78) received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

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 Activity (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 assess certain annual lease fees; to the Committee on Energy and Commerce.

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 licensees in upcoming auctions; to the Committee on Energy and Commerce.

5978. A letter from the Regulations Coordinator, 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–AL05) received March 18, 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—Finding 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—Perfluoroalkyl Sulfonates; Significant New Use Rule [OPPTS–50639D; FRL–6823–6] (RIN: 2070–AD43) received March 8, 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—Protection of Stratospheric Ozone: Removal of Restrictions on Certain Fire Suppression Substitutes for Ozone-Depleting Substances; and Listing of Substitues; 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.

5982. 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.

5983. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Modification of Significant New Uses of Certain Chemical Substances [OPPTS–50642A; FRL–6819–5] (RIN: 2070–AB27) received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5984. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Modification of Significant New Uses of Certain Chemical Substances [OPPTS–50644A; FRL–6817–8] (RIN: 2070–AB27) received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5985. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Designations of Areas for Air Quality Planning Purposes; State of Nevada; Technical Correction [NV 074–CORR; FRL–7159–6] received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5986. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Operating Permit Program; State of Iowa [IA 150–1150; FRL–7158–6] received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5987. A letter from the Chairman (FCC) and Assistant Secretary (NTIA), Federal Communications Commission and the National Telecommunications and Information transmitting a report entitled, ''Alternative Frequencies For Use By Public Safety Systems'' submitted in accordance with Section 1705 of the Floyd D. Spence National Defense Authorization Act For FY 2001; to the Committee on Energy and Commerce.

5988. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: Standardized NUHOMS–24P, –52B, and –61BT Revision (RIN: 3150–AG88) received March 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5989. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Spain for defense articles and services (Transmittal No. 02–14), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5990. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Germany [Transmittal No. DTC 159–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5991. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles to India [Transmittal No. DTC 166–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5992. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Saudi Arabia [Transmittal No. DTC 118–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5993. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles to India [Transmittal No. DTC 165–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5994. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles to India [Transmittal No. DTC 175–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5995. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles to India [Transmittal No. DTC 169–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5996. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles to India [Transmittal No. DTC 176–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5997. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles to India [Transmittal No. DTC 177–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5998. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certifications and waivers and their justification under section 565(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 of the prohibition against contracting with firms that comply with the Arab League Boycott of the State of Israel and of the prohibition against contracting with firms that discriminate in the award of subcontracts on the basis of religion, pursuant to Public Law 103–236, section 565(b) (108 Stat. 845); to the Committee on International Relations.

5999. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6000. A letter from the Program Manager, Department of the Treasury, transmitting the Department's final rule—Importation of Surplus Military Curio or Relic Firearms—received March 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6001. A letter from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting a report on actions to establish a council to promote greater investment in sub-Saharan Africa; to the Committee on International Relations.

6002. A letter from the Executive Director, Broadcasting Board of Governors, transmitting the semiannual report of the Office of Inspector General covering the period April 1 through September 30, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6003. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6004. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6005. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6006. A letter from the Special Assistant, White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6007. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6008. A letter from the Acting Inspector General, Selective Service System, transmitting a report in accordance with the Inspector General Act of 1978, as amended, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6009. A letter from the Acting Associate Deputy Administrator for Management and Administration, Small Business Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6010. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule—Independent Expenditure Reporting [Notice 2002–3] received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

6011. A letter from the Assistant Director/General Counsel, Department of Justice, transmitting the Department's final rule—Inmate Financial Responsibility Program: Spending Limitations [BOP–1050–F] (RIN: 1120–AA49) received March 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6012. A letter from the Executive Officer, Civil Division, Department of Justice, transmitting the Department's ''Major'' final rule—September 11th Victim Compensation Fund of 2001 (RIN: 1105–AA79) received March 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6013. A letter from the Assistant Director, General Counsel, Federal Bureau of Prisons, transmitting the Bureau's final rule—Inmate Personel Property [BOP–1051–F] (RIN: 1120–AA46) received March 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6014. A letter from the Staff Director, United States Commission On Civil Rights, transmitting the list of state advisory committees recently rechartered by the Commission; to the Committee on the Judiciary.

6015. A letter from the Senior Attorney, Department of the Treasury, transmitting the Department's final rule—Payment of Federal Taxes and the Treasury Tax and Loan Program (RIN: 1510–AA79) received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6016. A letter from the Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department's final rule—Addition of New Grape Variety Names for American Wines (2000R–370P) [T.D. ATF–466; Re: Notice No. 915] (RIN: 1512–AC26) received March 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6017. A letter from the Chief, Regulations Division Bureau, ATF, Department of the Treasury, transmitting the Department's final rule—Implementation of Public Law 106–544 for Certain Amendments Related to Balanced Budget Act of 1997 (2001R–9OT) [T.D. ATF–467] (RIN: 1512–AC55) received March 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6018. A letter from the Secretary (DOT) and Chairmans, Federal Reserve System, Department of Treasury, Commodity Futures Trading Comm., Securities and Exchange Comm., transmitting a report entitled, ''Joint Report on Retail Swaps'' as required by Section 105(c) of the Commodity Futures Modernization Act of 2000; jointly to the Committees on Financial Services and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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, Mr. BARR of Georgia, Mr. KELLER, Ms. HART, Mr. DOOLITTLE, Mr. GARY 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 the President's August 9, 2001, stem cell research directive, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. CUBIN:

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. FOLEY, Mr. BROWN of Ohio, Mrs. ROUKEMA, Mr. RUSH, Mr. KING, Mr. GREENWOOD, and Mr. DINGELL):

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. FOLEY (for himself, Mr. WAXMAN, Mr. SHIMKUS, Mr. BROWN of Ohio, Mrs. ROUKEMA, Mr. RUSH, Mr. KING, Mr. GREENWOOD, and Mr. DINGELL):

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, Mr. SMITH of New Jersey, Mr. EVANS, Mr. QUINN, and Mr. SHOWS):

H.R. 4015. A bill to amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MICA (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 third party 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. DINGELL, Mr. UNDERWOOD, Mr. PASTOR, Mr. MEEHAN, Mr. MALONEY of Connecticut, Mr. ANDREWS, Ms. MCKINNEY, Mr. COSTELLO, and Ms. CARSON of Indiana):

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 duty under a 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. BERKLEY, Mr. LYNCH, Mr. UDALL of New Mexico, Mr. PASCRELL, and Ms. 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. BARCIA, Ms. DUNN, Mr. ISTOOK, Mr. SHAYS, Mr. EHRLICH, Mr. SHIMKUS, Mr. GOODLATTE, Mrs. CAPITO, Mr. KERNS, and Mr. GEKAS):

H.R. 4019. A bill to provide that 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. GIBBONS, Mr. GEKAS, and Mr. SENSENBRENNER):

H.R. 4020. A bill to amend the Internal Revenue Code of 1986 to permanently extend the bonus depreciation available 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. CONYERS, 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 health insurance 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 Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATSUI (for himself, Mr. GEPHARDT, Ms. PELOSI, and Mr. RANGEL):

H.R. 4022. A bill to enact into law Reform Model 1 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. 4024. A bill to enact into law Reform Model 3 as set forth in the report of the President's Commission to Strengthen Social Security; to the Committee on Ways and Means.

By Mr. WELDON of Florida (for himself, Mr. JOHN, and Mr. MATSUI):

H.R. 4025. A bill to establish a Federal program to provide reinsurance to improve the availability of homeowners' insurance; to the Committee on Financial Services.

By Mr. BARTLETT of Maryland:

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. BEREUTER, Mr. BOSWELL, Mr. CALVERT, Mr. CANNON, Mr. CARSON of Oklahoma, Mr. CRAMER, Mr. DICKS, Mr. DOOLEY of California, Ms. DUNN, Mr. FARR of California, Mr. INSLEE, 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 methamphetamine labs; 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 of expertise 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 the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment; to the Committee on Resources.

By Mrs. CAPPS (for herself, Mr. LATOURETTE, 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 under the maternal and child 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. LOFGREN, 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. MEEHAN, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. CLAY, Mr. CUMMINGS, Mr. HASTINGS of Florida, Mr. WEINER, Mr. CROWLEY, Mr. MARKEY, Mr. ACKERMAN, and Mr. ANDREWS):

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 attacks against the United States, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California (for herself, Mr. EVANS, Mr. REYES, and Ms. BROWN of Florida):

H.R. 4036. A bill to amend title 38, United States Code, to allow 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. 4037. A bill to amend the Nicaraguan Adjustment and Central American Relief Act to identify and register certain Central Americans residing in the United States; to the Committee on the Judiciary.

By Mr. DEFAZIO (for himself, Mr. FILNER, Ms. MCKINNEY, Mr. SANDERS, Mr. KUCINICH, and Mr. LIPINSKI):

H.R. 4038. A bill to establish a Securities and Derivatives Oversight Commission in order to combine the functions of the Commodity Futures Trading Commission and the Securities and Exchange Commission in a single independent regulatory commission, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Agriculture, 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. DOYLE (for himself, Mr. ALLEN, Mr. BERMAN, Mr. BLUMENAUER, Mr. BONIOR, Ms. BROWN of Florida, Mr. CAPUANO, Mr. COSTELLO, Mr. CUMMINGS, Mr. DEFAZIO, Mr. ENGLISH, Mr. FARR of California, Mr. HINCHEY, Mr. KILDEE, Mr. KLECZKA, Mr. KUCINICH, Ms. JACKSON-LEE of Texas, Mr. LYNCH, Mr. MCGOVERN, Ms. MCKINNEY, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. NEAL of Massachusetts, Mr. PALLONE, Ms. RIVERS, Mr. ROTHMAN, Mr. SAXTON, Mr. SHAYS, Mr. SMITH of New Jersey, Mr. STARK, Mr. UDALL of Colorado, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 4039. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture.

By Mr. EDWARDS:

H.R. 4040. 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. ETHERIDGE:

H.R. 4041. A bill to suspend temporarily the duty on glufosinate-ammonium; to the Committee on Ways and Means.

By Mr. EVANS (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 daily interest charges following prepayment in full of housing loans guaranteed by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. FLAKE (for himself and Mr. GREEN of Wisconsin):

H.R. 4043. A bill to bar Federal agencies from accepting for any identification-related purpose and State-issued driver's license, or other comparable identification document, unless the State requires licenses or comparable documents issued to nonimmigrant aliens to expire upon the expiration of the aliens' nonimmigrant visas, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on House Administration, the Judiciary, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILCHREST:

H.R. 4044. A bill to authorize the Secretary of the Interior to provide assitance to the State of Maryland for implementation of a program to eradicate nutria and restore marshland damaged my nutria; to the Committee on Resources.

By Mr. HILL:

H.R. 4045. A bill to authorize the Secretary of Education to carry out a pilot program to promote the preservation of historic school structures; to the Committee on Education and the Workforce.

By Mr. HOEFFEL (for himself, Ms. KAPTUR, Mrs. MINK of Hawaii, Mr. SERRANO, Ms. BROWN of Florida, Ms. MCCOLLUM, Mr. UNDERWOOD, Mr. MCDERMOTT, and Mr. STARK):

H.R. 4046. A bill to provide for congressional review of regulations relating to military tribunals; to the Committee on Armed Services, and in addition to the Committees on Rules, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON:

H.R. 4047. A bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of United States businesses operating abroad, and for other purposes; to the Committee on Ways and Means.

By Mr. JEFFERSON:

H.R. 4048. A bill to suspend temporarily the duty on (1R,3R)-3(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxli acid (S)-cyano-3-pheonxybenzyl ester; to the Committee on Ways and Means.

By Mr. JEFFERSON:

H.R. 4049. A bill to suspend temporarily the duty on methyl sulfanilylcarbamate; to the Committee on Ways and Means.

By Mr. JEFFERSON:

H.R. 4050. A bill to suspend temporarily the duty on 3-(3-5, dicholorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidine carboxamide; to the Committee on Ways and Means.

By Mr. JEFFERSON:

H.R. 4051. A bill to suspend temporarily the duty on (1R,3S)3[(1'RS)(1',2',2',2',-Tetrabromoethyl)]-2,2-dimethylc clop opanecarboxylic acid,(S)-alpha-cyano-3-phenoxybenzyl ester; to the Committee on Ways and Means.

By Mr. JEFFERSON:

H.R. 4052. A bill to suspend temporarily the duty on N-phenyl-N'-(1,2,3-thidiazol-5-yl)-urea; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BOEHNER, Mr. BALLENGER, and Mr. NORWOOD):

H.R. 4053. A bill to assure more equitable results in union elections; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BOEHNER, Mr. BALLENGER, and Mr. NORWOOD):

H.R. 4054. A bill to provide for civil monetary penalties in certain cases; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BOEHNER, Mr. BALLENGER, and Mr. NORWOOD):

H.R. 4055. A bill to enhance notification to union members of their rights under the Labor-Management Reporting and Disclosure Act of 1959; to the Committee on Education and the Workforce.

By Mr. LAHOOD:

H.R. 4056. A bill to reduce temporarily the duty on a certain chemical; to the Committee on Ways and Means.

By Mr. LEVIN:

H.R. 4057. A bill to replace the caseload reduction credit with an employment 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. LOFGREN (for herself, Mr. HONDA, Ms. SOLIS, Mr. OWENS, Mr. MENENDEZ, Ms. PELOSI, Mr. TOM DAVIS of Virginia, Ms. ESHOO, Ms. SANCHEZ, Mr. WU, Mr. BERMAN, Mr. DOOLEY of California, Mr. MORAN of Virginia, Ms. WOOLSEY, Mr. LANTOS, Mr. PASTOR, Mrs. MINK of Hawaii, Mr. MATSUI, Mr. THOMPSON of California, Mr. FILNER, Mr. FARR of California, Mr. STARK, Mr. ROTHMAN, Ms. MILLENDER-MCDONALD, Mr. FRANK, Mr. SERRANO, Mr. GEORGE MILLER of California, Ms. ROYBAL-ALLARD, and Mr. ABERCROMBIE):

H.R. 4058. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to require the Immigration and Naturalization Service to verify whether an alien has an immigration status rendering the alien eligible for service in the Armed Forces of the United States and to achieve parity between the immigration status required for employment as an airport security screener and the immigration status required for service in the Armed Forces, and to amend the Immigration and Nationality Act to permit naturalization through active-duty military service during specified military operations; to the Committee on

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. MCNULTY:

H.R. 4059. A bill to provide for homeland security block 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. LOWEY, 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 Trust Fund; to the Committee on Ways and Means.

By Ms. PELOSI (for herself, Mrs. JONES of Ohio, Mr. KING, Ms. SLAUGHTER, Ms. DELAURO, Mr. FROST, Mr. WAXMAN, Mr. BROWN of Ohio, Mr. TOWNS, Mr. MURTHA, Mr. GEORGE MILLER of California, Mr. FILNER, Mr. KUCINICH, Mr. LYNCH, Ms. WOOLSEY, Mr. BLAGOJEVICH, Mr. TIERNEY, Mr. HINCHEY, Mr. SERRANO, Ms. SCHAKOWSKY, Mr. JACKSON of Illinois, Mr. STARK, Mr. RUSH, Ms. LEE, Mr. ISRAEL, Mr. ACKERMAN, Mr. CLYBURN, Mr. KENNEDY of Rhode Island, Ms. MCKINNEY, Ms. ROYBAL-ALLARD, Ms. BROWN of Florida, Ms. MCCOLLUM, Ms. SOLIS, Ms. KAPTUR, Mr. ROTHMAN, Mr. CAPUANO, and Ms. BALDWIN):

H.R. 4061. A bill to amend the Public Health Service Act to establish a Nationwide Health Tracking Network, and for other purposes; to the Committee on Energy and Commerce.

By Mr. REHBERG:

H.R. 4062. A bill to require the Secretary of the Interior to acquire certain land for the benefit of the Crow Tribe of Montana; to the Committee on Resources.

By Mr. REYES (for himself, Mr. GEPHARDT, Mr. FILNER, Mr. HINOJOSA, Mr. GONZALEZ, Mr. ORTIZ, and Mr. RODRIGUEZ):

H.R. 4063. A bill to improve the health of residents of, and the environment in, the United States-Mexico border area; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Agriculture, Financial Services, Transportation and Infrastructure, International Relations, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROTHMAN:

H.R. 4064. A bill to enable America's schools to use their computer hardware to increase student achievement and prepare students for the 21st century workplace, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ROTHMAN:

H.R. 4065. A bill to prohibit the use of vending machines to sell tobacco products in all locations other than in locations in which the presence of minors is not permitted; to the Committee on Energy and Commerce.

By Mrs. ROUKEMA (for herself, Mr. KENNEDY of Rhode Island, Mr. BROWN of Ohio, Mr. EHRLICH, Mr. GEORGE MILLER of California, Mr. NORWOOD, Mr. RAMSTAD, and Mr. STARK):

H.R. 4066. A bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits; to the Committee on Education and the Workforce, 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. RUSH:

H.R. 4067. A bill to reinstitute the moratorium on foreclosure on FHA single family mortgage loans of borrowers affected by the events of September 11, 2001, and to expand such moratorium to employees of air carriers and aircraft manufacturers who are involuntarily separated after such date; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT (for himself, Mr. WOLF, Mr. BOUCHER, Mr. MORAN of Virginia, Mr. GOODLATTE, Mr. CANTOR, Mr. TOM DAVIS of Virginia, Mrs. JO ANN DAVIS of Virginia, Mr. SCHROCK, Mr. FORBES, and Mr. GOODE):

H.R. 4068. A bill to convert a temporary judgeship for the eastern district of Virginia to a permanent judgeship, and for other purposes; to the Committee on the Judiciary.

By Mr. SHAW (for himself, Mr. MATSUI, Mr. BECERRA, Mr. BRADY of Texas, Mr. CARDIN, Mr. COLLINS, Mr. DOGGETT, Ms. DUNN, Mr. FOLEY, Mr. HAYWORTH, Mr. HOUGHTON, Mr. LEWIS of Kentucky, Mr. MCCRERY, Mr. MCNULTY, Mr. POMEROY, Mr. PORTMAN, Mr. RAMSTAD, and Mr. RANGEL):

H.R. 4069. A bill to amend title II of the Social Security Act provide for miscellaneous enhancements in Social Security benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. MATSUI, Mr. BECERRA, Mr. BRADY of Texas, Mr. HAYWORTH, Mr. HERGER, Mr. LEWIS of Kentucky, Mr. POMEROY, and Mr. RYAN of Wisconsin):

H.R. 4070. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes; to the Committee on Ways and Means.

By Mr. SHAYS (for himself, Mr. MARKEY, and Mr. RYAN of Wisconsin):

H.R. 4071. A bill to extend the registration and reporting requirements of the Federal securities laws to certain housing-related Government-sponsored enterprises, and for other purposes; to the Committee on Financial Services.

By Ms. SLAUGHTER:

H.R. 4072. A bill to authorize the Secretary of the Interior to establish a commemorative trail in connection with the Women's Rights National Historical Park to link properties that are historically and thematically associated with the struggle for women's suffrage, and for other purposes; to the Committee on Resources.

By Mr. SMITH of New Jersey:

H.R. 4073. A bill to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes; to the Committee on International Relations.

By Mr. SMITH of New Jersey (for himself, Mr. BERMAN, Ms. ROS-LEHTINEN, and Mr. DELAHUNT):

H.R. 4074. A bill to amend the Immigration and Nationality Act to reaffirm the United States historic commitment to protecting refugees who are fleeing persecution or torture; to the Committee on the Judiciary.

By Mr. STARK (for himself, Mr. FRANK, and Ms. RIVERS):

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 to the extent such expenses are included in a corporation's financial statements; to the Committee on Ways and Means.

By Mr. STUMP:

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. STUPAK:

H.R. 4077. A bill to amend title 49, United States Code, to provide an apportionment to a primary airport that falls below 10,000 passenger boardings in a calendar year as a result of the discontinuance of air carrier service at the airport, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. UDALL of Colorado:

H.R. 4078. A bill to provide for the reclamation of abandoned hardrock mines, and for other purposes; to the Committee on Resources, 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 Mrs. 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 Mrs. WILSON of New Mexico:

H.R. 4080. A bill to improve mathematics and science instruction in elementary and secondary schools by authorizing the Secretary of Education to make grants for regional workshops designed to permit educators to share successful strategies for such instruction; to the Committee on Education and the Workforce.

By Mr. WYNN:

H.R. 4081. A bill to require contractors with the Federal Government to possess a satisfactory record of integrity and business ethics; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOSS:

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. NEY:

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. GRAHAM, 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. RANGEL, Ms. MCCARTHY of Missouri, Mr. ABERCROMBIE, and Mr. HYDE):

H. Con. Res. 363. Concurrent resolution extending birthday greetings and best wishes to Lionel 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. TIAHRT, Mr. DICKS, Mrs. BIGGERT, Mr. MCDERMOTT, Mr. SMITH of Washington, Mr. HASTINGS of Washington, Mr. LARSEN of Washington, Mr. BAIRD, Mr. INSLEE, and Mr. NETHERCUTT):

H. Con. Res. 365. Concurrent resolution recognizing the 30th 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 continuing expansion of 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, and 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 Mr. ISSA (for himself and Mr. DINGELL):

H. Res. 374. A resolution calling for an immediate cessation of the violence in the Middle East and a resumption of negotiations to end the conflict in the region; to the Committee on International Relations.

By Mr. GOSS:

H. Res. 375. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. ISAKSON (for himself, Mr. KINGSTON, Mr. COLLINS, Mr. NORWOOD, Mr. BARR of Georgia, Mr. DEAL of Georgia, and Mr. CHAMBLISS):

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 matter 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. WAXMAN.
H.R. 425: Ms. WOOLSEY and Mrs. DAVIS of California.
H.R. 510: Mr. SHUSTER, Mr. CANTOR, Mr. SULLIVAN, and Ms. CARSON of Indiana.
H.R. 536: Mr. VITTER.
H.R. 600: Mr. THORNBERRY, Mr. BERRY, Mr. GIBBONS, Mr. BONILLA, and Mr. GUTIERREZ.
H.R. 648: Mr. WICKER.
H.R. 701: Mr. BARRETT.
H.R. 709: Mr. KLECZKA.
H.R. 755: Mr. PASCRELL and Mr. BAIRD.
H.R. 778: Mr. CHAMBLILS.
H.R. 781: Mrs. DAVIS of California.
H.R. 1017: Mr. FROST.
H.R. 1030: Mr. EHLERS.
H.R. 1089: Mr. MATSUI and Mr. LEWIS of Georgia.
H.R. 1090: Mr. BARR of Georgia.
H.R. 1109: Mr. DEAL of Georgia.
H.R. 1191: Mr. SHAYS.
H.R. 1296: Mr. BROWN of South Carolina.
H.R. 1305: 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. 1400: Mr. FATTAH, Mr. FORD, and Mr. MATSUI.
H.R. 1462: Mr. INSLEE.
H.R. 1475: Mr. LYNCH, Mrs. CLAYTON Mr. CRENSHAW, and Mr. SUNUNU.
H.R. 1489: Mr. BARRETT.
H.R. 1520: Mr. LAHOOD.
H.R. 1535: Mr. KINGSTON.
H.R. 1543: Mr. BAIRD.
H.R. 1556: Mr. INSLEE, Mr. SCHIFF, and Ms. LOFGREN.
H.R. 1598: Mr. GUTKNECHT.
H.R. 1613: Mr. JOHNSON of Illinois and Mr. FROST.
H.R. 1683: Mr. BONIOR 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. 1795: Mr. MOORE and Mr. LARSON of Connecticut.
H.R. 1822: Mr. GRUCCI, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. NEAL of Massachusetts, Mr. HOLT, Mr. SESSIONS, Mr. TANCREDO, Mr. OTTER, Mrs. MINK of Hawaii, and Mr. SIMPSON.
H.R. 1887: Mr. BAKER.
H.R. 1903: Mr. FILNER, Mr. WYNN, Ms. MILLENDER-MCDONALD, Mr. MURTHA, Ms. WOOLSEY, and Ms. CARSON of Indiana.
H.R. 1904: Mr. FROST and Mrs. MORELLA.
H.R. 1984: Mr. SHIMKUS.
H.R. 2009: Mr. CLYBURN, Mr. LUCAS of Kentucky, Mr. FATTAH, Mr. HALL of Texas, Mr. KILDEE, Ms. KILPATRICK, Mr. PHELPS, Mr. SKELTON, Mr. SMITH of Washington, Mr. TANNER, Ms. WATSON, Mr. RAMSTAD, Mr. LAMPSON, Mrs. NAPOLITANO, Mr. BECERRA, Mr. BISHOP, Mr. BOSWELL, Mr. STARK, Mr. SHOWS, Mr. STRICKLAND, Mr. WU, Mr. BARCIA, Mr. HOLDEN, Mr. ANDREWS, Mr. PAYNE, Mr. ORTIZ, Mr. LANTOS, Mr. RUSH, Mr. RANGEL, Mr. MARKEY, Mrs. MEEK of Florida, Mr. BOYD, Mr. OBERSTAR, Mr. LYNCH, Mr. LATOURETTE, Mr. NEAL of Massachusetts, Mr. BAIRD, and Mr. OWENS.
H.R. 2102: Mr. HAYES.
H.R. 2125: Ms. SLAUGHTER and Mr. OBERSTAR.
H.R. 2219: Mr. MATHESON.
H.R. 2354: Mr. POMBO, Mr. ORTIZ, Mr. GARY G. MILLER of California, Mr. OSE, Mrs. TAUSCHER, Ms. ESHOO, and Mr. BONILLA.
H.R. 2426: Mr. MATHESON.
H.R. 2484: Mr. SUNUNU, Mr. ROSS, Mr. MORAN of Virginia, Mr. LYNCH, Mrs. MCCARTHY of New York, and Mr. WEXLER.
H.R. 2583: Mr. MCINNIS, Mr. PETERSON of Pennsylvania, and Mr. TANCREDO.
H.R. 2605: Mr. MATSUI.
H.R. 2618: Mr. ABERCROMBIE.
H.R. 2638: Mr. WALSH, Mr. HOEFFEL, Mr. HINCHEY, Mr. GEKAS, and Ms. MCKINNEY.
H.R. 2654: Mr. KANJORSKI and Mr. MCGOVERN.
H.R. 2712: Mr. GOODE.
H.R. 2787: Mr. LYNCH and Mr. GEORGE MILLER of California.
H.R. 2874: Ms. MCCOLLUM and Ms. WATERS.
H.R. 2931: Mr. PENCE.
H.R. 2941: Mr. LEACH, Mr. CANTOR, Mr. QUINN Mr. BARR of Georgia, and Mr. MCHUGH.
H.R. 3058: Ms. SANCHEZ, Mrs. NORTHUP, and Mr. SHAW.
H.R. 3068: Mr. ROGERS of Michigan.
H.R. 3113: Mrs. MORELLA, Mr. BACA, Mr. KENNEDY of Rhode Island, Mr. REYES, Mr. PALLONE, and Mr. RANGEL.
H.R. 3183: Mr. FORBES, Ms. HART, Mr. KERNS, Mrs. MINK of Hawaii, and Mr. MORAN of Virginia.
H.R. 3231: Mr. GIBBONS.
H.R. 3236: Mr. BISHOP, Ms. ROYBAL-ALLARD, and Ms. CARSON of Indiana.
H.R. 3238: Mr. WEXLER and Mr. SIMMONS.
H.R. 3244: Mr. BARTLETT of Maryland, Mr. BECERRA, Mr. BRADY of Pennsylvania, Mr. CHABOT, Mr. CONYERS, Mr. COYNE, Mr. DAVIS of Florida, Ms. DEGETTE, Mr. DIAZ-BALART, Mr. DOOLEY of California, Mr. EDWARDS, Mr. ENGLISH, Mr. FRANK, Mr. GANSKE, Mr. GOODE, Mr. GRAHAM, Mr. HALL of Texas, Mr. HOEFFEL, 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. TURNER, Ms. WOOLSEY, Mr. WU, Mr. JOHN, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. LUTHER, and Mr. WATT of North Carolina.
H.R. 3267: Mr. BONIOR.
H.R. 3320: Mr. FROST and Mr. EHRLICH.
H.R. 3321: Mrs. THURMAN.
H.R. 3332: Mr. BROWN of South Carolina.
H.R. 3333: Mr. BROWN of South Carolina.
H.R. 3375: Mr. FOLEY and Mr. CANTOR.
H.R. 3388: Mr. RUSH and Mrs. MEEK of Florida.

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. BALDACCI, 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. MURTHA.

H.R. 3430: Mr. SHOWS.

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. PLATTS, Mr. BISHOP, and Mr. REYES.

H.R. 3612: Mr. LYNCH, Mr. HALL of Ohio, Ms. BALDWIN, Mr. NORWOOD, Mr. BRADY of Pennsylvania, Mr. GUTIERREZ, Ms. LOFGREN, and Mr. CUMMINGS.

H.R. 3625: Mr. CROWLEY, Ms. DEGETTE, Ms. KAPTUR, Ms. MCKINNEY, and Mr. RANGEL.

H.R. 3644: Mr. CLAY, Ms. CARSON of Indiana, and Mr. KUCINICH.

H.R. 3661: Mr. UDALL of Colorado and Mr. CANTOR.

H.R. 3670: Mr. LYNCH and Ms. MCKINNEY.

H.R. 3675: Mr. PASTOR, Ms. 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. TRAFICANT, 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. FILNER, 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: Ms. 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 Ms. LEE.

H.R. 3808: Ms. HART and Mr. GRAVES.

H.R. 3818: Mr. BONIOR, Mr. MARKEY, Mr. OLVER, Mr. FARR of California, Mr. LANTOS, Mr. JACKSON of Illinois, and Mr. UDALL of New Mexico.

H.R. 3833: Mr. GREENWOOD and Mr. SKEEN.

H.R. 3834: Mr. DIAZ-BALART and Mrs. MEEK of Florida.

H.R. 3836: Mr. BAIRD, Mr. HOEFFEL, and Mr. BLUMENAUER.

H.R. 3889: Mr. SKEEN, Mr. BOSWELL, and Mr. BALDACCI.

H.R. 3890: Ms. EDDIE BERNICE 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: Mrs. 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.J. Res. 23: Mr. GREEN of Wisconsin.

H.J. Res. 83: Mr. KILDEE.

H. Con. Res. 164: Mr. FOSSELLA.

H. Con. Res. 169: Mrs. CAPPS, Ms. DELAURO, Mr. KLECZKA, Mr. SANDLIN, Mr. KUCINICH, and Mr. BERMAN.

H. Con. Res. 195: Mr. FRANK.

H. Con. Res. 238: Mr. POMEROY.

H. Con. Res. 290: Mrs. MEEK 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. JEFFERSON, Mr. JACKSON of Illinois, Mrs. CHRISTENSEN, Mr. SCOTT, Ms. LEE, Mrs. CAPPS, and Ms. WATSON.

H. Con. Res. 291: Mrs. MORELLA, Mr. HORN, Mrs. CAPITO, and Mr. UNDERWOOD.

H. Con. Res. 301: Mr. KINGSTON, Mr. OTTER, and Mr. GILCHREST.

H. Con. Res. 321: Ms. MCKINNEY, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Ms. WATERS, and Ms. LEE.

H. Con. Res. 341: Ms. CARSON of Indiana.

H. Con. Res. 346: Mr. WU.

H. Con. Res. 350: Mr. TANCREDO, Mr. ROHRABACHER, Mr. DEAL of Georgia, Mr. DOOLITTLE, 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. ENGEL.

H. Res. 295: 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. 3694: Ms. DELAURO.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 6, by Mr. STEVE ISRAEL, on House Resolution 352: Gerald D. Kleczka, Thomas M. Barrett, Robert C. Scott, Earl Pomeroy, Nick J. Rahall II, Robert E. (Bud) Cramer, Jr., Edolphus Towns, Marion Berry, Ruben Hinojosa, Michael F. Doyle, William J. Jefferson, Ken Bentsen, Danny K. Davis, Charles W. Stenholm, Allen Boyd, Baron P. Hill, Jim Davis, and Anna G. Eshoo.

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PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, WEDNESDAY, MARCH 20, 2002 No. 33

Senate

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:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 20, 2002.

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 minority 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 10 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

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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to speak, you wish to speak during that period, Senators MCCAIN and FEINGOLD don't wish to speak. Then we will get back to you right away and maybe you want to speak later or both times.

Mr. MCCONNELL. Since I will be controlling an hour and a half of the precloture time, I will try to work that out in such a way to accommodate 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 a 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 such time 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 to see included in the current legislation a provision 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 inordinate 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 or district, 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 make it worse.

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 private group that decides to become politically active, which they have the right to do. It is their freedom of speech. Anyone can buy time for a television ad or newspaper ad or send out a flier. You do not have to know who the contributors are. But we 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 collect 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 restricting the capability 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 Senate really should not 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 many 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 premature. If 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 bill. But I cannot in good conscience vote for a bill that I think will hamper free speech and will tilt the balance of power away from accountable political parties in favor of unaccountable interest groups from Washington, DC, whose supporters I do not even know, I have no idea who they are, and I will not be able to get that information in any reasonable manner under the bill that is being tested today on the Senate floor if we invoke cloture and the bill is passed without any amendments.

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 seeks to make people go register with 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 are a big corporation 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, in my judgment, 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 redtape 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?

If neither side yields time, the time will be equally divided on both sides.

Mr. MCCONNELL. Mr. President, Parliamentary inquiry: Does that happen automatically? If there are no speakers, the time runs equally on both sides?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum, and I ask that the time be equally divided under the quorum.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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 ways in which it is 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 influence, and, frankly, 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 kind of clean money/clean election 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 have more 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. I think that passing this legislation—I thank both Senators MCCAIN and FEINGOLD for their effort—will whet people's appetite for more. I think we need victories in the reform area. That is why I support this legislation far more than any other reason. I don't like to increase spending limits. I would like to have seen limits on public financing if States wanted to move forward with that. I certainly will be introducing that bill separately. I certainly will have another vote on that. I think we can get to 50 votes. Ultimately, I would like to see a system of clean money/clean elections. But I believe overall, even with some misgivings, that their piece of legislation represents a huge step forward.

Let me point out again by way of analysis that the problem is 80 percent of the money is hard money. No one should have any illusion that if we pass this legislation we are getting big money out of politics. This legislation is the first step. It is not the last step. It is important that we have a victory. It is important that people in the country can say now we can do more. I hope that will be the direction in which we go.

I want to, however, talk to what I think is the strength of this bill, which has to do with the prohibition on soft money, getting unaccounted for money contributions—$200,000, $300,000, $400,000, $500,000 or whatever—out of politics. 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 rational 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 on the floor of the Senate. I would like to speak about this amendment. This was one of the toughest fights I have had in the Senate.

When you see an editorial in the New York Times in which you are characterized 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 said we 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 60 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 this more than once in the last 11½ years—I hope not because it will come off a little self-serving—but I am really proud of that amendment, and I feel vindicated because—do you what want to know something?—in the House of Representatives, there were many Members who wanted to make sure we did not create this huge loophole, who wanted to make sure the prohibition of soft money would apply to these sham issue ads as well. That was part of the reason they supported this legislation.

So by having the same feature, the same provision in both bills, we did not have to make this change in the House 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 these sham issue 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 not mind tough fights. It was a victory. I certainly regret some of the characterization of that amendment. I would remind any number of different newspapers, as a matter of fact, subsequent to that battle in the Senate, many papers have now editorialized for that amendment. It is one of the critical provisions 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—because certainly 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 get cloture, if we have a cloture 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 be a millionaire to run, 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. I apologize, 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 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 the debate on this subject 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 we are 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.

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 maybe the single most egregious abuse of our campaign finance system, and that is the raising and spending of unlimited and unregulated so-called soft money in our Federal elections.

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 Clinton, and President Bush, 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.

This is 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 preferred 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 campaign financing system is so 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 MCCAIN 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 narrowly tailored to 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 ''the 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 to do is wait any longer. 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, for his willingness 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 in 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 that 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 product.

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 and association. However, I admire people who have strong beliefs and are willing to fight for them. Whatever else one may say about the substance of this debate, we all admire the commitment and strength of Senator MCCONNELL and his commitment to his ideas and how hard he has fought for them.

Certainly Senators FEINGOLD and MCCAIN, Congressman SHAYS, and Congressman MEEHAN deserve the lion's share of credit for pursuing this issue. 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 one of their finest hours of public service. They have rightly received the acknowledgment for their efforts in bringing this bill to its final conclusion.

I support this legislation. I thank the Democratic leader and whip, Senator 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 be associated with 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. The Senator from Nevada.

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 compliments to the leader and to me. We 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 after the 2000 election. None has been more loyal and helpful in the process than the Senator from Missouri. I am grateful for her support on this issue.

I yield 10 minutes to Senator CARNAHAN from Missouri.

Mrs. CARNAHAN. Mr. President, today marks the final stage for congressional action on campaign finance reform legislation. That we have reached this point is a testament to the leadership of my colleagues, JOHN MCCAIN and RUSS FEINGOLD. 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 embodies 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 protector of local 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 insidious 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 whom lost 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 their elected officials 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: ''I found it in the basement 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 it reminded him that 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 every time there was back sliding, 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 on which 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 the large sums of money we receive. I think the Enron scandal 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.

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

grassroots organizing in a State of 34 million people—we are talking about sums required in excess of $20 million. Believe me, when I say $20 million, that is on the low side of what you really need to spend in order to get your message across in light of vicious attacks that will come.

Another good thing about McCain-Feingold: Those vicious attacks that have come from large soft money contributions will not be able to come 60 days before your election. That is a big plus because that is what we find—that candidates at the end simply cannot respond to this barrage of activity.

So I feel personally grateful, going into an election cycle, that in 2004 candidates will not have this burden to raise hundreds of thousands of dollars from one source in soft money. That will not be allowed. I think that is good for the candidate. I think that is good for the country, it is good for the legislative process. We will not be hit by these last-minute ads with unregulated soft money at the end, to which we will be unable to respond.

I want to work on this further. We still have a big problem. One thing got knocked out of the bill, which was ensuring that the lowest rates would be available to us on television. That got knocked out of the bill. I am still forced, and so are my colleagues from these high-cost States, to have to scramble to raise funds from individuals to get our message out on TV.

Unfortunately—although I always run a grassroots campaign, as many of my colleagues do—in these large States, even if one works 24 hours a day, morning, noon, and night, one cannot meet all the voters, the millions of voters. We have to rely on TV and radio. It is very costly. We will still have to do that, a few thousand dollars at a time, which means we are going to be very busy.

Until we can limit campaign spending, we are going to be in this terrible situation. We all know, including Senator FEINGOLD, this bill is not the be-all or the end-all, but it is a strong start, and I am proud to stand shoulder to shoulder with my colleagues on this one. I hope we get an overwhelming vote and can celebrate the fact that, after all these many years, we are moving to get control of a system that is out of control.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. REED). The time of the Senator has expired.

Who yields time? The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from California. I could not agree with her more. This is a modest step, it is a first step, it is an essential step, but it does not even begin to address, in some ways, the fundamental problems that exist with the hard money aspect of the system.

I pledge to work with Senator BOXER and everybody else to continue the efforts to accomplish more.

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 call 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 in Washington, DC, but 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 Senate 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 very strongly opposed to the bill. I think it is a case study in the power of special interest. I thank Senator MCCONNELL 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 rule does 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 day after day, 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 wrong, 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 to Korea when the first real election 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. Under our system we do not swear any oath to the people. I took no oath to the people of Texas. The oath I took was to uphold, protect, and defend the Constitution against all enemies, foreign and domestic. That was the oath.

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 constitutionality issues very seriously. I am sure John Marshall, when he introduced judicial review in his famous Supreme Court rulings that had a profound, positive impact on America, never foresaw the day would come when Members of Congress might put their hands on the Bible and swore to uphold, protect, and defend the Constitution and then say: It is not up to me to make a determination as to whether something is constitutional; that is up to the courts.

Long ago, 24 years ago, when I took the oath, I did not say I swear to uphold, protect, and defend the Constitution based on what the courts may some year in the future decide. I swore to uphold, protect, and defend the Constitution given my ability to read and understand that document.

On that basis alone, I oppose this bill. This bill is as blatantly unconstitutional as any bill which has ever been written, any bill which has ever been adopted by the Congress of the United States.

I want to mention two areas where it is clearly unconstitutional. I am a free man and an American, and if I discovered that living in College Station, TX, was a new Thomas Jefferson—and I am waiting for another one to come back—and I wanted to sell my house and raise money to tell the country about it, do I not have that right?

When the Founders wrote the first amendment, they were not concerned about commercial speech. They were concerned about free speech, and they wrote: Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech or of the press or the right of the people to peaceably assemble and to petition the Government for the redress of grievances.

Does anybody doubt that my right to sell my property and tell the Nation another Thomas Jefferson is in our midst is guaranteed under the first amendment of the Constitution of the

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 considered seriously. 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 head of 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, and so is 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 has freedom of speech. 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 from 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 hollering 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 sets the price of milk 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 of the political process, 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 it away 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 at all. 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 the people who 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?

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, verifiably, none of us ever received 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 paper 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 not contributed 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 committed McCarthyism routinely. 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

of words, and distorting the very English language to create this conception that somehow the whole system is corrupted by free speech, all the while knowing they will be the biggest beneficiaries of limiting other people's free speech.

The Dallas Morning News, I am proud to say, the most important paper in my State—maybe I should say the Houston Chronicle—has always endorsed me. But in any election I probably have 80,000 or 100,000 individual donors and they contribute and give me the ability to tell my side of the story. So if the newspaper or the television station or somebody who has the ability to express an opinion has an opinion different than mine, I have an opportunity to tell my side of the story. Under this bill, that ability is limited, and that is profoundly wrong and unconstitutional.

The problem, it seems to me, goes even further because in the end we are tilting the balance of power to a very small group of people. It was the involvement of people in contributing their money that destroyed the smoke-filled room, that ended the back-room deal, that literally brought politics into everybody's living room. This bill is a movement back to the smoke-filled room. This concentrates political power in fewer and fewer and fewer hands. This is fundamentally anti-democratic. It violates what the Founding Fathers understood as being important.

The Founders knew the country was not peopled by angels because they were not angels. The Founders understood that people had their own special interests, that people could have corrupt views. So they provided the maximum number of people with influence so the evil of the few was offset.

As I often say, I love the issues that are hotly debated. Because if politicians know they are going to catch hell no matter what they do, they will normally do the right thing. It is when nobody is paying attention on one side and everybody on the other side is organized that bad things happen.

I have heard my colleagues say: I don't want these outside groups involved in my election. Pardon me? Since when was it their election? When I am running for public office, it is not my election. It doesn't belong to me. It belongs to the people of Texas. Often, when I ran, there have been mean groups that have come to the State and said bad things about me.

This election does not belong to me. It does not belong to my opponent. It belongs to the people—and not just the people of Texas because I am a United States Senator. I cast votes that affect people who live everywhere. My service has affected people who live in every State in the Union, every town in every State in the Union. They have a right to be involved in my campaign. They don't have a right to vote, but they have a right to speak.

Many of my colleagues have said: I don't want those groups involved. 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 media and in these 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 decisions about who wins elections 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—you would have to give it to two people: 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 endanger 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 freedom it would be if 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 they believe this 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 pressures 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. In doing so, they will live up to the high expectations of the founders.

Let me conclude by congratulating the Senator from Kentucky. It is fun to be in front of television cameras. It makes you feel important. It gives you sort of a notoriety. 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 the absence of a quorum, and ask 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 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 Texas 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 illogical 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 suggest the absence of a quorum.

The PRESIDING OFFICER. 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, 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 bill 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 White 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 Buddhist temple fundraiser, Roger Tamraz. Still ahead were the extraordinary revelations 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 elections.

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, with some emerging outrage, 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 easy to 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 be doomed to failure.

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 floor debate on campaign finance reform, with an open amendment process and a vote on final passage for the first time since 1993. We had 27 rollcall votes in that debate. Thirty-eight amendments to the bill were offered and 17 were adopted. This bill is truly the work product 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 telecommunications 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 1999. These days, major legislation 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 the Capitol and look 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 and policy in this town for whom campaign money is the currency of influence.

The National Association of Business PACs even began to run ads against House Members who cosponsored the bill, and they threatened 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 the Congress 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 suspicion of the Congress 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 backs.

As elated as we are about finally finishing this long battle for reform, I cannot leave the floor without noting that 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 had one eye on the eventual court challenge ever since we started this process. This bill has been carefully crafted to take account of the Supreme Court's decisions in this area. Can I guarantee that every provision will survive a Court challenge? Of course not. But I can tell you that we have done our very best to design these reforms in a constitutional manner.

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 rulemaking proceedings where appropriate.

In addition, even after 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 provide free airtime 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 reform efforts, I could never have imagined we would be standing here together on this day on the verge of a great victory for the American people. He just didn't tell me how long it would take. I truly believe his courage and dedication, demonstrated in so many ways over so many years, are the reasons the Bipartisan Campaign Reform Act of 2002 will soon become the law of the land.

My respect for him has grown with every challenge we have faced together. He is a great legislator, a great leader, and, above all, a great friend.

Our work on this bill, JOHN MCCAIN, has been the highlight of my professional life. Your friendship means more to me than you will ever know. Thanks, JOHN.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. 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 back 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 cosponsored 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 mail rates for 501(c) 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, but it would have increased contribution limits for individuals facing wealthy opponents.

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. This bill has not gone to conference. Instead, now we have a bill that tilts the balance of power away from accountable political parties towards

nonprofit interest groups whose donors are often shielded from disclosure. These nonprofits often exist side by side: 501(c)(3) and 501(c)(4) corporations use tax-deductible contributions to support their overhead expenses, which allows them to spend more money on issue ads which are not regulated by this bill.

As ranking member of the Rules Committee in 1987, I tried to eliminate all soft money. That legislation, I believe, would have provided substantial new disclosure requirements to rein in the nonprofit groups which now overwhelm the political process.

In terms of this legislation, I have reached the conclusion that it, too, is unconstitutional. If the bill that was reviewed in Buckley v. Valeo was unconstitutional, this one surely is. It does not provide a level playing field. It does not deal with the pernicious problem of 501(c)(3) and (c)(4) nonprofit corporations. I will not put it in the RECORD now, but Senator Kasten at one time made a study of the influence of those corporations, and he has been gone for a long while. Their influence has grown. This bill just gives them more and more power over the election process.

In my opinion, we should stop picking at the edges of this issue and pass a constitutional amendment to solve the problems created by the Supreme Court in the Buckley case.

I shall vote against this bill.

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 event happen. They have been very committed to their cause, and I compliment them for that. I like to see my colleagues and 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 of the issue. It is great to see a deliberative body, a body that is able to have friendships that are very strong and opinions that are very strong, express itself and do so in the form of debate and with significant discussion. We have done that. We have done it, frankly, over the course not just of this legislative session, but over 2 or 3 years.

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. It has been good for the body. It has been a good debate on strong issues—strong issues because we are dealing with the Constitution.

When we are sworn to take the office of a U.S. Senator, we are sworn to uphold the Constitution. It is not done lightly. It is done by every Member of the Senate.

The Constitution says that Congress shall make no law respecting establishment of religion or prohibit the free exercise thereof or abridging the freedom of speech.

Our forefathers believed so strongly about this particular section, it is the first amendment. If you read the papers at the time, some of our forefathers thought that wasn't necessary; it was almost a given. Others said: No, we need to make sure we have the fundamental freedoms of religion, speech and assembly. Let's make it the first amendment, even though it is self-evident. So they did. This was the first amendment to the Constitution.

Now we are going to be telling some groups: Wait a minute you can influence ads or have involvement in campaigns, but if you want to say Senator GRAMM from Texas is the best Senator ever, you have to do that in a particular way.

Well, you can only do that with certain kinds of money, but not other kinds. Maybe you think he is the worst Senator and you want to run an ad that says that. Some groups are going to have a hard time doing that. They are going to have to abide by a host of new legalities. We are 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 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 and impeding free speech.

I want to talk about a few other components in the legislation. In some ways, I think the bill was 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 little splurge of 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 not 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, et cetera. 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 elections.

So 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 candidates, 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 falls 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 could have fixed it and we did not. So 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 unless they agree to it in advance, including any political cause with which they disagree. They should not be compelled to contribute to an organization or political party unless they agree with it. We didn't fix that in this legislation, unfortunately. I hoped 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.

Regretfully, 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 you want a friend 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 favored campaign reform to ban soft money. While my colleague from Texas, who spoke earlier, was correct in saying that we are determined, he is incorrect in asserting that we are a determined minority. 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

(By Joe Stephens)

Just before the last presidential election, Bush campaign adviser Ralph Reed offered 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 $380,000 fee, the conservative political strategist proposed a broad lobbying strategy that included using major campaign contributors, conservative talk shows and nonprofits to press Congress for favorable legislation. Reed said he could place letters from community leaders in the opinion pages of major newspapers, producing clips that Reed would ''blast fax'' to Capitol Hill.

''We are a loyal member of your team and are prepared to do whatever fits your strategic plan,'' Reed wrote in an Oct. 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 Altanta-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 matter, but Century Strategies Vice President Tim Phillips said yesterday the firm's relationship with Enron continued until October 2001, when it ended by ''mutual agreement.''

Phillips said Enron never finalized the specific lobbying job outlined in Reed's memo, but he declined to answer questions about what tasks Reed did carry out for the Houston company. Reed did not return phone calls.

Last month Judicial Watch, a conservative watchdog group, asked for a federal investigation into whether Rove arranged the 1997 Enron contract to avoid paying Reed from Bush campaign funds. Others have questioned whether the Bush camp had hoped to ensure Reed's allegiance during the early days of the campaign.

Enron has offered little information about its dealings with Reed, one of many prominent political figures and commentators the company cultivated ties with before it collapsed in bankruptcy late last year. Rick Shapiro, the Enron vice president to whom Reed addressed the memo, declined to comment.

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. He dropped Microsoft Corp. as a client in 2000 after charges that he had lobbied Bush on behalf of the software company while bush was governor of Texas.

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-visibility political figures and pundits. Those who have accepted pay from Enron for their advice and other help include Bush economic adviser Lawrence B. Lindsey, Weekly Standard editor William Kristol, economist Paul Krugman, CNBC commentator Larry Kudlow, U.S. Trade Representative Robert B. Zoellick and incoming Republican National Committee chairman Marc Racicot.

Reed referenced his previous Enron work in the October 2000 memo, noting Enron had seen his ''capabilities at work in the 1997 effort in Pennsylvania,'' where Reed helped Enron build support for electricity deregulation. ''Since that time, we have built a formidable network of grass-roots operatives in 32 states,'' he wrote.

Reed offered to mobilize that network in an effort to deregulate the electricity market. At the time, Enron was seeking open 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 commanding 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 [elected] official for his personal reading and response,'' Reed wrote.

Such prominent figures could act as surrogates for Enron while pressing lawmakers to rewrite statues, Reed said.

''We have the capacity to generate dozens of high-touch letters from an elected official's strongest supporters and the most influential opinion leaders in his district,'' he wrote. ''Elected officials and regulators will be predisposed to favor greater market-oriented 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 $170,000 for generating the letters, each signed by a third party.

Reed asked Enron to pay his firm $25,000 to generate letters to the editors of newspapers, 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 his firm had recently ''placed'' opinion pieces in The Washington Post and the New York Times.

A $79,500 telemarketing campaign would have cold-called citizens and offered to immediately patch them through to Congress.

''For one recent client, we generated more calls to a U.S. Senate office than had been received since impeachment'' of President Bill Clinton, he wrote. ''The result was a major victory for the client.''

Finally, Reed said he had enjoyed ''great success'' in using conservative news-talk programs to spread his clients' message to ''faith-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 $30,000 fee.

''We look forward to working with Enron,'' he said.

[From the Washington Post, Mar. 19, 2001]

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 their views publicly. I hope more lobbyists will do so after reading this ''true confession'' by one of their own.

I am not an ivory-tower liberal, nor do I naively believe we can or should seek to end the influence of money on politics. I have engaged in many activities most reformers abhor, including: (1) making thousands of dollars in personal political 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 restraints, at least on ''soft'' money and ''issue'' advertising? Quite simply because, as a Washington insider, I know that on the campaign finance front things have 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 legislative 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 finance process, and its excesses are 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 reported that overall Senate and House 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 also raised at least $1.2 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 represent more diverse interests than in the past. Our elected officials today also are 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 citizens believe that using money to try to influence decisions is inherently wrong, unethical and unfair. While supporting reforms and recognizing citizen's concerns, I disagree; I find little problem 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 try, within reason, to influence Congress. And influence comes not just from political contributions; it also comes from using money, for example, to hire lobbyists, purchase newspaper ads and retain firms to generate ''grass-roots'' support.

I nonetheless think the time has come to temper this right. We have reached the point at which other interests and rights must come into play. Campaign-related contributions and expenditures at today's excessive levels increasingly have a disproportionate influence on certain legislative actions. Unlimited ''soft'' money donations and ''issue ad'' expenditures in particular are making a joke of contribution limits and are allowing some of the wealthiest interests far too much power and influence.

Moreover, the ability of legislators to do their work is being reduced by the demands of today's campaign finance system. Many, especially senators, now must devote enormous amounts of time to fundraising.

Any significant new campaign finance limits that Congress adopts will have to survive certain challenges in the Supreme Court. If Congress carefully crafts legislative restrictions, the court will, I believe, uphold reasonable limits by following reasoning such as it used in the Nixon v. Shrink Missouri Government PAC case, in which it noted that ''the prevention of corruption and the appearance of corruption'' is an important interest that can offset the interest of unfettered free speech.

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 using political 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 Lobbyists for Campaign Reform, a coalition to urge Congress to pass meaningful campaign finance reforms, starting with the basic McCain-Feingold provisions.

[From the Washington Post, Mar. 5, 2002]

JUST DO IT

The Senate has already voted once in favor of campaign finance reform legislation; now it's time to step up again and finish the job. Last month House reformers won passage of their version of the bill, fighting off ''poison pill'' amendments to produce legislation that the Senate could accept without a conference. Since that vote, even two senators who oppose the bill have acknowledged that it's time to move ahead on this issue: Sens. Gordon Smith (R–Ore.) and Ben Nelson (D–Neb.) said they won't support a filibuster to block the measure. But Kentucky Republican Sen. Mitch McConnell, a leading opponent, continues to seek delay. Today he is expected to ask Senate Republicans to help him hold up consideration of the bill until he can win approval of a package of what he describes as technical amendments. But Republicans shouldn't go along. Sen. John McCain (R–Ariz.) says it's time to bring the measure to a vote, and he's right. Stop the foot-dragging. Majority Leader Tom Daschle ought to bring the House bill to the floor as soon as possible. Senators should approve it, rejecting any amendments that would force a conference, and the president should sign it. The bill, as we've said before, doesn't solve every problem or close every loophole. Some needed reforms aren't addressed; other problems will doubtless arise as time goes on. But this measure takes on the trouble that's dragging down the system right now: the exponential growth of unregulated ''soft-money'' donations from corporations, unions and wealthy individuals. This flood of money, nearly $500 million in the 2000 election cycle, eats away at public trust by creating the sense that those big-money donations aim to buy access. It creates an atmosphere in which at least some businesses feel obliged to contribute in order to protect their interests. It blows away the limits that the 1974 campaign finance law attempted to impose on the influence of the wealthiest donors.

This is a system that needs changing. The bill would do that by banning soft-money contributions to national parties and taking federal candidates out of the business of soliciting big soft-money gifts for political parties. A majority of both houses is on record in support of these reforms. It's now up to the Senate to make sure the effort doesn't falter. End the delaying tactics. Just do it.

[From the Washington Post, Feb. 11, 2002]

ARMAGEDDON

We don't see it in quite the same apocalyptic terms as Speaker Dennis Hastert, who likened this Wednesday's House vote on campaign finance reform to Armageddon. But the vote is plenty 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 officeholders have learned to use for 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 stanched. 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 because the vote actually matters that it might feel like the end of the world to Mr. Hastert. He and other Republican leaders are putting on the pressure, warning Republican members that the GOP stands to lose its majority in the House if this reform becomes law. Of course Rep. Tom Davis of Fairfax, who chairs the Republican House campaign committee, has been arguing the opposite, pointing out that his party has a big lead in raising the $1,000 contributions that would remain legal and taunting Democrats that they're the ones who would be hurt by reform. The truth is that incumbents on both sides of the aisle are addicted to the big bucks and, like all addicts, they'll say anything to safeguard their supply—including pretending to favor reform while they look for a hundred different ways to derail it. But most legislators also know that their dependence on big-money lobbyists hurts democracy and curdles public attitudes toward government. Reform will prevail if members who supported it before stay the course. ''There are a hundred ways to defeat this bill.'' Rep. Christopher Shays (R-Conn.) told reporters last week. ''But only one way to win.''

He 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 1998 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 before the House; leaders compromised when the petitions looked likely to succeed, and voluntarily scheduled votes. This year Speaker Hastert threw up the barricades again, only this time he didn't move until supporters actually obtained the required 218 signatures, a majority of the House. Local Republican Reps. Connie Morella, Wayne Gilchrest and Frank Wolf deserve credit for signing the petition despite the opposition of their own party leaders. Now the bill will come to the floor under a complicated rule that allows consideration of two substitute measures and a series of amendments.

The procedure may be complex, but the goal is simple: Pass the Shays-Meehan 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 unfortunately cosponsored 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 is sham reform. 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 ''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 Shays-Meehan 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.

Twenty-seven years after Watergate-era reforms sought to curb the clout of megabuck money in politics, Congress finally voted Thursday to close a loophole that has allowed the law to be flouted since 1988.

Following on last year's Senate passage of a similar bill, the victory is sweet. But it required a bitter, uphill fight against House leaders who shamelessly fought to keep a half-billion-dollar stream of ''gifts'' pouring in.

Ironically, reformers probably have the corporate scoundrels at Enron to credit for their success. For more than a decade, Republicans and Democrats, the House, Senate and White House took turns killing campaign reform. Twice in the late 1990s, House-passed reforms were blocked by Senate filibusters. Last year, the House sidetracked a Senate-passed reform bill.

This time, defenders of the seamy status quo were counting on an about-face by colleagues who previously had postured as reformers, confident changes would never become law.

Enron made that politically impossible. The company clearly enjoyed exceptional clout in energy-policy decisions and appointments, even though the $6 million Enron and its executives showered on federal politicians during the past decade didn't place it at the top of the list of generous special pleaders.

Still, Enron's outrageous abuse of investors and employees, coupled with its exceptional political charity—greasing the treasuries of 95% of the Senate and 67% of the House—made it a poster child for the sordid intersection of money and politics.

The long-overdue reform would largely prohibit what's called ''soft money''—dollars from corporations, labor unions and wealthy individuals that are given to political parties, then funneled into federal campaigns to avoid Watergate-era contribution limits. They made up the bulk of Enron's giving.

Reform still faces hurdles: repassage in the Senate over a filibuster threat and President Bush's equivocations. Even if the victory stands, those determined to keep buying what's euphemistically called ''access'' to politicians—access that ordinary folk don't have—are already testing new evasions.

The ultimate answer is public financing, allowing 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. 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, as reflected in these and other countless newspaper articles and editorials, is about curbing the influence of special interests. Now is the time to enact real reform and return the power to the people and restore their faith in the Government.

Mr. President, next to me—the next speaker—is a person who played a very key and vital role in the formulation of this legislation. A lot will be written about how this 7-year odyssey came to an end. One of the chapters in that book will be the time when Senator THOMPSON, the Senator from Tennessee, and Senator FEINSTEIN, the Senator from California, engaged in delicate operations. The bill was basically dead when they began those negotiations. I won't go into the details of them. But through a near miraculous turn of events, because of the dedicated efforts of Senator THOMPSON and Senator FEINSTEIN, we reached an agreement on crucial parts of the bill, and we were able to move forward. I will be grateful to my friend from Tennessee for many reasons, but that is only one of them in the long list of debts that I owe him. I thank my friend from Tennessee, who will speak next.

I yield the floor.

Mr. FEINGOLD. Mr. President, I thank the Senator 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 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 stressed too much.

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 FEINGOLD are to be congratulated for leading 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 that is correct.

It has been pointed out that people will start from day 1, after this is over, looking for loopholes, looking for the soft spots. ''You cannot do anything about money,'' they say. And there is no doubt people will be looking for loopholes.

They even say that certain portions are unconstitutional. They are probably correct about that. Fortunately, we have a clause that will not cause the rest of the bill to fall. I believe the major portions of the bill and the more important parts of the bill are constitutional, according to decisions the Supreme Court has already made.

I am willing to concede those points. Those points are not unusual or indigenous to this bill. They are things we see all the time. Once we get through the meat grinder, the legislative process, we rarely come with a perfect piece of legislation. This has an awful lot of good in it, and it is going to do some good.

The argument that we will have to change it in another 20 years does not concern me that much. We had legislation that worked in this area for about 20 years, and it did a pretty good job. Then we had to change it, and that is what we are doing now. There is nothing wrong with that. There is nothing to be afraid of with regard to that.

We have to keep in mind the history—where we have been—to know where we are going. It is true that loopholes developed in the law. That is what we are about today. It has been said of the last law that was passed in 1974, major legislation, that it was a failure. I disagree. That law was a public financing system for Presidential elections, and it was pretty much an even playing field. The candidates spent about the same amount of money. There was not any scandal, Democratic or Republican, during that period of time. Sometimes the incumbent won, sometimes the challenger won. To me, that is the United States of America. That situation prevailed for approximately 20 years.

In the 1990s all that changed. We had an administration that was willing to

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 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 denigrate 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. I believe the government closest to the people is the best. I believe in our principles of federalism. I believe State and local governments should step up 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 province.

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 on. We have taken on the 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, why it is working and 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 for a good 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 something that does not pertain to the Federal Government. We are not creating some new regulatory scheme. We probably cannot get all the regulations under the current system in this Chamber. They are complex. They are confusing. They are extensive. We already have that system.

Explain to me the rules that pertain to what the State parties can do vis-a-vis the national parties. They can trade money back and forth, percentages for this, percentages for that. It would take the brain power of a nuclear scientist to figure it out. That is the current situation. So we should not be bashful about stepping up, recognizing the problem, and believing we can do something about it. It is our responsibility to do something about it.

What is that problem? The problem simply is this: We have gone from a situation 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 points toward 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 foolish 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, or $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 politicians 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 with greater and greater amounts of money for your political campaign, that creates a potential conflict of interest that we simply do not need. It does not look good. The American people think, the average Joe on the street thinks, that 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.

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 when they want to challenge us in these races.

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 colleague from Tennessee 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 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. Thomas Paine, 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 and raises, 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 habit that for a long time it had 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.

Almost 1 year ago, 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 will sign it. Now 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 that invites them. If you want to fix the system, now is 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, and 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 1974, 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 time here, 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:

Russell D. Feingold, Tom Daschle, Tim Johnson, Byron L. Dorgan, Bob Graham, Daniel K. Inouye, Joseph R. Biden, Jr., Patty Murray, James M. Jeffords, Jeff Bingaman, Debbie Stabenow, Max Baucus, E. Benjamin Nelson, Harry Reid, Richard J. Durbin, Jon Corzine, Thomas R. Carper.

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 under rule XXII. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 68, nays 32, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—68

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

NAYS—32

Allard	Bunning	DeWine
Allen	Burns	Ensign
Bennett	Campbell	Enzi
Bond	Craig	Gramm
Brownback	Crapo	Gregg
Hatch	McConnell	Shelby
Helms	Murkowski	Smith (NH)
Hutchinson	Nickles	Thomas
Hutchison	Roberts	Thurmond
Inhofe	Santorum	Voinovich
Lott	Sessions	

The PRESIDING OFFICER (Mr. CORZINE). 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 even reached 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 such as 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 doubled the amount given in the 1996 election. It had no limit, 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 1998 election was 36 percent, 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 cure all 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 TV ads and 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 ads.

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.

There are some who believe this infringes on the first amendment. I cannot believe the Founding Fathers thought that the right to put the same commercial on 5,112 times was intended to be protected by the first amendment. No amendment is absolute—not the first, not the second, not any of them. This seems to me to be a reasonable limitation.

In fact, I hope the Supreme Court will reconsider Buckley v. Valeo so that we can go further in terms of reform because this bill takes us almost as far as you can get given the constraints of Buckley. And that seems to me to be one of the worst decisions rendered by the Supreme Court in the last 25 years.

We take an important step by voting for campaign finance reform. I hope we will complete the job, either this week or next month, of strengthening our electoral system by passing electoral reform as well.

Chairman DODD has been heroic in his efforts to get the bipartisan bill finalized and back to the Senate floor. I will do everything I can to help him meet that goal. Once we have enacted this legislation and election reform—one that shuts down loopholes in financing of campaigns and the other that modernizes the actual voting mechanisms; one limiting some influence from the top, the other increasing influence at the bottom—we will have brought our democracy into the 21st 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 to join me 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 have permission from Senator MCCONNELL to yield myself 10 minutes.

Mr. LEVIN. Mr. President, I ask unanimous consent that following the Senator from Iowa, I be recognized for 10 minutes, as authorized by the Senator from Wisconsin.

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

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 we have reached closure 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 promote ideas. That is what our form 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 ready to say that it is OK on one 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 to spend approximately that amount of money? No.

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 curb 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 day on campaign contributions, 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, but 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 communications about issues that parties stand for. 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 would undermine the role of national political parties. Who is going to fill the void in the process if we tie the hands of the parties? The

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 rely on the party 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 is hardly a balanced approach.

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 time we put more emphasis back on individuals 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 ads can 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 money 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 promise 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, despite the new fundraising 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 will 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 to the penny. We can try to regulate ethical 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 penalties for campaign finance 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 this bill, but to no avail.

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.

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

[From the Cedar Rapids (IA) Gazette, Feb. 22, 2002]

NOT MUCH ''REFORM'' IN CAMPAIGN FINANCE BILL

How much reform will actually emerge from campaign finance legislation now being fine-tuned in Washington?

One has to wonder, given comments by Rep. Jim Nussle, R–2nd District, to the Gazette editorial board Monday. On the morning of its final vote, Nussle observed, he felt ''Shays-Meehan no longer looked like Shays-Meehan.''

One provision ''that was snuck in, in the middle of the night'' said the reforms don't apply to the 2002 election. ''If it's so bad, and so corrupting and so illegal and so rotten, then let's get rid of it,'' Nussle said. But that stayed in, so that makes me suspicious.

''The other thing that makes me suspicious is that you can borrow against soft money. You can borrow hard money with your soft money, and after the election, pay off your debt of hard money, with soft money. That was another exception.'' Soft money refers to unlimited and unregulated donations to national political parties. hard money, which falls under federal regulation, involves contributions by individuals to candidates or a party committee. ''Now all these parties are going to be borrowing money,'' Nussle said.

That didn't get much attention, Nussle continued, ''because Shays-Meehan has now become a slogan. You either vote for Shays-Meehan or you're against campaign finance reform.''

The final version of Shays-Meehan allows either party to build or buy a building, ''even though only one party is going to do this,'' Nussle continued: ''You can't do that now. You can't do any of those activities now, but they're all made exceptions as part of this bill.''

Nussle believes in full disclosure. That's the Gazette's long-held view. (He also said he doesn't use, raise or need ''soft money.'')

Nussle claims to be one of only 13 in Congress who fully disclose contributions, ''following the letter of the law.''

''I've always thought that maybe it should be the 13 of us who write the bill and not the other 400–500 and whatever that would be, because, quite honestly, unless you're willing to follow the law, you don't have much standing to complain about the law.'' Good point.

Reform? Change? No way. This legislation is only so much post-Enron chest-thumping—an attempt to appear to be doing something. Money, meanwhile, will just find new routes to intended targets. Had Congress enacted real measures to better assure that voters know who's contributing to who, at least then you'd have a basis on which to judge candidates.

[From the Des Moines Register]

CAMPAIGN ''REFORM'' WON'T WORK

While members of the U.S. House of Representatives engaged in what Speaker Dennis Hastert called political ''Armageddon'' over campaign finance last week, most Americans were riveted by a scandal unfolding at the Winter Olympics.

It's worth considering how the two events are alike, and how they are different. While both politics and sports would be ruled by merit, not money, the question is who makes the decisions.

What drew extra attention to the Olympics was the allegation of misconduct in the judging of the figure-skating competition. But putting aside the issue of possible corruption, the question is whether medals should be awarded by a panel of judges or by applause meters. Obviously, experts should make the call.

In the case of American-style democracy, however, the applause meter is supposed to rule, but a lot of people believe the meter is broken by the corrupting influence of campaign money. Legislation designed to fix it was passed by the House in the small hours of the morning Thursday.

But it no cure, and could make matters worse.

The Shays-Meehan campaign finance ''reform'' is advertised as preventing ''special interests' from buying influence in Congress. It would, among other things, ban ''soft money'' given to national political parties to evade the limits on contributions to individual candidates.

Like previous efforts to ''reform'' campaign financing, this one would simply channel the money into a different pocket. Just as the post-Watergate cap on individual contributions led to political-action committees and soft money. Those with the will and the wallet to influence the political process will find a way around this legislation, too, if it becomes law.

Meanwhile, the bill adds to the already burdensome regulatory bureaucracy that terrorizes the poor candidate who does not have an army of lawyers and accountants to figure out the rules. For incumbents with big treasuries, however, there is much to like in this bill: It doubles the amount an individual may give to a candidate for federal office, and it would prohibit ''special interest'' groups from putting ''attack ads'' on TV within two months of election day.

Besides raising obvious constitutional questions, this bill is wrong in principal. If people desire to spend their own money on a political candidate or a cause, they have that right under the First Amendment. ''Special interest'' include ordinary people in groups, whether it's the National Rifle Association or the National Abortion Rights Action League.

The law stops short of banning independently wealthy individuals from using their own money to get themselves elected. Why shouldn't someone with the same resources be able to put his or her money on someone else?

It is naive to believe it possible to legislate good behavior by politicians. Instead, let the democratic applause meter do its work: Give citizens quick and easy access to campaign-finance reports, and if they don't like what they see, they can boo the rascals off the ice.

[From Roll Call, Feb. 21, 2002]

HOUSE DEMS MAKE PLANS TO CIRCUMVENT CAMPAIGN REFORM

(By Alexander Bolton)

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.

House Minority Leader Dick Gephardt (D–Mo.) has assured African-American members of his caucus that he will raise money for groups such as 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 allow party leaders to 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 loop-holes 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 House.

Keelan and many other Republicans are still steamed over an NAACP-funded ad from the 2000 campaign that reminded black voters of the racially 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 on Election Day.

''I would formulate voter education and registration projects that would be funded by people like myself,'' said Rep. Alcee Hastings (D–Fla.). ''We can go 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 wavering in the support for the Shays-Meehan legislation.

A representative from the NAACP also attended the meeting.

Republicans say the ability of outside groups to continue campaign activities on behalf of the parties is one of the reasons Shays-Meehan is unfair.

''The bill still does not 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 predominantly Democratic.''

Clyburn, a onetime opponent who voted for the bill, said he switched his position because of Gephardt's assurances. Clay and Kilpatrick also voted for 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.

''I've been involved in too many elections in my lifetime to leave questions unanswered to the point where I have to just take people at their word,'' said Thompson, referring to Gephardt's promise. ''The opportunity for [minority] participation and the opportunity for [minorities to participate in] elections in the South has been hard fought for.''

''I was not satisfied enough with what was on the table at the time to change my vote,'' he added. ''There were not enough specifics to give me comfort.''

Thompson's spokesman, Lanier Avant, 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 redirect 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 broken and a sizeable majority of the 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 despite laws which are intended to strictly limit contributions to candidates. We have had enough of the candidate 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 Federal 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 neither in reality not in perception beholden to special interests who are able to contribute large sums of money to candidates and their campaigns. Our election laws were designed to protect the public's confidence in our democratically elected officials.

For many years those laws worked fairly well. The limits they set seemed clear. Individuals weren't allowed to give more than $1,000 to a candidate per election or $5,000 to a political action committee, or more than $20,000 a year to a national party committee or $25,000 total in any one year. Corporations and unions were prohibited from contributing to campaigns, except through regulated and limited political action committees.

That is the law on the books today.

Yet over the past few years, we have see almost geometric growth of contributions of hundreds of thousands of dollars, even millions of dollars, from individuals, corporations, and unions, and even contributions from foreign sources. How is that possible, we ask.

Our pretty good law—setting limits on the size and source of contributions—had gaping holes punched in it, the largest of which is the soft money loophole. That is the loophole that allows parties to raise unlimited amounts of money from individuals as well as corporations and unions so long as they use the money for activities that don't expressly, explicitly advocate the election or defeat of a candidate. That's why you have a $1.3 million contribution to the Republican National Committee from just one company or a $450,000 contribution from one couple to the Democratic National Committee.

Yet, the Supreme Court in Buckley was clearly aware of the likelihood of persons trying to evade the limits by giving huge sums to the parties to help candidates. This is apparent in the Court's discussion in upholding the $25,000 overall limit under current law. In describing the legitimacy for the overall $25,000 limit, the Court called it ''a modest restraint,'' serving to ''prevent evasion of the $1,000 contribution limitation by a person who might otherwise contribute massive amounts of money to a particular candidate through the use of unearmarked 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 with 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 the end run around contribution limits by using the soft money loophole.

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 68 percent more than in 1999. The FEC states that soft money contributions have more than doubled for both national parties since 1997. The loophole

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 collected ample evidence 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 one case that 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 Eagle 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 condemnation 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 even looking at 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 or family 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 guos 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 regime of large individual 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 Buckley 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 impropriety requires that the opportunity for abuse inherent in the process of raising large monetary contributions be eliminated.

Selling 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're ads clearly 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,' 'reject.'" 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 avoid these 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, honesty and responsibility. So when his country called, he answered. He was seriously wounded in combat. Paralyzed, he underwent nine operations.
>
> 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 accountability to strengthen our criminal justice system. The principle of discipline to end wasteful Washington spending.
>
> Mr. Dole. It all comes down to values. What you believe in. What you sacrifice for. And what you stand for.

That ad was called an ''issue ad'' and paid for with the unlimited contributions of soft money to the Republican National Committee. That is viewed as permissible under current law because that ad does not explicitly ask the viewer to vote for or support Bob Dole. It just spends its whole time extolling him before election day. If it added words at the end that say what the ad is all about, ''Vote for Bob Dole,'' it would be treated as a candidate ad, not an issue ad, and would be subject to the hard money limits; that is, it could only be paid for with contributions subject to limits. Any reasonable person who hears that ad knows it is an ad supporting the candidacy of Bob Dole. It is not an ad about welfare or wasteful 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 message to vote for President Clinton. ''I would certainly hope so,'' he said. ''If not, we ought to fire the ad agencies.''

To get around the reasonable limits of the 1974 law, parties and candidates seized on the Buckley Court's 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 magic words—then it was outside the scope of the law's limits. In a terrible irony then, the Buckley case unwittingly contained the seed—the seven magic 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 radio or television ad that refers to a clearly identified candidate that is broadcast within 60 days of a general election or within 30 days of a primary election to be treated as an ad seeking to influence the outcome of an election and therefore paid 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.

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 a very 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 57,863 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 it, the parties will not be allowed to raise it, and the contributors will not be able to buy access to us with it. This bill would prohibit a candidate or office holder from soliciting soft money for private organizations running issue ads. Will contributors of these large sums want to buy access to the Sierra Club or the National Rifle Association? Dubious. Will they be able to buy access to us through these unlimited contributions to third parties? No. If that were to occur, then it would be in direct violation of the law. Under this soft money ban, public officials and candidates will be out of the soft money fundraising business, and that's a very important step we will be taking with this legislation. The official with power, and the candidate seeking to be in a position of power, won't be able to solicit huge sums of money and sell access to themselves for their campaign or for outside groups.

We have been here before—trying to pass campaign finance reform, trying to stop the explosion of soft money. Three years ago I asked this body the question: ''Will it be different this time?'' It was not. But this time the answer is it will. We are going to pass this legislation, send it to the President, and respond to the vast majority of the American people who want it.

In doing so, we are hopefully going to change politics in America. No one really knows which party in the end is going to be advantaged or disadvantaged by the changes we are making to the law today. But we know for certain that the body politic itself will be dramatically benefitted. That is because we will be taking the solicitation of big money by people in power and people seeking power out of American politics and with it will go the appearances of favoritism and corruption.

The political landscape will change when this bill takes effect. It will be filled with more people and less influence; more contributors and smaller contributions; more democracy and less elitism. This is a good decision by Congress for the country, and we have those persistent and hardy souls like Senator MCCAIN, Senator FEINGOLD, Congressman MEEHAN, and Congressman SHAYS to thank, as well as inspiring citizens like Granny D who walked across the country to make her case, and the members of the coalitions in each of our States, like the Michigan Campaign Finance Network.

It is not often that we get the opportunity to legislate in a way that will so dramatically affect the core of how we operate. This is that time, and I am privileged to have worked for this bill's passage and to vote to send it to the President of the United States for enactment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, will the Senator yield to me for just a brief time? I do not want to encroach on Senator MCCONNELL's right to speak at this time, but will the Senator yield me 2 minutes?

Mr. LEVIN. Mr. President, I am sure Senator FEINGOLD would be happy to yield a couple of minutes if he were present. So on his behalf, I yield 3 minutes to the Senator from Mississippi.

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

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased Congress is making this effort to reform the campaign finance laws. When the last election resulted in a Senate that was evenly divided between Republicans and Democrats, it occurred to me there could not be a better time for the Senate to take up this legislation and try to write a bill that improved our Federal election finance laws. It is a subject with which we are all very familiar. It makes it very difficult, therefore, for the Senate to work on an issue such as this.

We are all biased in one way or the other because of experiences we have had, but my experience was, as a candidate for Congress in the early 1970s, at a time when we had passed the first major reform of Federal election laws, that the 1972 elections were the first real test of the reforms. Some of the law had been ruled unconstitutional, but virtually every candidate had to report, for the first time, where he was getting the money he was spending in his election and how he was spending it. These reports had to be made to the Federal Election Commission. A copy had to be filed with the secretary of state in the State where one was a candidate.

As to disclosure, people had a right to know where the money was coming from to support candidates, and how they were spending it, who they were giving the money to, if they were giving money to people, or if they were buying ads. Whatever was being done with the money, it had to be reported.

What has happened over time is others have become so involved in the process—organizations, parties, other individuals, buying ads, getting involved, spending money, raising money, to influence the outcome of elections—the people have lost their right to know. It has been taken away from them by the way the law has worked in practice.

So this is an effort to address that in a meaningful way, to require disclosure by groups that are buying ads to influence the outcome of elections, how they are raising their money, who is behind this.

When one watches a TV ad, they do not know who bought it. If a candidate buys it, the people know. If a candidate for office buys an ad in the paper, there has to be a disclaimer showing who bought it. Everybody in the country now is involved, but nobody knows who these folks are because they use names such as the Good Government Committee.

The whole point is, there is a lot that needs to be changed. This bill is an important first step in making some changes that are long overdue. I am glad I was able to support the cloture motion to bring the debate to a halt.

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 Court is going to have 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 I 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 election by narrowly focused special interest groups based out of Washington, DC. This legislation will change that and again focus these debates more on the public agenda. This bill also stops the unlimited flow of corporate contributions, or soft money, that contributed to the volume of ad wars in the 2000 election.

This bill forces all of us—candidates, parties, and groups that seek to influence the outcome of elections—to play by the same rules and raise and spend money in lower amounts.

This is a banner day for Congress. This bill is a huge step forward in the right direction. There is much more work that needs to be done in reforming our political system. I am glad this day has finally come, and I urge my colleagues to support this very important legislation that has endured because of the hard work of two Senators.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today with a sense of pride that the Congress will soon pass comprehensive campaign finance reform. It has been a long time in coming, and the perseverance of Senators MCCAIN and FEINGOLD should be recognized as the reason we are here today. I would especially like to thank my colleague, Senator SNOWE, for all her hard work and leadership in developing the language in this bill, the so-called Snowe-Jeffords provisions, which is a full and fair solution to the proliferation of electioneering communications.

The last time Congress passed comprehensive campaign finance reform I was running for the House of Representatives for the first time. That campaign was waged between me and my opponent door-to-door, meeting the voters, standing on the street corner talking to the voters, or debating the issues at public forums. Our constituents knew who we were, what we stood for, and who was saying what about whom.

Fast forward 28 years and today a campaign is waged on television and radio, many times by people and groups who the voters do not know. The Americana people deserve better from their candidates and campaigns. This bill, soon to be law, will make many needed changes to our campaign finance system and reconnect the electorate with their candidates for federal office.

I am especially proud of the provisions in this legislation that reform the law concerning broadcast advertisements near an election that escape even minimal disclosure by not using the ''magic words.'' These electioneering communications are cleverly and clearly seen by the electorate to be trying to influence their vote, but the true nature of the sponsors and funding for these advertisements remain cloaked in the veil of secrecy. The American public deserves to know who is trying to influence their vote, and the Snowe-Jeffords provisions will provide them this necessary information.

We will hear from some speakers during this debate that they are absolutely certain these provisions are unconstitutional and will be struck down by the court. I wish I could guarantee to my colleagues that these provisions will be found to be constitutional by the Supreme Court, but I am not so foolhardy as to predict the outcome of any case before the Supreme Court. I 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. Even looking at 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 advertisements 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. States another way, the Snowe-Jeffords provision correctly identify 99.4 percent of the advertisements as electioneering in nature and subject to the restrictions of the provision. I do not know how the opponents of this provision can say, faced with this empirical data, that our provision is too broad in nature.

It is important that the public know the background and facts behind the Snowe-Jeffords provisions. Material on this provision can be found at www.senate.gov/jeffords/03202002cfr.hjml.

I ask unanimous consent that some additional material concerning the Snowe-Jeffords provision be printed in the RECORD.

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

CAMPAIGN FINANCE REFORM—FACT & FICTION

(Based on findings from Buying Time 2000: Television Advertising in the 2000 Federal Elections)

1. Fiction: Shays-Meehan would cut out genuine issue speech.

Facts:

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 1998, the comparable statistic was two unique ads.

Only 3% of all group ads perceived to be genuine issue ads mention a candidate.

Beyond that, the Shays-Meehan test closely tracks the actual prevalence of electioneering ads: 79% of electioneering ads by groups are captured by the 60-day test.

2. Fiction: The ''magic words'' test adequately distinguishes election-related speech from issue advocacy.

Facts:

Candidates, themselves, who are indisputably engaged in electioneering, used magic words only 10% of the tie in 2000 (4% in 1998).

97% of ads perceived to be electioneering did not use magic words, in both 1998 and 2000.

All political party ads were perceived to be electioneering, even though political parties use magic words only 2.3% of the time. (In 1998, 95% were electioneering, but only 1.2% used magic words.)

The magic words test is not nearly the bright line adherents believe it to be: Numerous ads in 2000 were hard to classify as express advocacy or not.

3. Fiction: Genuine issue advocacy peaks closer to an election, becasue that is when voters are most attuned to the issues.

Facts:

The number of genuine issue ads actually declines close to the election, but electioneering spikes: about half (51%) all genuine issue ads occur in the four-month period between April and July, while only 19% occur in the two months before an election.

The percentage of group-sponsored political ads that mention candidates increases from 12% during the first half of the calendar year, to 50% in July and August, to 61% in September, to 69% during the rest of the election cycle. (The comparable statistics in 1998 were 34% in the first half of the year, 62% in July and August, 82% in September, and 95% during the rest of the cycle.)

4. Fiction: Soft money is needed for party-building and voter-mobilization activities.

Facts:

Only 8.5 cents of every soft money dollar is spent on activities that might even remotely be considered voter mobilization, while 38 cents on the dollar is spent on media and issue advocacy.

100% of all political party ads are perceived as electioneering (93% in 1998).

92% of all political party ads never so much as mention the name of the political party (85% in 1998).

The political parties are spending so much money on TV ads, all depicting candidates, that they actually outspent the candidates themselves in the 2000 presidential election—$81 million to $71 million.

Party spending on House races ($43 million) was targeted only to competitive races—a mere 48 races in all. A third of all that spending ($14 million) was reserved for six House races.

5. Fiction: Soft money is used to enhance the prospects of candidates of color.

Facts:

Less than 7% of spending by parties on advertising in connection with House races went to races involving candidates of color.

Of the 42 races in which the Democratic Party aired television ads, just three involved candidates of color. None of those three were among the top recipients of party advertising.

6. Fiction: Shays-Meehan will unfairly trap unwary bit players, like unsophisticated individuals and small grassroots groups.

Facts:

At least 98.5% of the political advertising in 2000 was sponsored by political parties, corporations, unions, and major national organizations.

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 represents an all-time record 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,'' or 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. Conservatively estimated, special interest groups spent about $98 million on political television ads in 2000—more than 58% of that spending went for electioneering issue ads.

4. Parties made record-breaking use of issue advocacy in the 2000 elections. In addition to spending more on television advertising relative to the presidential general election than the candidates themselves, political parties primarily aired issue ads rather than ads using magic words in order to sidestep federal campaign finance laws limiting the amounts and sources of contributions.

5. All of the so-called party issue ads, bar none, were electioneering in nature. None of these party ads qualified as genuine issue ads. The proportion of party ads that were positive in tone dropped since 1998, from 28% to 24%.

6. Genuine issue advocacy by groups is overwhelmed in the final 60 days of an election and is replaced by electioneering issue ads. Approximately 86% of group-sponsored issue ads aired within 60 days of the 2000 general election were electioneering issue ads rather than genuine issue ads.

7. A legislative proposal (the Snowe-Jeffords Amendment) to establish a test for express advocacy based on whether an ad identifies a candidate within 60 days of the general election would be a substantial improvement over the magic words test. If the Snowe-Jeffords 60-day bright-line test had been in place in 2000, only a fraction (less than 1%) of ads subject to financial disclosure would have been genuine issue ads.

Preserving the integrity of the American campaign finance system requires constant vigilance. Each election cycle brings new innovations in campaign finance evasion as parties, candidates and groups strive to bend the system to their benefit. At times the existing rules and regulations seem more like fiction than fact, and new reforms at the federal level seem doomed before they are even proposed. However, public opinion has started to catch up with those who have for years taken advantage of the system in the pursuit of electoral success. Regardless of refined legal or policy distinctions in types of advertisements, the public is keenly aware that most political ads are indeed electioneering ads and that the political players are sidestepping 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 dearth of information 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 communities 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 working hand-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 (Mrs. CARNAHAN). Under the previous order, the Senator from Kentucky is recognized.

Mr. MCCONNELL. How much time do I have?

The PRESIDING OFFICER. Seventy-nine and a half minutes.

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 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 editorial. 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? Let's take a closer look. The unconstitutional 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 news—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 such conflicts.

Outside groups such as Common Cause have devoted many years and millions of dollars to lobbying this

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.

The bill we are about to pass allows Members of the House and Senate to raise soft money for these outside groups. I am told this unlimited, undisclosed, unregulated soft dollar fundraising has, in fact, already begun.

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. Scandal, or perceived 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 are rarely relevant.

I request that these two articles documenting the hypocritical actions of the reform industry be printed in the RECORD.

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

[From the National Review, Feb. 12, 2000]

THE CAMPAIGN-FINANCE SMEAR

(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 corruption.

Consider The American Prospect, which has a heavy-breathing editorial in its most recent issue decrying how corporations have supposedly stolen away our democracy.

''By buying politicians,'' The American Prospect writes of Enron, ''a favored corporation promoting a new kind of scam simply purchased immunity from regulatory oversight.''

Note that there is no ''seems,'' or ''appears,'' in this sentence. It is an outright assertion of bribery, in the cause of promoting corporate fraud.

Given the gravity of this charge, it would be nice if there were some evidence for it.

What the Prospect offers is Wendy Gramm, who ''as chief commodities regulator under Bush I, slipped in a midnight rule-change after the 1992 election to exempt Enron's trades from oversight.''

''She was rewarded,'' according to the Prospect, ''with a seat on the Enron board and hundreds of thousands of dollars in income.''

Sounds pretty sinister. Except the Prospect conveniently neglects to spell out what exactly was involved in this ''Enron exemption.''

Actually, it wasn't an Enron-specific matter but a ruling that affected a whole new class of trades—nine other companies lobbied for it—that was coming to the fore in the early 1990s.

Here's USA Today (apparently a more nuanced and sophisticated source than the Prospect) on the rule: ''Despite the appearance of a trade-off, even Gramm's critics concede that the commission's ruling was a smart move. The energy derivatives market was growing rapidly, and there were worries that without an exemption, the Chicago Board of Trade might sue anyone selling an energy derivative outside of its centralized market.''

I frankly don't know enough about derivatives to say with any assurance whether the Gramm ruling was a mistake or not, but it's obviously a subject of dispute. So, before condemning Wendy Gramm for her venal motives, it would be nice to hear some arguments about why she was wrong.

The Prospect offers none.

Maybe the Prospect thinks that the Chicago Board of Trade, which opposed this move, was right. But wouldn't Gramm then have simply been doing the bidding of another moneybags interest out to protect its business, the Chicago Board of Trade?

This is why the campaign-finance reformers, on their own terms, can always win the argument—there are well-heeled interests on all sides of most disputes in Washington, so someone can always be portrayed as selling out to some interest or other.

But the Prospect's treatment of Wendy Gramm is almost responsible compared to the way it smears her husband: ''When Enron needed another favor in 2000, her husband, Sen. Phil Gramm of Texas, got yet another regulation waived.''

As far as I can tell, this is a regurgitated charge that Ramesh Ponnuru has already dissected on NRO: ''Public Citizen had Gramm 'muscling through' the offending provision. In fact, Gramm had almost nothing to do with it.

''He didn't write it: It came to the Senate from the House, where it was part of a bill that passed by a large margin. He didn't usher it through the Senate: It was considered by the Agriculture Committee, of which he was not a member, rather than the Banking Committee, which he chaired. Indeed, Gramm blocked the bill that included the provision for several months because he objected to other provisions. He did, however, eventually vote for the bill, like most congressmen. It included the offending provision, which had hardly been altered during the legislative process.''

So, what's so amazing about the Prospect smear is that it's a discredited one. The Washington Post, the Philadelphia Inquirer, and the Atlanta Journal-Constitution have already run corrections for repeating this charge.

I called American Prospect editor Robert Kuttner to try to ask him if he's going to do the same. He didn't return my call. But it will be interesting to see if the Prospect, which makes such a fuss in its editorial about ''corporate accountability,'' cares as much about journalistic accountability. [Ed. note—someone from the Prospect has e-mailed saying that they will correct this.]

All this really amounts to what campaign-finance reformers call ''mud slinging.'' That's why I can't understand why McCainiacs and other campaign-finance reformers say they want to raise the level of public discourse, when they so relentlessly run it down by imputing corrupt motives to everyone in Washington.

In the case the Prospect, however, this isn't quite accurate—it wants to impute nasty motives not to everyone, but to conservatives in particular.

''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 really only a cover for corruption. Not only is this a stilted, cynical, and false charge, it is ideologically loaded.

Nowhere in its editorial does the Prospect excoriate the Clinton administration for signing the Kyoto treaty, something 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.

Part of the liberal motive for campaign-finance reform is clearly to try to systematically 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.

[From the National Review, Mar. 11, 2002]

THE GAGGERS AND GAG-MAKING

HYPROCRISY AMONG THE CAMPAIGN-FINANCE REFORMERS

(By Bradley A. Smith)

It's a common scene in Washington. Lobbyists representing powerful, well-financed special interests sit behind closed doors with members of Congress drafting legislation. Outside Washington, their dollars finance TV ad campaigns in the districts of wavering House members, hoping to pressure them into supporting the bill. Highly technical and complex legislation is then unveiled in the middle of the night, and most members of Congress have no time to read it before debate begins the next morning. Efforts by grassroots groups to amend the bill to protect their members are rebuffed, and though the bill contains provisions that even its sponsors admit are probably unconstitutional, such objections are shunted aside.

You may think this is a description of a special interest trying to benefit from some arcane budget bill, but in fact it is a description of the Shays-Meehan campaign-finance-regulation bill that passed the House in the wee hours of February 14. The passage of Shays-Meehan shows that those who think campaign-finance reform will reduce the influence of money in politics are mistaken.

Supporters of campaign-finance regulation like to portray themselves as an underfunded, scrappy grassroots coalition. However, a study conducted last year for the

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 political spending by the ''mortgage banking'' industry at under $12 million, and by ''Health Services and HMOs'' at under $14 million, for the four-year period from 1997 through 2000. Even the dreaded drug manufacturers contributed just $28 million over that four-year period, or 40 percent of that spent in just three years by groups promoting campaign-finance regulation. Yet the campaign-finance regulators always portray these industries as colossally and harmfully big spenders.

Actually, Cleta Mitchell's study understates the spending by campaign-finance-reform groups. It does not include spending by many of the groups' affiliated 501(c)(4) committees, and misses some significant groups completely. To give just one example, it does not include spending by the National Voting Rights Institute (NVRI), which describes itself as ''a prominent legal and public education center in the campaign finance reform field.'' NVRI, which argues that private campaign contributions violate the Constitution, is frequently quoted in the New York Times and other major papers. Meanwhile, the CRP overstates industry giving, as it includes in its figures individual contributions by any person employed by a company in the industry, and in certain cases even contributions by the employee's spouse. Thus, if the non-working spouse of an Enron employee earning $45,000 a year gave $200 to the campaign of George W. Bush, the CRP reports that as both an ''Enron'' contribution and a contribution from the ''energy/natural resources'' industry.

Arguably, money is the only thing that has kept the issue of campaign-finance regulation alive. With public-opinion polls consistently showing that campaign-finance reform is of little interest to the public, most of the groups advocating reform rely on six- and even seven-figure grants from giant foundations such as Ford, Carnegie, and Joyce for funds. With the notable exception of Common Cause (which has a budget of about $10 million a year), these groups usually have a few individual supporters. Such individual support as they do have comes almost entirely in the form of large gifts from a handful of politically liberal multi-millionaires, such as George Soros and Silicon Valley entrepreneur Steven Kirsch.

These groups respond that their money does not represent ''special interests.'' But their scorekeeping belies this claim. Surely if a $200 contribution by the wife of a mid-level Enron employee is ''special interest'' money, so are the six-figure expenditures made to promote campaign-finance reform by investment banker Jerome Kohlberg. Similarly, the Pew Charitable Trusts, to take just one example, have given considerably more in grants to advocate campaign-finance regulation than Enron gave in soft money to advocate energy deregulation. And these foundations and groups have other interests that are advanced by silencing their opposition. Pew, for example, also advocates environmental regulation and funds Planned Parenthood. If it can quiet political opposition from business and National Right to Life, it benefits. While one might describe 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 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 Rifle Association, which has over 4.2 million members, as a ''special interest.'' Indeed, many corporations represent hundreds of thousands or even millions of individual shareholders and employees. Why aren't they ''citizen lobbies''?

CYNICAL CAMPAIGN, CYNICAL TOWN

Pro-reform organizations have used their massive war chests to run one of the most cynical campaigns in the history of cynical Washington. Even though corporations and unions are prohibited from making contributions directly to candidates, a casual observer looking at CRP's website without 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 showing huge corporate contributions, 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. Yet another misleading tactic is to lump together all contributions by ''industries.'' So a 1997 Common Cause report on the influence of the ''broadcast industry'' listed total contributions from the ''industry'' over a ten-year period. No allowance was made for the fact that many of the contributions went to individuals no longer—or perhaps never—in Congress 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, virtually every 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 Chicago Board of Trade, it was a payback to Enron. But since the Board of Trade is also a powerful interest, any ruling the other way would not have been portrayed as a victory for principle 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 and participation meaningless, than the campaign-finance reformers. That they have done so on the flimsiest of evidence only adds to the shame.

The Enron scandal, which pushed Shays-Meehan over the top, is a perfect example. Reformers gleefully argued that the Enron bankruptcy proved that Shays-Meehan was necessary, with no evidence that Shays-Meehan could have prevented it. Even Rep. Shays admitted that Enron is going to have access ''by the fact of who it is and what it does'' (its money aside). Reform advocates misleadingly claim that over 250 members of Congress have received ''Enron'' contributions, when in fact they mean that those members have received contributions from people who worked for or owned stock in Enron. They do not mention that Shays-Meehan does not limit these contributions, and in fact raises the ceiling on them.

Then too, Shays-Meehan was supported down the homestretch by a television ''issue advertising'' campaign funded by the Campaign for America (CFA), a creation of Jerome Kohlberg. These ads ran in the congressional districts of wavering congressmen. In addition, CFA operated phone banks in 30 congressional districts. This campaign was paid for with unregulated soft money. In a classic example of ''free speech for me but not for thee,'' most of that spending would remain legal under Shays-Meehan.

However, the heart of the operation to pass Shays-Meehan was not grassroots lobbying, but old-fashioned Washington lobbying. Though supporters had been pushing the bill since the 107th Congress first met in January 2001, and though the sponsors had been gathering signatures on a discharge petition to force the bill to the floor since July, they still spent the evening before the opening of the House debate, and part of the day on which the bill was being debated, redrafting the legislation. According to press reports, pro-reform lobbyists, including former McCain 2000 counsel Trevor Porter, Democracy 21's Fred Wertheimer, and Don Simon of Common Cause, drafted key portions of the bill, at times working out of offices in the Capitol. The final version of the complex, 86-page bill was unveiled a few minutes before midnight.

The bill, as it emerged from this redraft, included a highly technical provision allowing parties to pay off hard-money debts incurred before the 2002 elections (hard money being limited contributions from individuals and PACs, which may be used for any purpose) with soft money (unlimited contributions from corporations, unions, and wealthy individuals, which normally cannot be used to expressly advocate the election or defeat of specific candidates). The provision favored Democrats, who have plenty of soft money but are short on hard money. Republican operatives cried foul and charged that the provision was an intentional effort to benefit the Democrats. The more likely explanation is that it was simply an error caused by the haste of last-minute drafting. But imagine the outcry these same ''reform'' groups would have raised had lobbyists for any other interest helped draft a bill, and accidentally included a technical error beneficial to the bill's primary supporters in Congress. Would the reformers have given the drafters the benefit of a doubt? Never. The error briefly jeopardized the bill and drew a veto threat from the White House, before supporters used a parliamentary maneuver 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 Hillary Clinton and Charles Schumer, and featuring Sen. John McCain, the dinner was underwritten by corporate donors, who were solicited to attend. Sponsors included over two dozen large law firms with Washington lobbying practices, plus such corporations as Coca-Cola, Philip Morris, and, naturally, Enron. If money is truly corrupting, corporations hoping to curry favor with officeholders might decide that support for such groups is a wise idea, or officeholders might ''suggest'' that corporations with business before their committees make donations to such groups. Shays-Meehan limits the right of federal officeholders to solicit money for

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 and unions 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 run earlier, making campaigns longer 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—spontaneous 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 Mason says 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 the drive for 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 campaign support 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 repeatedly 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 how completely absurd, false, and insulting these charges are. We have been derelict 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 representing the interests of our State and our constituents lead to corruption or the appearance of corruption? These allegations are not an attack on us, they are an attack on representative democracy.

What we are talking about today is speech: the Government telling people how, when, and how much speech they are allowed. This wholesale regulation of every action of every American anytime there is a Federal election is truly unprecedented.

The courts have consistently upheld the free speech rights of individuals and of parties. Even in the most recent case of Colorado II, the Court made clear that parties are not to be treated any worse than any other organization in the protection of constitutional rights. This legislation falls far short of that charge. The Shays-Meehan bill weaves a bizarre web of restrictions and prohibitions around parties and candidates 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 other special interests. 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 parties to support State and local candidates. It places new limits on the political parties' ability to make independent and coordinated expenditures supporting their candidates.

Many of these provisions are directly contrary to existing Supreme Court precedent.

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 decisions.

Equally remarkable is the patchwork manner in which this legislation achieves its virtual elimination of political parties from the electoral process. It seeks to achieve a pernicious goal via a haphazard means, and the real loser under this legislation is the American voter, who no longer can rely on the support of a major political party as an indicia of what that candidate stands for.

So let me walk you through how this legislation will affect all of us. First, let's look at the national parties. Shays-Meehan will eliminate nearly 50 percent of the fundraising receipts of the national parties. National parties will be forced to conduct their wide array of Federal and State party activities with only half the revenue. Shays-Meehan will eliminate 90 percent of the cash on hand of the national parties. If Shays-Meehan were law in 2001, the total cash on hand for all six national party committees would have dropped from $66 million to $6 million.

Let's go over that one more time. If Shays-Meehan had been in effect last year, the total cash on hand for the six national party committees would have dropped from $66 million down to $6 million: For the three national Republican committees it would drop from $56 million down to $19 million; and for the three national Democratic Party committees, from $10 million down to a debt of $13 million.

So, on this chart behind me, you can see on the reality of what Shays-Meehan does. You can see that for the national party committees last year, the year 2001, their actual cash, both hard and soft. You can also see what kind of cash on hand they would have under Shays-Meehan with the soft money eliminated.

You see the Republican National Committee would have gone from $34 million down to $16 million; the Democratic National Committee from $2 million down to a $10 million debt; the National Republican Senatorial Committee from $12 million down to $7.5 million, the Democratic Senatorial Committee from $4.1 million down to a debt of $50,000, the Republican Congressional Committee from $9.6 million to a debt of $4.3 million, and the Democratic Congressional Committee from $3.5 million down to a debt of $3 million.

What does that all mean? That means this bill eviscerates the national party committees. It singles out six national committees out of all the committees that may exist in America and takes away a huge percentage of their receipts. By eliminating so-called soft money, or non-Federal money, national party support for State parties and local candidates will be dramatically reduced if not entirely eliminated in the next cycle.

The national Republican Party committees gave $130 million to State parties and $13 million to State and local candidates in soft money in the last cycle, the 2000 cycle. The national Democratic Party committees gave $150 million to State parties—more than the national Republican Party committees did—$150 million to State parties and $6 million to State and local candidates in non-Federal money. Where will all the soft money go? Where will it all go?

It is going to go to outside groups. We, the Members of the Congress, will be able to raise it for them. The soft money will also go to the newspapers because they can sell advertising in proximity to the election when no one else can.

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 them. Not only are they unregulated in their speech—and they should be, I defend their right to have unregulated speech—but their business managers are going to be pretty excited about this bill as well. It is going to be a windfall for them.

Let's take a look at coordinated versus independent expenditures under this bill. Shays-Meehan significantly limits party support of Federal candidates as well. We just talked about the impact on the State and local level, but Shays-Meehan also significantly limits party support of Federal candidates, people such as us. Under this

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 party expenditure in 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 U.S. 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 of that party will lose the entire 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 both national 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 the candidate loses $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 end 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 the two conventions 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 probably 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 might be fewer people there. 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 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 the delegates who come 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 limit in Wisconsin for 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 apply 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. Federal officeholders and 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 State 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 primary purpose is issue 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 we can do for our own State party 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 national parties as a source of non-Federal support for their State activities. But it also heavily restricts how they operate.

Last year, we addressed in a limited way the problem of this bill federalizing generic voter registration and get-out-the-vote drives. The so-called Levin amendment was adopted by a voice vote in the Senate to incorporate that change.

However, the House has placed such extensive restrictions on the fundraising and spending by State parties for voter activities that the so-called Levin provision is now virtually meaningless. State parties will be forced to use only hard-dollar, Federal dollars, to benefit State and local candidates.

Shays-Meehan prohibits party transfers, joint fundraising, fundraising by us for the State account, and also prohibits State parties from broadcasting generic, ''Vote Republican,'' or ''Register Democrat'' messages.

Not only are we the big losers under the House scheme, but State and local candidates who run in Federal election years suffer as well. State and local candidates who are running in Federal election years—that happens all the time, all the time, all across America. The big winners, yet again, are the outside groups and, of course, the news media.

As for hard-dollar contributions to State parties, Shays-Meehan actually lowers the total amount of hard money that an individual can contribute during a 2-year election cycle to State parties. Shays-Meehan creates a $37,500 per-cycle annual aggregate sub-limit that individuals can contribute to State parties. Under current law, if an individual were so inclined, he could give $50,000 per cycle in hard dollars to State parties. So we are actually going backward, and this is at a time when State parties are forced to do much 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 to promote issues of State and local importance in conducting voter drives. Members of Congress are similarly restricted in what assistance we can provide the State and local candidates.

Shays-Meehan even regulates the conduct of State and local candidates—from fundraising to advertising. State and local candidates will be forced to burn campaign funds to retain lawyers to guide them through the myriad 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 exist, and 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 to run issue ads. We have no idea how much they spend because corporations and labor unions do not disclose these 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 continue to use soft money to raise the hard money for their political action committees. But national parties will be forced to use 100-percent hard money because there will no longer be any soft money for the parties to raise hard money.

As we all know, direct mail has high overhead, very high overhead. The national party committees will not only have to build their buildings with hard dollars, and put on their conventions with hard dollars, they will also have to do their direct mail fundraising with 100-percent hard dollars. But corporations, labor unions, and outside groups will use 100-percent soft dollars, even to raise hard money for their political action committees. Corporations, labor unions, and outside groups will even continue to use soft money for activities such as voter registration and get-out-the-vote efforts.

According to news reports, the AFL–CIO plans to raise dues 60 percent to fund their $35 million effort this year. Again, we have no idea how much soft money the unions spend because they do not disclose it. National parties will have to use all hard dollars to do 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.

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

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 in the newspaper, you are OK.

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 newspapers issue ads that would be outlawed under a campaign finance bill likely to soon become law.

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 dramatic 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's ad, which Murphy argued is both completely non-partisan and politically essential, is a perfect example of the beneficial political speech that would be silenced by the Shays-Meehan bill 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 passes 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 virtually identical 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 orientation. 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 could just as easily be something from the NRA, Common Cause or the Right to Life Committee. The censorship in Shays-Meehan wouldn't be discriminating.''

Mr. 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 striking down such attempts 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 somewhere.

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 regulated speakers 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.

Conveniently for the Washington Post and the New York Times, the restriction and disclosure provisions apply only to broadcast ads and not to print ads. So, once again, we have sort of a capricious selection of preferred media—restrictions on the broadcast media but no restrictions on the print media. No wonder the newspapers are so enthusiastic about this legislation, not just on the editorial page but over in the business department. The newspaper business managers all across America are cheering for this bill.

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, not true. Unions will continue to funnel hundreds of millions of dollars of hard-working union member dues into the political process without ever disclosing one red cent.

Last spring during the Senate debate, in a moment of rank hypocrisy, the Senate voted to reject a provision that simply required corporations and unions to disclose all of their political activities, just their political activities. It was voted down in the Senate.

Interestingly, the AFL–CIO just voted to increase, by 60 percent, the mandatory contributions collected by the unions from their members. These are mandatory contributions—these are not voluntary. In fact, in increasing the mandatory contributions, the unions eliminated all voluntary contributions.

In the 2000 cycle alone, unions contributed $83 million to political 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.

I submit two articles for printing in the RECORD. One is entitled ''The Organized Labor Loophole,'' and the other is entitled ''AFL–CIO To Boost Mandatory Donations.'' I ask unanimous consent that they be printed in the RECORD.

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

[From the Washington Times, Mar. 16, 2002]

THE ORGANIZED LABOR LOOPHOLE

For several years, there has been much hysteria about how soft money has corrupted the political process. Democrats, self-serving media organizations and Sen. John McCain (the Keating Five-tainted presidential aspirant whose campaign was trounced by George W. Bush) have been shedding crocodile tears over soft money. As it happens, during the 1999–2000 electoral cycle, each of the two major political parties raised about $250 million in soft money from corporations, unions and individuals. Every dime of those evenly divided soft-money donations was publicly disclosed. Any interested voter was free to make his own informed judgment about the source and the size of the soft-money contributions the parties received.

The real scandal involving soft money, however, relates to the fact that labor unions have been laundering the dues of their members through their union treasuries and into the coffers of the Democratic Party. This, despite the fact that voter-exit polls have revealed that nearly 40 percent of union workers and members of their households have voted for the Republican presidential candidate since 1980. Yet, even this scandal pales in comparison to the hundreds of millions of dollars in indirect and in-kind contributions that labor unions routinely make on behalf of the Democratic Party. These sorts of contributions are, of course, never disclosed. Indeed, labor economist Leo Troy of Rutgers University has testified before Congress that unions regularly spend and estimated $500 million during each two-year cycle to elect Democrats. Yet, only a relatively small portion of these funds—specifically, the soft-money donations and the contributions from political action committees (PACs)—are disclosed.

The audacious operations of the National Education Association (NEA) demonstrate precisely how scandalous labor's gambit has been. As the Landmark Legal Foundation has meticulously documented in several complaints filed with the IRS and the Federal Election Commission, the nonprofit, tax-exempt NEA has literally spent tens of millions of dollars since 1994 on political operations. Each year, however, according to Form 990 that is required by the IRS, the Washington-based NEA claims that not a dime of its resources is expended on political matters. Since at least 1994, Form 990's line 81a, where the NEA is required to ''[e]nter the amount of political expenditures, direct or indirect,'' has been blank. Anyone who reviews Landmark's complaints, which are

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 100 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 Form 990s to anyone requesting them. In fact, many affiliates refused Heritage's request. Nevertheless, apart from the contributions by their PACs, only two of the 63 Form 990s examined by Heritage reported any ''political expenditures, direct or indirect'' on line 81a. (National Education of New York and the Hawaii 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, that is probably drastically understated.) Equally revealing was the fact that those forms showed average-annual-dues income exceeding $4.1 million, while expenditures for collective bargaining—a union's principal purpose—averaged a mere $103,000.

Once Senate Republicans cast the deciding, filibuster-proof votes 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, said yesterday labor leaders plan about a 60 percent increase in mandatory contributions for political activities in order to help the organization meet its goal of pouring $35 million into get-out-the-vote and advertising efforts before the November elections.

The proposal, which faces a final vote in May, was one in a series of efforts by the AFL–CIO executive council, meeting in New Orleans, to regroup in the face of a recession that has hit workers hard. There are splits among unions over specific issues, such as an energy bill now moving through the Senate, and unease that labor has won few victories despite its enormous financial support of Democrats.

New figures released yesterday showed an increase in union membership in 2001, but the gains were nowhere near the goal of recruiting a million workers a year. The AFL–CIO membership rose by about 326,000 to 13.25 million. Most of the increase, however, was due to affiliation with existing unions. The AFL–CIO, which has consolidated some offices, said it would shift dozens of workers to political activities and union organizing. Union leaders approved an economic agenda that focuses on health care, retirement security, and jobs, and made it clear that a candidate's willingness to actively support union organizing efforts would be a key factor in endorsements and financial support.

''We will advance an economic agenda for working families. If we don't do it, no one will,'' said Sweeney, attacking the Bush administration for what he called ''shameful'' insensitivity toward workers.

But labor's antagonism toward the White House does not extend to all Republicans. Asked at a news conference whether his goal was to elect a Democratic Congress, Sweeney said carefully, ''It's fair to say that we want a House that's controlled by supporters of the working-family agenda.'' He said moderate Republicans had been willing to work with unions.

Other union leaders emphasized their desire to focus on issues, not party orientation. Union efforts are expected to overwhelmingly favor Democrats, but more Republicans may get support than in the past. With 36 governors races this year, unions plan to focus more of their effort on state activities.

''They're [Democrats] getting nervous as we talk about being issue-driven because no one likes to compete,'' said Andrew L. Stern, president of the Service Employees International Union, the nation's largest. His group has weathered criticism for supporting, among other issues, a health proposal by New York's Republican governor, George Pataki.

Labor Secretary Elaine Chao, who was received ''politely'' during private meetings, underscored White House efforts to make inroads with select unions, such as the Teamsters, which has split with Democrats to support a Republican plan to drill in the Arctic National Wildlife Refuge. As the Senate opens debate on the energy bill, autoworkers say they are also worried about proposals to increase fuel-efficiency standards.

''I'm very much committed to fostering a good working relationship with labor, but that has to be a two-way street,'' Chao said. She promised the unions she would carefully review a new lawsuit against the poultry industry over ergonomics. The suit was announced yesterday.

Currently, the AFL–CIO funds political activities through a 6.5-cents-per-month assessment on workers and voluntary contributions from member unions. Under the proposal, the mandatory assessment would increase to 10.5 cents, but the voluntary fund-raising would stop. The change, which would take effect in July, would contribute $3.5 million of the forecast $35 million for this election cycle. That total includes $12 million, however, that has already been spent on political activities. Union officials said there was fund-raising fatigue and the desire to have more stable funding.

Mr. MCCONNELL. Let's take a look at the media. One of the largest loopholes in this bill is reserved for the media. I ask unanimous consent that the full text of George Will's February 25 column from Newsweek and his March 10 column from the Washington Post be printed in the RECORD at this point.

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

[From Newsweek, Feb. 25, 2002]

VIRTUE AT LAST! (IN NOVEMBER)

(By George F. Will)

Presidential Press Secretary Ari Fleischer, pioneering new frontiers of fatuity, says some parts of the Shays-Meehan campaign-finance bill please his boss and others do not. ''But ultimately the process is moving forward, and the president is pleased.'' Ultimately, in Washington, the celebration of ''process'' signals the abandonment of principle.

President Bush's abandonment of his has earned him at least $61 million (see below) and the approval of The New York Times. It praises his ''positive role'' and gives him ''considerable credit'' for the passage of the bill, which has received so much supportive editorializing from the Times, in news stories and editorials, that it should be called Shays-Meehan-Times.

What pleased the Times is that Bush did next to nothing to discourage—in fact Fleischer issued a statement that encouraged—passage of a bill chock-full of provisions that Bush, who swore an oath to defend the Constitution, has said violate the First Amendment. Two years ago he affirmed this principle expressed by Supreme Court Justice Clearance Thomas: ''There is no constitutionally significant distinction between campaign contributions and expenditures. Both forms of speech are central to the First Amendment.'' When asked about the principle that it is hostile to First Amendment values to limit individuals' participation in politics by limiting their right to contribute, he said, ''I agree.'' Asked if he thinks a president has a duty to judge the constitutionality of bills and veto those he considers unconstitutional, he replied: ''I do.''

Now he seems ready to sign Shays-Meehan-Times. Why? Could it have something to do with the fact that 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 61,000 people. If he can get just that many to give $2,000—for a sitting president, that should be a piece of cake—the bill that he says ''makes the system better'' will be worth an extra $61 million to him in 2004.

The ardent-for-reform Washington Post—the bill should have been called Shays-Meehan-Times-Post—baldly 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 difference 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 opponent is very wealthy can receive contributions larger than $2,000. But the Supreme Court has held that the only constitutional justification for limiting political contributions is to prevent corruption or the appearance thereof. So this bill claims, in effect, that the appearance of corruption from a large contribution varies with the size of one's opponent's wallet.

Another incumbent-convenience provision makes it much more difficult for independent groups—labor unions, corporations, nonprofit entities (individuals are another matter; see next paragraph)—to run ads that so much as mention a House, Senate or presidential candidate within 30 days of a primary or 60 days of a general election—if effect, after Labor Day.

In the name of protecting regular people from rich people, the bill has this effect: A millionaire can write a check for $1 million and run a political ad that the National Rifle Association or the Sierra Club could not run using $1 contributions from 1 million individuals.

Most representatives who voted for the bill probably do not know half of what is in it. They cannot know. No one will know until there have been years of litigation about Federal Election Commission regulations issued to ''clarify'' things. What, for example, if meant by ''coordination''? Consider.

There are dollar limits on contributions to candidates, but not on spending for political

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. The bill says coordination includes ''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 almost every congressional district has at least one newspaper hot for reform. Media cheerleading for the bill has been relentless. For example, NBC's Katie Couric, advocating passage of what should be called the Shays-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 bill repeals 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. Is this a reward for the media's support? Is there an appearance of corruption here? Never mind. But note this. Repeal of the entitlement is another gift from incumbents to themselves. Challengers usually have less money, so they will be most hurt by higher ad rates.

The bill's authors say soft money is (a) scandalous and (b) not to be tampered with until after they have re-elected themselves. That is, they refused to ban soft money until they have spent all that their parties have raised and will frenetically raise until November. It is going to be that kind of year.

[From the Washington Post, Mar. 10, 2002]

A MATTER OF APPEARANCES

(By George F. Will)

The New York Times and The Washington Post are guilty of corruption. To be precise, they probably are guilty only of the appearance of corruption, as they define it. But as they so frequently tell us, the appearance of corruption is the equal of actual corruption as a justification for campaign finance reform, for which they have tirelessly campaigned.

The Supreme Court has said that preventing corruption or the appearance of it is the only constitutional justification for limits on political contributions, most of which finance the dissemination of political speech. So advocates of the House-passed Shays-Meehan campaign finance reform bill and of its close cousin, the Senate-passed McCain-Feingold bill, pretend (we shall come in a moment to what they are really doing) that their aim is merely to prevent corruption and—this is more important because it is more ubiquitous—the appearance of it.

Well. Shays-Meehan, which the Senate will accept as a replacement for McCain-Feingold, no longer contains a provision that is in McCain-Feingold that would have strengthened the requirement that television stations sell time to candidates at the low rates the stations charge their best customers. The House dropped this provision from the bill.

Broadcasters lobbied hard for this action, which will be worth many millions of dollars to television stations. But that probably was not the primary reason the House did it. Nor was the reason just gratitude for the media's cheerleading for Shays-Meehan. Rather, the House probably did it primarily to help incumbents: Challengers usually have less money and hence are hurt more by high broadcasting rates.

However, our concern is not with the motives of the House in removing the provision, but with the appearance the removal creates regarding two passionate advocates of Shays-Meehan. The New York Times Co. owns eight network-affiliated television stations, and The Washington Post Co. owns six such stations. Shays-Meehan is potentially a windfall for both companies. Gracious.

The Times and The Post incessantly instruct their readers that the appearance of corruption exists when someone who has benefited an elected official with a campaign contribution then benefits from something the official does. But contributions are not the only, or even the most important, benefits that can be conferred upon elected officials. 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.

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 and other reform advocates in routinely impugning the motives of politicians who are conservative (or liberal) and hence support particular conservative (or liberal) policies after, but not because, they have received contributions from people who support those policies.

Stil, the appearance of corruption on the part of the Times and Post, which are exquisitely sensitive about (other people's) appearances, is compounded by this fact: The media, which comprise the only intense constituency for campaign finance reform, advocate expanded government regulation of all political advocacy except that done by the media.

Many reformers' ostensible concern about the appearance of corruption is just for appearances. 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—for many groups, insuperable—impediments on any group wanting to run a broadcast ad that so much as refers to a candidate within 30 days of a primary or 60 days of a general election. He said: ''What we're trying to do is stop''—note that word—''organizations like the so-called Club for Growth that came into Arizona in a primary, spent hundreds of thousands of dollars in attack ads. We had no idea who they were, where their money came from.''

McCain's attack was recklessly untruthful. He knows perfectly well what the club is—a mostly Republican group formed to support fiscal conservatives. The only ad the club ran—a radio ad—contained not a word of attack: It was an entirely positive endorsement of a candidate's views, and it did not mention or even refer to anyone else. All contributions to the club over $200 are disclosed.

But on one matter McCain, who wishes he could criminalize negative ads, was candid. He—like the Times and Post—is trying to stop others from enjoying rights they now enjoy.

Mr. McCONNELL. Shays-Meehan restricts the free speech rights of individuals, parties and groups, but not the media. The issue ad restrictions are so onerous that many individuals and groups will choose not to speak. But, of course, the media will still be free to speak their mind.

I ask unanimous consent that an article by Pete du Pont, former Governor of Delaware, entitled ''Just A Gag? Congress Prepares To Repeal Freedom Of Speech,'' be printed in the RECORD at this point.

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

[From the Wall Street Journal, Feb. 13, 2002]

JUST A GAG?

(By Pete Du Pont)

The anti-First Amendment crowd is at work in Washington this week, attempting to limit political speech during election campaigns. Their vehicle is the Shays-Meehan campaign-finance bill, and their goal is to drive the money out of politics—even if it requires driving free speech out of political campaigns.

Rep. Harold Ford (D., Tenn.) wondered on television last summer why ''any organization regardless [of whether] they are Democrat or Republican, conservative or liberal, [should] be allowed to come in and influence the outcome of elections solely to advance some narrow interest of theirs.''

Why should they be allowed? Because the First Amendment says it's their right. Because the framers of the Constitution believed, as James Madison and Alexander Hamilton argued in Federalist No. 51, that the civil rights of citizens in the new republic depended on the voices of many interests being heard. And because if only candidates and the establishment media are allowed to speak in the 60 days before an election—which is the intent and effect of the Shays-Meehan bill—ordinary people will be all but voiceless and powerless in the crucial period during an election.

No doubt members of Congress think that is a good idea, because it is much easier to get re-elected if your opponent lacks the resources to mount an effective campaign. What elected official wants groups interested in some issue mucking about in his voting record and being able to air what they find in prime time?

But the question under debate is whether people of similar beliefs—be they anti-death-penalty liberals or pro-life conservatives, unions or corporations or nonprofits—may pool their resources to increase their political impact by talking on television about issues and candidates in the 60 days (the only days that really count) before an election.

Shays-Meehan says no; journalists can talk on television or radio, but others interested in an issue cannot. But the First Amendment is very clear that our opinions as citizens and the opinions of the press are equally protected. (''Congress shall make no law . . . abridging the freedom of speech, or of the press.'') And so was the U.S. Supreme Court in Buckley v. Valeo, the definitive and unanimous 1976 campaign-regulation decision: ''The concept that the government may restrict the speech of some elements in our society in order to enhance the relative voice of others is wholly foreign to the First Amendment.''

What Shays-Meehan (and its Senate counterpart, McCain-Feingold) does is restrict the speech of challengers and enhance the speech of incumbents; it restricts the speech of citizens and thus enhances the speech of the media on issues they care about.

In an earlier column, I discussed some of the difficulties of political speech bans. But consider the actual effect of McCain-Feingold: Planned Parenthood and People for the American Way, the National Rifle Association and Americans for Tax Reform, your local Stop the Highway or Cut Property Taxes Committee—all of them among Rep. Ford's ''narrow interest'' organizations—would be forbidden to use their resources to

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 every candidate every day. Why 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 each of us does?

When McCain-Feingold was before the Senate last March, 40 senators voted for Sen. Fritz Hollings's 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 to achieve the same result by stealth, 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 the national government. Our Founding Fathers carefully wrote the right to express our views on the issues of the day into the Constitution, and we should make sure it is not written out.

Mr. McCONNELL. Many of Shays-Meehan's restrictions on political discussion by outside groups only apply to discussions in the broadcast media—not in the print media. If you happen to own a newspaper, or happen to be a newspaper, then these restrictions do not apply.

It is no mystery why the New York Times and the Washington Post have joined forces to run an editorial in favor of campaign finance reform once every 5½ days for the last 5 years. More than once a week, every week, for the last 5 years. The newspapers are huge winners under this bill—they have a blatant conflict of interest—which I don't recall reading about on 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. Let me give you 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 in America.

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:

NATIVES SLIP THROUGH BIG LOOPHOLE IN CAMPAIGN FINANCE

(By Katie Cobb)

LOS ANGELES.—Native American groups, or sovereign tribes that live alongside other U.S. citizens but are subject to several exemptions 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 elections law attorney.

While most special interest groups will lose their ability to donate soft money and are limited to low caps on direct contributions if and when the campaign finance bill is enacted, tribes which participate in the $5 billion a year Indian 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 debate on the measure, decided to leave the exemption in place.

''Under the current law, individuals have an overall cap of $25,000 a year that they can give to candidates and federal political 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 they do. During the 1994 election cycle, Indian gaming groups gave more than $600,000 to federal candidates and political parties. In 1996, they gave close to $2 million and during the 2000 cycle, nearly $3 million. Millions more went to state candidates.

''We have taken a long time. We suffered a lot because we didn't understand this political process and now that we have learned the process and we have a level playing field, we have got to be treated fair,'' said Erine Stevens, chairman of the National Indian Gaming Association.

The exemption could put Indian tribes in a position to donate more than any other single interest group in America.

Politicians don't seem to mind. Lawmakers don't appear in a hurry to close the loophole during a House and Senate reconciliation conference. And if the bill is signed into law by the President, Indian groups can start cashing in their chips.

Mr. McCONNELL. Let's take a look at the trial lawyers. Shays-Meehan does not cover trial lawyers who organize as partnerships—which most lawyers do these days—rather than corporations. Lawyers gave more than $112 million in the 2000 election cycle alone. They are free to run issue ads at any time without restriction. This bill does nothing to change that.

Madam President, I ask unanimous consent that a copy of an editorial by James Wooton on this matter be printed in the RECORD.

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

[From the Washington Times, Feb. 27, 2002]

CAMPAIGN FINANCE LAWYER LOOPHOLE

(By James Wooton)

A great irony could emerge from the 107th Congress: The purportedly populist campaign finance reform bill being considered by Congress would stifle debate on legal reform—a vital consumer and shareholder issue—while creating a loophole for the most powerful special interest in Washington: plaintiffs' class action lawyers.

As it relates to independent expenditures and issue advertisements, these bills don't cover trial lawyers because lawyers commonly take their compensation as individuals and, therefore, are not treated as ''corporations'' subject to the restrictions in the legislation. Whether or not they intend it, the bill's authors would grant a license to these trial lawyers, who ante up tens of millions of dollars in campaign contributions a year and, in doing so, would further empower a new class of wealthy individuals with an aggressive political agenda. The Shays-Meehan/McCain-Feingold bills unwittingly step into a major public-policy battle between plaintiffs' trial lawyers and the U.S. business community in a way that's certain to produce a clear loser: The American public. Legal reform is a concept abhorred by these lawyers because it would rein in the filing of frivolous lawsuits and put a lid on the lottery-like legal fees that have made some trial lawyers fabulosuly rich. They remember well the bullet they dodged when President Clinton vetoed the 1996 Federal Products Liability bill. Since that bill's demise, the trial bar has been rewarded handsomely: The total of the top 10 jury verdicts increased twelvefold from 1997 to 1999.

Because legal reform could help curb the ''lawyer tax'' that increases the cost of consumer goods and services by $4,800 annually for a family of four and degrades the value of investments, the public has a lot at stake in this battle.

Today, personal injury lawyers already are on top of the world. Freshly infused with the expectation of billions in fees from tobacco

litigation, they are investing heavily in Senate 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 donors to political campaigns. According to the Center for Responsive Politics, lawyers contributed more than $110 million in the 2000 election cycle, $77 million of which went to Democrats. 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 reform-minded officials, to educating the public about the need for reform, to engaging in grass-roots and legislative lobbying and, ultimately, to enacting reform legislation. To be sure, personal injury lawyers and American businesses both engage in these activities. 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 mention the name of a candidate for a 60-day blackout period before a general election and 30 days before a primary. Personal injury lawyers would face no such obstacle.

Shays-Meehan/McCain-Feingold contains other booby traps that could confound business efforts to inspire needed reforms to our legal system. A gag rule, for example, would bar corporations from running ads that simply ask viewers to ''Call Senator Jones and urge him to support legal reform bill X.'' During the blackout period, corporations would even be prohibited from running ads that name the principal sponsors of this bill.

Undoubtedly these are unintended consequences of Shays-Meehan/McCain-Feingold. The fact is that the courts are more solicitous of the free speech rights of individuals than corporations. Although some campaign reform advocates have expressed disdain for the greedy plaintiffs' bar and supported legal reform, the campaign finance bills would give more power to personal injury lawyers while crippling the business community's efforts to restore sanity to our civil justice system. Any congressional supporters of common-sense legal reform should be wary of a bill that could significantly empower the plaintiffs' trial bar to block these needed reforms.

Mr. MCCONNELL. Let's take a look at a specific provision of this bill. The provision on ''coordination.''

In addition to protecting the American people's right to free speech and association, the first amendment protects the rights of Americans to petition their Government for redress of grievances. This right is essential to our representative democracy.

We meet with constituents and with citizens groups—who in this debate are simply referred to as ''special interests''—to help determine how best to effectuate the wishes of the American people. We meet with these folks every day. Our meetings with fellow Americans 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 constituents and citizen groups. There is a danger posed by an overbroad coordination standard in this bill. By subjecting candidates, officeholders, and citizens groups to civil and criminal liability for innocuous—and, indeed, necessary—contacts, the ''coordination'' provisions in Shays-Meehan do great damage to the constitutionally protected right of Americans to petition their Government for the redress of grievances.

The Shays-Meehan coordination provisions repeal existing FEC regulations on coordination, and they direct the agency—they order the agency—to promulgate new ones. In doing so, the bill ties the FEC's hands by specifically prohibiting the FEC from issuing regulations that require ''agreement'' or ''formal collaboration'' before subjecting a candidate, officeholder, or citizens group to civil or criminal liability for a ''coordinated communication.''

Let's sum it up. In other words, Congress is prohibiting the FEC from drafting coordination regulations that meet the constitutional requirement of being neither vague nor overly broad. We have, by this act, given instructions to the Federal Election Commission that they cannot draft regulations that meet a constitutional requirement of being neither vague nor overly broad. This bill seeks to shut down the process of interacting with constituents.

Citizens groups and candidates will be subject to prosecution if the Government deems an otherwise lawful ''issue communication'' to be a prohibited corporate contribution simply because groups have met with candidates or officeholders about public policy issues and then run ads on those issues.

For example, if a Member meets with a group about legislation that both the Member and the group support, and the group then runs ads promoting that legislation or those policies, someone—anyone—could then file a complaint charging that the Member and the group ''coordinated'' the communication.

Because Shays-Meehan bars the FEC from requiring that there be an agreement or formal collaboration to establish that the ad was coordinated, a group and a candidate can be liable for receiving and making, respectively, prohibited contributions. It will not matter that the Member disagrees with the ad or even that he did not know anything about it. It won't make a bit of difference.

Instead of requiring an actual agreement or formal collaboration before liability can be established, Shays-Meehan allows the Government to use simple presumptions to show ''coordination'' when, in fact, it may not exist.

Citizens groups, both on the left and on the right, oppose Shays-Meehan's coordination provisions. These groups recognize they will face intrusive and costly investigations, prosecution, civil fines, and penalties, and even criminal liability—even criminal liability—simply because they meet with Members and candidates about issues and then promote a policy agenda that happens to overlap with the Member's policy agenda.

I ask unanimous consent that letters from the National Right to Life, the NRA, the American Civil Liberties Union, and the NAACP opposing the coordination provisions in Shays-Meehan be printed in the RECORD.

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

NATIONAL RIGHT TO LIFE COMMITTEE
AND NATIONAL RIFLE ASSOCIATION,
March 19, 2002.

Re Coordination Minefield in Section 214 of H.R. 2356.

Senator MITCH MCCONNELL,
Ranking Minority Member, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: Under current law, no relationship of ''coordination'' exists unless there is an actual prior communication about a specific expenditure for a specific project which results in the expenditure being under the direction or control of a candidate, or which causes the expenditure to be made based upon information provided by the candidate about the candidate's needs or plans.

However, Section 214 of the Shays-Meehan bill (H.R. 2356), in the form passed by the House on February 14, 2002, would obliterate that clear rule, and replace it with a new standard for ''coordination'' that would place incumbent lawmakers, advocacy groups, and unions at great legal risk for engaging in cooperative or parallel activities in support of common legislative goals—or even merely for transmitting information about an incumbent lawmaker's position on public polity issues.

Section 214 of the bill explicitly nullifies the current Federal Election Commission (FEC) regulations governing ''coordination.'' The bill commands the FEC to develop new regulations that *''shall not require agreement or formal collaboration to establish coordination.''* [emphasis added] The bill goes on to dictate a number of issues that must be addressed in new regulations.

''SUBSTANTIAL DISCUSSION'' TRAP

Section 214 requires new ''coordination'' regulations that must, among other things, address ''payments for communications made by a person *after substantial discussion* about the communication with a candidate. . .'' [emphasis added]

Many groups submit questionnaires to members of Congress and other ''candidates,'' some of them covering many different specific issues. Other groups use standardized forms by which a candidate can ''pledge'' to endorse a certain legislative initiative—for example, the balanced budget amendment, or the Equal Rights Amendment, or ''a ban on soft money.'' These written inquiries are often accompanied by written or verbal communications intended to convey why the position(s) advocated by the group are good public policy, worthy of the support of a lawmaker or would-be lawmaker. But even completing the questionnaire or pledge alone could be sufficient to constitute ''substantial communication,'' since the lawmaker presumably returns the document to the group with the clear understanding that the group intends to convey his or her position to members of the public.

If the group does so by means that cost money, the group may soon be the target of a complaint that it made an illegal campaign ''contribution,'' due to the ''coordination'' that occurred between the lawmaker and the group. Moreover, as explained below,

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, committed another violation by failing to report 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 a group (and for an incumbent lawmaker). Early in a congressional session, representatives of six groups met with Senator Doe to discuss what language they, and he, will use to collectively promote Doe's landmark bill to ban widgets. The six groups then spend money to communicate with the public, including Senator Doe's constituents, 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 legal consequences for the groups 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 violated three 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 has failed to 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 the use of a common vendor.'' This provision is a license for regulations under which both members of Congress and groups would be at constant risk of entering into a ''coordination'' relationship merely because they both purchase services from the same pollster, ad agency, or other ''common vendor.'' Under such a regulation, a group can establish ''coordination'' with a member of Congress without the lawmaker being able to prevent it, or even knowing about it until after the fact. On the other hand, a member of Congress could unilaterally make it more difficult for numerous groups of their right to express themselves about his record, merely by making purchases from the leading vendor or vendors of certain services (e.g., mailing houses, pollsters) in a given area.

The bill also requires the new regulations to address communications made by ''persons who previously served as an employee of a candidate or a political party.'' The bill contains no time limit on the ''disability'' that would result from such prior employment. The bill's language would permit, for example, the FEC to write regulations under which involvement in a group's public communications by someone who had worked for a political party years earlier would automatically ''coordinate'' all federal candidates of the same political party who is discussed in that group's communications to the public.

POLITICAL ACTION COMMITTEES

Above, we have described ways in which a member of Congress could unwittingly and unknowingly become ''coordinated'' with an incorporated group or union, and thereby be charged with receiving illegal ''contributions.'' There is an additional consequence once this has occurred: If the political action committee (PAC) connected to the ''coordinated'' corporation or union expends more than $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 contributions also 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 ways outlined above, its connected PAC also becomes ''coordinated'' and thus loses its legal right to make independent expenditures in excess of $5,000 to support or oppose any candidate—and the candidate is guilty of ''receiving'' an illegal contribution if the PAC makes such expenditures.

Consequently, a Member of Congress could easily become guilty of violating federal election law if he unknowingly becomes ''coordinated'' with a group, and the group's PAC subsequently 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 oppose this provision.

Respectfully,

DAVID N. O'STEEN,
Executive Director, National Right to Life Committee.

CHARLES H. CUNNINGHAM,
Director, Federal Affairs, National Rifle Association.

AMERICAN CIVIL LIBERTIES UNION AND NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, February 27, 2002.

Senator RUSS FEINGOLD,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINGOLD: At your earliest convenience we would like to meet with you and your staff to discuss the coordination provisions of the House-passed version of the Shays-Meehan bill (H.R. 2356) that the Senate may soon take up.

We believe that Section 214 (provisions on coordination) will have a chilling effect on our ability to communicate with Members of Congress and our constituencies about important issues that arise in the legislative context. Because the provisions are so vaguely worded, we also think that the Federal Election Commission (FEC) will have the ability to subject groups to unwarranted investigations to determine if our motivation is really to affect the outcome of legislation or to affect the outcome of a campaign.

Shays-Meehan substantially changes current law by explicitly nullifying the current (and clear) FEC regulations governing ''coordination.'' Under current law, no relationship of ''coordination'' exists unless there is an actual prior communication about a specific expenditure for a specific project, which results in the expenditure being under the direction or control of a candidate. In addition, under current law coordination exists if the expenditure is made based upon information provided by the candidate about the candidate's needs or plans.

Under Section 214 of the Shays-Meehan bill the FEC is directed to issue regulations that cover communications we have with federal candidates. These new regulations ''shall not require agreement or formal collaboration to establish coordination.'' Another part of Section 214 states that the new FEC regulations should address ''payments for communications made by a person after substantial discussion about the communication with a candidate . . .'' We think that these vaguely worded directives concerning our activities could cause legal nightmares for our groups and the candidates with whom they work.

The ACLU and the NAACP often meet with members of Congress to learn about their positions on issues. After those meetings we sometimes decide to assist them (or lobby against them) on their legislative initiatives. After these conversations our groups may decide to convey the substance of these meetings through mass communications such as full page advertisements in newspapers, mass mailings, radio ads and the like. If we spend money to engage in these communications, we could be the target of a complaint accusing us that we made an illegal campaign ''contribution'' due to the ''coordination'' that occurred between the lawmaker and our groups. Indeed we have often been asked by a lawmaker to mobilize our grass roots on an amendment or bill that they may be offering. This has happened numerous times on issues ranging from civil rights laws to welfare reform. Just because we work closely with a Senator or Representative on a policy issue does not mean that we are secretly trying to endorse a particular candidate for re-election. But the new Section 214 provisions of Shays-Meehan will make our activities suspect and prone to investigation and perhaps sanctions by the FEC.

Candidates are also very much at risk as a result of the new coordination language. If the FEC deems that our groups' issue communications really amount to an illegal contribution to a candidate, then the candidate can be fined by the FEC for accepting an ''illegal'' contribution.

Without completely eliminating this provision, we hope that you will make adjustments in the language of this statute before the Senate takes up the bill later this week. The coordination provisions should not be so vague that they lead to the regulation of communications that are constitutionally protected and are not designed to support or oppose a candidate for federal elective office.

Thank you for your consideration of this urgent request.

Sincerely,

LAURA W. MURPHY,
Director, ACLU.

HILLARY SHELTON,
Director, NAACP.

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 a colloquy nor 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,'' when 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, you attach it to a popular cause—say, homeland security. If you oppose something, you 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 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 makebelieve.

Only by the lax standards of ''Washington think'' would anyone treat it seriously. It's all innuendo: Enron collapsed because some executives behaved unethically; Enron executives also 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 a penny. 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 views, does anyone truly believe the energy plan would have been much different without Enron?

The real lesson 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 $193.1 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 to its aid. What 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:

Is campaign spending too high? No. In 2000, all campaigns—including state and local elections and ballot referendums—cost about $3.9 billion, according to the forthcoming book ''Financing the 2000 Election'' from the Brookings Institution. This is less than four one-hundredths of 1 percent of our national income. It's less than Americans spend annually on flowers ($6.6 billion in 1997).

Do 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 (Republican House, Democratic Senate) attest to that. Candidates need to raise a threshold of contributions to campaign effectively. But more money doesn't guarantee victory. The Brookings book cites many cases where poorer candidates won. In Michigan, incumbent Republican Sen. Spencer Abraham spent $13 million but lost to Debbie Stabenow, who spent $8 million.

Do rich contributors control Washington? No. Sure, the wealth sometimes get underserved tax and regulatory breaks. But generally they're fighting a rear-guard defense against higher taxes and more regulations. Even after Bush's tax cut, the wealthiest 10 percent of Americans pay roughly half of all federal taxes. Most government benefits (for Social Security, Medicare, Medicaid, food stamps) go to large middle-class or poor constituencies.

Are big campaign contributions a large source of discontent? No. In a recent ABC News-Washington Post poll, respondents 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 mistakenly 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 speech involves free spending, putting more restrictions on contributions to political candidates and parties is self-defeating. It simply encourages outside groups (unions, industry associations, 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 predictably invite evasion be considered a good or moral act?

If Shays-Meehan becomes law, the cycle will continue. It bars most ''soft money'' political contributions and restricts 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 operatives will skirt the 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 would have to be created between ''spending to communicate'' and ''communicating.''

To make 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, honesty compels them to take the amendment route. Until they acknowledge that, they will be guilty of the same sins as Enron's executives. They will be describing the world as they wish it to be seen, not as it actually is. Here lies the geninue Enron analogy.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, February 13, 2002.

DEAR REPRESENTATIVE: We, the undersigned 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. We urge you to oppose this legislation because it contains unwarranted and unconstitutional restrictions on our free speech rights.

We have heard a great deal about so-called ''sham issue ads'' and the need to regulate such advertising. Until now in the United States, under our First Amendment, we have had the right to express our views through advertising about national issues and about federal elected officials before, during and after elections. Clearly most of Congress realizes that it would be unconstitutional to silence an individual who wants to take out broadcast 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 their bill does not silence our groups. They are wrong. Sections 201, 203, and 204 of H.R. 2356 (like its Senate counterpart) contain unconstitutional restrictions on broadcast, cable and satellite issue ads. The net effect of these provisions is to ban many of our national groups and their affiliates, and all other 501(c)(4) advocacy corporations (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 minors, within a district—which covers 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 Jones to urge him 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 only express advocacy, narrowly 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 this 30 day/60 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 upheld by 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 comment 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 would by definition make the organization a participant in partisan politics. Rather than risk violating this new requirement, absorbing the cost of compliance or being forced to take partisan stands 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 W. 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, BIPAC (Business Industry Political Action Committee of America); R. Bruce Josten, Executive Vice President, U.S. Chamber of Commerce; Charles H. Cunningham, Director, Federal Affairs, National Rifle Association Institute for Legislative Action.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, February 12, 2002.

DEAR REPRESENTATIVE: On behalf of the American Civil Liberties Union we are writing to express our opposition to the Shays-Meeham bill, the Bipartisan Campaign Reform Act of 2001, H.R. 2356 as originally introduced and in its subsequent permutations.

Shays-Meehan (in all its various iterations) would:

Unconstitutionally restrict robust political speech by average citizens prior to federal elections (issue advocacy restrictions).

Place restrictions on soft money contributions that support issue advocacy activities (partial bans on soft money).

Create draconian penalties for non-partisan interactions between groups and federal candidates (so-called coordination).

Shays-Meehan penalizes people of moderate means who want to band together to make their voices heard throughout the year, before during and after federal elections. These bills protect incumbents, wealthy individuals, 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. 2356, 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:

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.

Restrict soft money contributions and uses of soft money for no constitutionally justifiable reason.

Chill free expression by redefining it as ''coordination'' through burdensome reporting requirements and greatly expanded FEC investigative and enforcement authority.

H.R. 2356 would burden and abridge the very speech that the First Amendment was designed to protect: political speech.

2. Shays-Meehan would have a chilling effect on issue advocacy speech that is essential in a democracy. H.R. 2356 contains the harshest and most unconstitutional controls on issue advocacy groups. The bill contains:

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 key to the existing definition of express advocacy is the inclusion of an explicit directive to vote for or vote against a candidate. Minus the explicit directive or so-called ''bright-line'' test, the Federal Election Commission (FEC) will decide what constitutes express advocacy. Few non-profit issue groups will want to risk their tax status or incur legal expenses to engage in speech that could be interpreted by the FEC to have an influence on the outcome of an election.

A black-out on broadcast, cable and satellite issue advertising before primary and general elections. The bill's statutory limitations on issue advocacy would force groups that now engage in issue advocacy—including non-profit corporations known as 501(c)(4)s—to create new institutional entities in order to ''legally'' speak within 30 days before a congressional primary or runoff and 60 days before a general election. This restriction applies to any ad that ''can be received'' by 50,000 or more ''persons,'' including minors, within a district—which covers almost all TV or radio ads, since few persons do not possess TVs and radios. If a group wanted to take out a broadcast, cable or satellite ad during this period they would have to create a PAC where donors would have to be disclosed to the FEC in a way never before sustained by the courts. The opportunities that donors now have to contribute anonymously (a real concern when a cause is unpopular or divisive—see NAACP v. Alabama) would be eliminated.

Being forced to establish a PAC as a condition of commenting on campaign issues could entail a significant and costly burden for many non-profit organizations. 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 comment on candidate records. Moreover, forcing an organization to take a partisan position is antithetical to the mission of groups like the ACLU that are fiercely non-partisan. It is very likely that some groups will remain silent rather than risk violating this new requirement or absorbing the cost of compliance. The only individuals and groups that will be able to characterize a candidate's record on radio and TV during this 60 day period will be the candidates, wealthy individuals, PACs and the media. Further, members of congress need only wait until days before a primary or general election (as they often do now) 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 citizen criticism.

3. Shays-Meehan redefines ''coordination with a candidate'' so that heretofore legal and constitutionally protected activities of issue advocacy groups would become illegal.

If the ACLU decided to place an ad lauding—by name—Representatives or Senators for their effective advocacy of constitutional campaign finance reform, that ad would be counted as express advocacy on behalf of the named Congresspersons and, therefore, would be prohibited if the ACLU had prior discussions with that member about those issues. An expanded definition of coordination is disruptive of proper issue group-candidate discussion.

4. Shays-Meehan would impermissibly limit soft money.

Unprecedented restrictions on soft money would make national parties less able to support grassroots activity, candidate recruitment and get-out-the-vote efforts. Restrictions on corporate and union contributions to parties not only trample the First Amendment rights of parties and their supporters in a manner well beyond any compelling governmental interest but they also dry up funds that expand political participation. Further, Shays-Meehan would ban all contributions from parties to non-profit organizations. Political parties frequently give money to non-profit groups to facilitate voter registration and issue-based voter mobilization efforts. These restrictions threaten the very survival of non-profit organizations that exist for these purposes, and will likely further suppress voter turnout by student and minority groups. Political parties are the mainstay of our democracy and they require funds for their electoral and issue advocacy activity. Any concern with large contributions to political parties may be addressed through the less drastic alternative of disclosure.

5. 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 regulate the ability of the media—print, electronic, broadcast or cable—to exercise its enormous power to direct news coverage and editorialize in favor or against candidates. This would be clearly unconstitutional. However, if the sponsors of Shays-Meehan have their way, the only entities that would be free to comment in any significant way on candidates' records would be the media, wealthy individuals, PACs and the candidates themselves. Corporations and unions need only to purchase media outlet if they want to have influence over candidates—their wealth and influence will not be abated by these so-called ''reforms.'' Why, then, does Shays-Meehan attack, burden and seek to effectively eliminate only citizen group advocacy?

6. Shays-Meehan makes it harder for ethnic and racial minority, women and non-mainstream voices to be heard prior to an election.

What would happen, for example, if a candidate runs racist, sexist or homophobic ads during the last days of an election and interest groups like the NAACP, NOW or the National Gay and Lesbian Task Force wanted to criticize that candidate by name? Unless they undertook the complicated process of forming a PAC, they would risk violating the issue ad restriction in HR 2356 (the Shays-Meehan bill). Any broadcast ads decrying the candidates behavior that uses the name or likeness of a candidates 30 days before a primary or 60 days prior to a general election—even ads that do not endorse or oppose the candidates—would have to be funded through new disclosed dollars only, not existing non-profit funds. Further, the Shays-Meehan restrictions on soft money would dry up dollars that parties need to conduct voter registration and education, issue and platform development and the like.

7. It creates a ''Big Brother'' governmental regime for political speech.

This bill would permit the creation of a huge Federal Elections Commission apparatus that would be in the full-time business of determining which communications are considered unlawful ''electioneering'' by citizens and non-profit groups. None of the major proposals have funds to train or defend citizens or interest groups under the proposed new regulatory regime. Yet the Shays-Meehan legislation contains harsh penalties for failure to comply with the new laws.

8. How does the Shays-Meehan bill compare to the Ney/Wynn bill, H.R. 2360?

The Ney/Wynn bill is far less constitutionally flawed than Shays/Meehan in that it regulates issue advocacy and soft money less restrictively. But Ney/Wynn is still problematic legislation in that it imposes unwarranted regulation of issue advocacy thought registration, reporting and disclosure. It creates 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, 366 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 constitutionally 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 outside 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 our courage is most lacking.

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 the former Chief Counsel 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, has been an invaluable 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 Abegg, 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 in this effort.

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 for me but for the principles involved in this important 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 PRESIDING OFFICER (Ms. LANDRIEU). The Senator has 18½ minutes.

Mr. MCCONNELL. I reserve the remainder of my time.

The PRESIDING OFFICER. 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 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. Madam 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. 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 PRESIDING OFFICER. 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 heard. There is not much for me to add, 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 is all held to be constitutional—and I agree with my colleague 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 challenger. 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 3½ 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; we will get the folks organized to help out. And 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 playing around 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, all these speeches—speeches meaning ads—all these folks attacking me in my election; I want control back over my election.

''My 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 here, but I want to give the guy 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 not be true, so 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 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 we look again 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 up you. It shuts up you, 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 or 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 candidates 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 anyway.

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, in 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 from Wisconsin.

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.

Ms. COLLINS. Thank you, Madam President.

Today we stand on the threshold of an accomplishment that for many years had seemed unachievable. We are here because of the tenacious leadership, advocacy, and courage of Senators JOHN MCCAIN and RUSS FEINGOLD. How well I remember, after being elected in 1996 and sworn in in early 1997, Senator FEINGOLD coming and meeting with me. He had with him a pile of papers, everything I had ever said on the issue of campaign finance reform. So he knew well I had pledged to the people of Maine my determination to reform our campaign finance laws.

We talked, and I said to him: This sounds very good. How many other Republicans do you have on this bill?

He paused and he said: You mean other than JOHN MCCAIN?

I said: Yes.

He said: Well, there is FRED THOMPSON.

I was delighted to sign on as the third Republican to support the McCain-Feingold bill. I wish to pay tribute to my friend RUSS FEINGOLD for his persistence, for his attention to detail, and for never giving up the fight. He and Senator MCCAIN are true heroes.

It is wonderful to be here today. The growth and support for campaign finance reform among members of my party underscores the importance of the legislation and the increasing realization that our campaign system was out of control. My home State of Maine has a deep commitment to preserving the integrity of the electoral process, to opening the doors to public office to many more citizens, and to ensuring that all Mainers, indeed all Americans, have an equal political voice.

In many communities in Maine, this is the season for town meetings, town meetings in which all citizens are invited to debate the issues with their neighbors and to make decisions. This is unvarnished, direct democracy. It is a tradition where those who have more money do not speak any louder or have any more clout than those who have less money. It is a tradition that has made Maine a State that values political participation from all of its citizens.

Maine's tradition of town meetings and equal participation rejects the notion that wealth dictates political discourse. Maine's citizens feel strongly about reforming the campaign finance system, as do I.

Soft money has become the conduit through which wealthy individuals, labor unions, and corporations have been able to evade the campaign contribution limits, as well as the ban on direct corporate and union contributions. The problem with soft money was painfully evident during the 1997 hearings held by my friend and colleague, Senator FRED THOMPSON, before the Committee on Governmental Affairs. We heard from individual after individual who testified about giving

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 to gain access to the White House 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 doubled 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 $86 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 Senator 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 and her courageous leadership on 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 colleague from Maine, Senator COLLINS, in support of this campaign finance legislation that clearly will be 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 along the 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 forge a bill that will not only address a huge portion of the problem we face, but also a bill that can pass the Congress and be signed into law.

In that light, I also want to recognize and commend Representatives SHAYS and MEEHAN, whose fight in the House reminds me of the story of Hercules' battle with the Hydra—a serpent with nine-heads, one of which was immortal. But Hercules won out by burying that last, immortal head just as Congressmen SHAYS and MEEHAN won out over the multi-faceted offensive of procedural hurdles and killer amendments that was thrown at them. I congratulate them both.

And before I go any further, I also thank my good friend and colleague, Senator JEFFORDS, who has been steadfast and instrumental in helping to forge the compromise language in this bill that has now come to be known as ''Snowe-Jeffords.'' I can't tell you the countless hours and incredible effort he and his staff have put in to develop and hone this language in consultation with leading reformers and constitutional scholars, and I deeply appreciate his commitment to advancing the cause of campaign finance reform.

Indeed, I have never been more optimistic that reform will become reality. The fact of the matter is, the House and Senate are now both on record in support of reform, having passed two bills that achieve the same objectives and goals. And so now the time is upon us. The time has arrived for us to lay aside procedural gymnastics and put away the arcane legislative amendment trees and pass this bill and send it to the President of the United States.

Today, I want to speak to the pressing need for reform . . . the reasons why this bill fits the bill . . . and why I believe in both the effectiveness and constitutionality of what we are about to do.

First, I do not think there can be any doubt that we have a system of financing campaigns in this country that is out of control. And it is out of control in a very literal sense because some critical loopholes have been exploited that takes an entire and ever-growing universe of money out from under the umbrella and enforcement mechanisms of federal election laws and into the realm of ''anything goes.''

Well, the ''if it feels good, do it'' approach to financing campaigns in America must come to an end, because it is making a mockery of our election laws. We've all heard by now the story of soft money, and what it represents money that is raised and spent outside the purview of federal election law, 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 elect candidates for Federal 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 election cycle, that number 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 twice the $67.4 million raised 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 fundraising 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 group that has been conducted over the last few years proves this, and I'll detail those studies later. And yet, no disclosure is required and there are none of the funding source prohibitions that for decades have been placed on other forms of campaigning.

Why is this so? Because they don't contain the so-called ''magic words'' like ''vote for candidate x'' or ''vote against candidate x'' that make a communication what is called ''express advocacy,'' and therefore, subject to Federal law requiring disclosure and requiring that the ad be paid for with hard money.

These ads must be extraordinarily effective, because their use has exploded within the last decade. According to a 2001 report from the Annenberg Public Policy Center, which has been studying this trend almost since its inception in the 1996 election cycle, in the past three cycles we have seen spending on issue ads go from about $150 million in 1996, to about $340 million in 1998, to over $500 million in 2000. One hundred million of that was spent in the last 2 months alone. And there is not one dime of disclosure required on any of it.

It's time we closed this loophole. It's time to remove the cloak of anonymity. Otherwise, we are saying that it really doesn't matter to the election process. That we should not know who is behind these types of commercials that are run 60 days before the election, 30 days before a primary, whose donors contribute more than $1,000. We ought to have disclosure on these ads where there currently is no disclosure. 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 high $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 help of the corporate form, and that have 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:

> American citizens would be prohibited from discussing on television or radio a candidate's voting records and positions within 60 days before a general election or 30 days before a primary . . . the 'political speech police' would be saying that you cannot mention a candidate's name; you cannot criticize that candidate by name . . . if you are part of a citizens group wanting to enter the political debate and engage in meaningful discourse, using the most wide-sweeping medium for reaching the people which is TV, under this provision you cannot do that. You simply cannot enter the debate using television or radio as a mode of communication.

Mr. President, this is a gross mischaracterization of Snowe-Jeffords.

Individuals are free to run ads saying whatever they want whenever they want and unions, corporations and nonprofit 501(c)4 groups can simply form political action committees to which individuals voluntarily contribute up to the amount allowed by law to run ads mentioning a candidate near an election. So it absolutely can be done.

I have also heard it said that the result of this provision would be essentially be little or no political speech during the 60 day period before an election. But that simply isn't true. Again, so-called issue ads run on television and radio only, 30 days before a primary and 60 days before a Federal election, that mention a Federal candidate's name, and are seen by the candidate's electorate, would be subject to disclosure—and could not be funded by corporate or union general treasury funds or union dues. And this only applies if you run more than $10,000 of these kind of ads during a calendar year. So we will never effect small groups.

The most important, bottom line components to this legislation are disclosure, and a requirement that these so-called issue ads that are really campaign ads be funded from voluntary, individual contributions just like any other campaign ad.

Let me now give you a quick example of exactly what kinds of ads we would cover, and what ads wouldn't be touched at all. First, the electioneering ad—it doesn't specifically say ''vote for'' or ''vote against'' so-and-so—something that would automatically bring it under current law.

''We try to teach our children that honesty matters. Unfortunately, though, Candidate X just doesn't get it. Candidate X urged her employer to buy politicians and judges with money and jobs for their relatives. Candidate X advocates corruption . . . call Candidate X. Tell her government shouldn't be for sale. Tell her we're better than that. Tell her honesty does matter.''

Under current law, because this ad doesn't use the so-called magic words, there is no disclosure required on these ads and there are no source prohibitions whatsoever. And we're told by our opponents that we're just supposed to throw up our hands and say, ''Oh well, we all know what these ads are doing, but there's not a thing we can do about it.''

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 to pass initiatives like ''IMF 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 that 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 elections, so that would cut out an entire 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 is yet another misrepresentation.

The fact of the matter is, NAACP was about the disclosure of an entire membership list of a black civil rights organization in Alabama in the 1950's. The law struck down in that case forced the NAACP in Alabama, an issue advocacy organization, to disclose all of its members or to leave the State. I hope no one would suggest that's equitable to today. The bottom line is, we only require disclosure of major donors. And there is no guaranteed right to anonymity when it comes to campaigning. In fact, the court has said time and again that disclosure is in the public interest because it gives the public details as to the nature and source of the information they are getting.

The fact is, any group may be entitled to an exemption from electioneering disclosure laws if it can demonstrate a reasonable probability that compelled disclosure will subject it members to threats or reprisals. But the need for these kinds of limited exceptions don't make the general disclosure rules contained in Snowe-Jeffords unconstitutional.

I want to reiterate to my colleagues that the language in this bill was carefully and narrowly crafted in consultation with noted constitutional scholars and reformers. In doing so, the provision was based on the precept that 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 regulation cautiously and only in the areas in which the first amendment is at its lowest threshold, such as disclosure and prohibitions on union and corporation spending.

It also was crafted 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 dated March 12, 2001, 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 ad 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 then 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 test for 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 the issue 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 umpteen 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 the naming of 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 and in 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, of all 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 column written by 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.

''How to 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 is in effect the law of the land 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 sent any new law 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 well know 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 envision. Well, now we will.

This is a narrowly crafted, well-vetted 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 was 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.

The PRESIDING OFFICER. The Senator from Connecticut.

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/Shays-Meehan 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 Odysseus, 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 sail between their 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—but 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 shock 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 compared 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 vote would.

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.

Johnny Chung, Roger Tamraz, and all the rest may have been unusual in the unsophisticated bull-in-a-China-shop way in which they tried to play the system. But their essential insight, if I can call it that, that big dollar donations buy the access that enables 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 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 causes 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 citizenry 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 do know that a company with an ultimately insecure and unethical business model run by individuals of shakier business ethics yet, repeatedly found an open door to the offices of the politically powerful—in no small part, I presume, because of the millions of dollars of political donations the company made.

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.

All of us have been hurt by it. Politicians are under suspicion, legitimate legislative causes have been tarnished only because Enron once supported them, and the American people whose confidence in the integrity of our system has been shaken.

Fortunately, the Senate is about to act to make the system better. None of us is under any illusion that the enactment of this bill will make our system pristine, or eliminate totally the impact of money on politics. As has often been said, money, like water, always seems to find a new place to flow

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, expending 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 finance 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, I thank Senator FEINGOLD 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 sum, for too long we have watched 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 Wisconsin.

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 critical time, and 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 Kentucky.

Mr. MCCONNELL. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. MCCONNELL. Madam President, I yield 7 minutes of my 8 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

SOFT MONEY BAN AND SHAM ISSUE ADS

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 before us today: The opportunity to pass 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 provisions of our 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 citizen participation in our democracy, 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 clear understanding that Congress 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 those 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 protect 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, Virginia and 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 State parties' 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 charged with investigating campaign finance abuses in the 1996 elections illustrate the extent to which the coffers of Federal and State political parties are intertwined. In 1996, the State parties spent money they received from 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 buying through the State parties 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 attacking 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 have proven 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 of having non-Federal money—large 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, PACs, corporations and national parties to State and local parties; and two, we know from experience that State parties are spending massive sums of soft money to influence Federal elections.

Thus, if left unregulated, or merely subject to existing FEC allocation rules, State and local party activity presents the opportunity for massive evasion. Restrictions on the raising of soft money by Federal candidates and officeholders do not, on their own, prevent evasion of the soft money ban. There will always be persons clearly associated with Presidential or other Federal candidates, but not covered by these provisions, who can raise soft money for state parties to funnel into Federal elections. In addition, those who seek to avoid Federal contribution limits can make huge contributions to State and local parties in order to assist particular Federal candidates.

Current law, of course, requires that State and local parties spend exclusively hard money when they engage in certain activities that affect Federal elections. For example, if a State party were to run an ad expressly advocating the election of a Federal candidate, the party would have to pay for the ad with hard money. The bill simply applies this same principle to an additional category of activities, defined as ''Federal election activity,'' that, in the judgment of Congress, also clearly affect Federal elections. By contrast, as the bill makes clear, activities that affect purely non-Federal elections are left unregulated by the bill, and remain subject to the applicable State law.

Some argue that the soft money given to State parties is used only for ''party building'' that is wholly unrelated to any activity 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 Presidential candidates. The money for these ads, moreover, in many cases was either transferred from the national parties or contributed by donors directly to the State parties.

Some have also argued that the Federal Government lacks 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 has 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 purely 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 conducting grassroots campaign activities 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 purpose 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 funds 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 a non-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 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 activities can be 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 who seeks 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 prohibition is without a compelling purpose. 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 contribution 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, funds 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 or 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 the 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, maintain or control a PAC that raises or spends contributions that do not comply with these limits. Nor could a Leadership PAC 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 amounts to all state candidates 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 to multiple 527's of this nature 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(e)(4)(B) of the Federal Election Campaign Act authorizes the only permissible solicitations by Federal candidates or officeholders for donations to a 501(c) organization whose principal purpose is to engage in get-out-the-vote and voter registration 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 request donations in an amount larger than $20,000 per year. Section 323(e)(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, for a 501(c) tax-exempt organization where the principal purpose of the organization 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). 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 limitation 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 such 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 restrictions would not apply to 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(e)(4) is to permit only individual candidates or officeholders to assist, in limited ways, section 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 public issues, 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 and disclosure requirements should apply 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 get away with using soft money for so called ''issue ads.'' Outside groups, meanwhile, have exploited the ''magic words'' test, using it to justify advertisements that plainly support or attack Federal 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 showcased 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 Party soft 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. More taxes for more welfare. Welfare spending went 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 out of our futures.

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 sham issue advertisements attacking Republican 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 ''secret'' 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, spending an average of $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-Jeffords electioneering 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 patently campaign ads. Indeed, 97 percent of the electioneering ads 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 masquerade as issue discussion to the same laws that have long governed campaign ads. Under the bill, corporations and labor unions could no longer spend soft money on broadcast, cable or satellite communications that refer to a clearly identified candidate for Federal office during the 60 days before a general election and the 30 days before a primary, and that are targeted to that candidate's electorate. These entities could, however, use their PACs to finance such ads. This will ensure that corporate and labor campaign ads proximate to Federal elections, like other campaign ads, are paid for with limited contributions from individuals and that such spending is fully disclosed.

This attempt to put teeth back into our campaign finance laws is carefully crafted to pass constitutional muster. According to the Brennan Center's ''Buying Time 2000'' study, less than one percent of the group-sponsored soft-money ads covered by this provision of the bill were genuine issue discussion, more than 99 percent of these ads were campaign ads. This degree of accuracy is more than sufficient to overcome any claim of substantial overbreadth. Of course, the bill's bright line test also gives clear guidance to corporations and unions regarding which advertisements would be subject to campaign law and which advertisements would remain unregulated.

Furthermore, the bill does not explicitly or implicitly purport to depart from the Supreme Court's holding in FEC versus Massachusetts Citizens for Life, Inc., 479 U.S. 238 (1986) (''MCFL''), or any other Supreme Court precedent. In MCFL, the Supreme Court found that a nonprofit, nonstock corporation, MCFL, had violated the Federal Election Campaign Act's prohibition on the use of general corporate treasury funds by making an expenditure in connection with a Federal election, but that the act's prohibition as applied to MCFL was unconstitutional, given its unique non-business purpose and character.

MCFL was expressly formed to promote political ideas and could not engage in business activities; MCFL had no shareholders or anyone else who could make a claim for its assets or earnings; and MCFL was not established by a business corporation or labor union, and it did not accept contributions from such entities.

This legislation does not purport in any way, shape, or form to overrule or change the Supreme Court's construction of the Federal Election Campaign Act in MCFL. Just as an MCFL-type corporation, under the Supreme Court's ruling, is exempt from the current prohibition on the use of corporate funds for expenditures containing ''express advocacy,'' so too is an MCFL-type corporation exempt from the prohibition in the Snowe-Jeffords amendment on the use of its treasury funds to pay for ''electioneering communications.'' Nothing in the bill purports to change MCFL. The

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 our 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, but 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 those 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 who spend large amounts of personal wealth. Those higher contribution limits are set forth in section 304 of the bill.

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 the upper or lower limit on 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 same interests of preventing corruption. Congress has concluded that contributions in excess of $2,000 present a risk of actual and apparent corruption. Section 304 does not take issue with this conclusion. In this limited context, however, 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, contribution limits 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.

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 rules that apply after that date? 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 and potential 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 that date, no further soft money 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 concerning advertising, 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 November 6, 2002 to pay for the costs of non-Federal activities incurred in connection with, and before the date of, that runoff election, and the state parties could spend soft money on Federal election activities in connection with the runoff, as under current law.

On the other hand, the increased contribution limits in the bill take effect on January 1, 2003.

Mr. FEINGOLD. I agree with my friend from Arizona. Let me note, in addition, that the new effective date also helps to ensure that an expedited court challenge to the law can be resolved well before the 2004 election campaign gets underway. We recognize that a court challenge to this bill is not only likely, but inevitable. We welcome the challenge and firmly believe the courts will uphold what we have done.

In section 403, the bill provides expedited judicial review rules and rules for an orderly process of intervention in the litigation that could theoretically be filed shortly after the President signs the bill. That this will allow the litigation before a three-judge court here in Washington, DC, to have progressed substantially even before the operative provisions take effect in November. This expedited judicial review process will assist an orderly transition from the old system to the new system under this bill. Furthermore, the FEC is charged with promulgating soft money regulations well before the date that the soft money ban will take effect. In short, with enactment of the bill, promulgations of key regulations, and a prompt and efficient resolution of the litigation, we will be in a position in which a new campaign finance system can be implemented in a certain and sure fashion for the 2004 elections.

SECTION 323(F)(1)

Mr. THOMPSON. Madam President, I understand that questions have been raised about the provisions of the bill that prevent State candidates from spending non-Federal money on ads that mention Federal candidates. Can the sponsors clarify how these provisions might affect a State candidate spending money on an ad that touts that candidate having received the endorsement of a Federal candidate or officeholder?

Mr. FEINGOLD. I am pleased to have the opportunity to clarify this provision, which is one of a number of provisions in the soft money ban intended to prevent new loopholes for spending soft money from developing. New § 323(f)(1) prohibits State candidates and officeholders from spending non-Federal money on public communications that refer to a clearly identified candidate

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 candidate will be able to fairly easily comply with this provision. All we are trying to prevent with this provision is the laundering of soft money through State candidate campaigns for advertisements promoting, attacking, supporting or opposing Federal candidates.

SECTION 212

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 require such reports to be filed within 24 hours of the making of expenditure aggregating $1,000 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 hours reports required under §§ 304 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.

HOUSE-PASSED CAMPAIGN FINANCE LEGISLATION

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 CHRISTOPHER SHAYS of Connecticut 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 Roger Tamraz, Congressman SHAYS 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 lawmakers and the public cynicism 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 on February 13, 2002, 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. Mr. SHAYS explains quite well 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 H408–H410 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 Mr. SHAYS does 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 discussion, 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.

SECTION 301

Mr. LIEBERMAN. Madam President, can the sponsors clarify section 301 of the bill concerning the conversion of campaign funds to personal use, and in particular whether any change from current law was intended concerning the ability of candidates to transfer excess campaign funds to their parties?

Mr. FEINGOLD. Section 301 of the bill amends 2 U.S.C. section 439a to specify which candidate expenditures from campaign funds would be considered an unlawful conversion of a contribution or donation to personal use. The language continues to allow candidates to use excess campaign funds for transfers to a national, State or local committee of a political party. It is the intent of the authors that—as is the case under current law—such transfers be permitted without limitation. Furthermore, while the provision is intended to codify the FEC's current regulations on the use of campaign funds for personal expenses, we do not intend to codify any advisory opinion or other current interpretation of those regulations.

SOFT MONEY FINANCING OF STATE PARTY OFFICE BUILDINGS

Mr. THOMPSON. Madam President, I note that the bill deletes a provision of current law that permits national party committees to raise soft money to pay for their office buildings. Can the sponsors discuss the intent of the law concerning the raising of non-Federal money by State parties for their office buildings?

Mr. FEINGOLD. The Senator is correct that as part of the soft money ban, the legislation deletes language in current law expressly excluding donations to a national or state party committee specifically to finance the purchase or construction of a party office building from the definition of ''contribution.'' Accordingly, a national party committee may no longer receive non-Federal donations for the purpose of purchasing or constructing any party office building, or for any other purpose.

Likewise, Federal law will no longer allow a State or local party committee to receive non-Federal donations to purchase or construct a State or local party office building where such donations would violate that State's laws relating to permissible sources and amounts of non-Federal donations to such a party committee.

The bill does not, however, regulate State or local party expenditures of non-Federal donations received in accordance with State law on purchasing

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 State or 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 on behalf of 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.

This 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, using hard money funds, on behalf of its candidates. But 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 ensure that the expenditure will be truly independent, as required by Colorado Republican I, by prohibiting a party from making coordinated expenditures for a candidate at the same time it is making independent expenditures for the same candidate. We believe that once a candidate has been nominated a party cannot coordinate with a candidate and be independent in the same election campaign. After the date of nomination, the party is free to choose to coordinate with a candidate, or to operate independently of that candidate. If it chooses the former, it is subject to the limits upheld in Colorado Republican II. If it chooses the latter, it is free to exercise its right upheld in Colorado Republican I to engage in unlimited hard money spending independent of the candidate.

Section 213 provides, for this purpose only, that all the political committees of a party at both the state and national levels are considered to be one committee for the purpose of making this choice. This will prevent one arm of the party from coordinating with a candidate while another arm of the same party purports to operate independently of such candidate. 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.

SECTION 214

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, or 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 as a 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 parties. 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, under the bill, corporations and unions can no longer donate amounts from their treasuries to the national parties, and wealthy individuals can no longer write six-figure checks to the national parties. The legislation shuts down the soft money loophole in order to prevent the corruption and unseemly appearances that arise when national parties and Federal officeholders solicit unlimited donations from special interests and then spend those donations to support federal candidates.

Absent 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 fly in the face of 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.

Unfortunately, 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, could 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 thereafter joined an outside organization, and then used inside 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 where most reasonable people would recognize that the outside entities' 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 federal 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. By permitting 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 this FEC regulation and requires that the Commission promulgate a replacement regulation. The bill does not change the basic statutory standard for coordination, which defines and sets parameters for the FEC's authority to develop rules describing the circumstances in which coordination is deemed to exist.

Section 214 directs the FEC to promulgate new regulations on coordinated communications and lists four specific subjects that the FEC must address in those new regulations. It does not dictate how the Commission is to resolve those four subjects.

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).

The FEC's narrowly 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 there should not be a 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 can 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 and de facto arrangements can 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 related activity such as ads promoting the candidate or attacking his or her opponent, then coordination might legitimately be found, depending on the nature of the discussions. We do not intend for the FEC to promulgate rules, however, that would lead to a finding of coordination solely because the organization that runs such ads has previously had lobbying contacts with a candidate.

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.

CONTRIBUTIONS BY MINORS

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 voluntary 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's 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 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 $7.5 million to candidates and 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 sisters contributed $40,000 to the Democratic Party in 1998. When asked 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 that is included in 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 directing 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 Senatorial 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 accounts.'' Baxter said he's never heard of the ''Contract with America,'' and did not know whether Thompson is a Republican or a Democrat. Though many parents make donations on behalf of their children without their participation, the FEC warns that these donations are illegal unless made with the child's full knowledge.

According to Ian Stirton, 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 make 'knowingly and willingly.'''

''Now for an 8-year-old to be able to make these contributions, 'knowingly and willingly,' they would be pretty precocious, but it is legal for them to do so,'' Stirton said.

''I guess I'm into politics a little,'' Baxter said. He is not alone. His older brother Joseph, 11, says that he also has made donations to a couple of campaigns recently.

''I've heard that I've given money to (GOP presidential candidate and former Tennessee Gov.) Lamar Alexander and to Fred Thompson, but I don't know how much I gave them,'' Joseph Baxter said.

Their older sisters Jennifer, 12, and Elizabeth, 14, have also made political donations. Together, the four children have donated a total of $12,000 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 not aware of the contributions.

''We have custodial accounts set up for all our children,'' William Baxter said.

The money in the children's accounts has accumulated through inheritance and annual gifts from their parents, according to their father. William Baxter said he has control of the money in the accounts and has made some of the withdrawals for the children's political contributions.

The FEC would not comment on the specific case, but Stirton said that not only must all donations by minors be made knowingly and willingly but that the money can't be given to minors for the sole purpose of making political contributions.

''People can't just donate money in the names of others, ''Stirton 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 Stirton, but he said that parents who are found to have knowingly and willingly broken these FEC laws could face up to $10,000 in civil penalties or an amount equal to 200 percent of any contribution made.

All the donations made by the Baxter children were in amounts of $1,000 and consisted of contributions to Thompson's Sensational campaign 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 was a year ago, and it appears 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.''

Thompson was fourth among the top ten Members to receive campaign funds from donors listed as students in the 1993–94 election cycle, with the attorney/actor-turned-politician raking in more than $25,000.

A Roll Call study of FEC records from that Sens. Ted Kennedy (D-Mass), with $63,300 in contributions; Bill Frist (R-Tenn), $43,500; and Frank Lautenberg (D-NJ), led the pack in student donations last cycle.

Rounding out the top ten were Thompson, $25,800, and Sens. Spencer Abraham (R-Mich), $25,750; Kay Bailey Hutchison (R-Texas), $25,500; Joseph Lieberman (D-Conn), $24,250; Dianne Feinstein (D-Calif), $23,900; John Kerry (D-Mass), $23,500; and Chuck Robb (D-Va), $20,250.

For attorney Loren Hershey, of Falls Church, Va., campaign giving is also a family affair. He and his three children have made 22 contributions totaling $26,000, over the last five years.

Hershey says that his children made their donations knowingly and willingly and that they ''participated in the decisions'' to make contributions to the campaigns.

Hersey's three children have donated $10,000 since 1992, including his daughter Amelia, 11, who began her generosity to politicians with a $1,000 donation to the Clinton for President Committee at the age of eight.

Amelia, who is a fifth-grader at Bailey's School for the Arts and Sciences, during the 1993–94 election cycle also made $1,000 contributions to the campaigns of Sen. Chuck Robb (D-Va) and former Rep. Leslie Byrne (D-Va).

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 (D) donated $250 to the Senatorial campaign of her uncle, Ted Kennedy, while she was listed as a student, according to FEC documents.

Jennifer Croopnick, 24, of Newton Mass., was surprised to find out that she had donated $1,000 to Rep. Joe Kennedy (D-Mass).

''I don't know what you're talking about,'' said Croopnick, who was then a graduate student at New York University. ''I never donated money for any campaigns. I don't have much 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.''

Croopnick's father Steven, an employee of LTC Management in Cambridge, didn't return numerous phone calls, and his wife Bonnie had no comment regarding the contribution.

A statement released last week by Kennedy's office read: ''We made a great deal of effort to make sure every contribution is proper. We have never knowingly accepted any improper contribution. We assume that when we receive a contribution, the donor knows they have made it.

''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 it was in my name.'' These youngsters 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. On paper 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 experts say the practice of student giving has become one of the most blatant ways that affluent donors circumvent federal limits.

''This 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 Donald J. Simon, executive vice president 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 exclusively'' by contributors and that they give ''knowingly 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 $20,000 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'' donated to the parties for a broad range of political uses.

The analysis, conducted for The Times by the independent Campaign Study Group of Springfield, Va., shows that young contributors are giving increasingly large amounts to federal candidates and campaign committees. Since 1991, donors identified as ''students'' made 8,876 federal contributions of $200 or more and in 163 instances gave $5,000 or more.

Student donors gave nearly $2.6 million for the 1996 presidential election—a 45% increase over 1992. Complete computerized data for the 1998 elections are not yet available.

The study understates the full extent of donations by minors 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 ages 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 form donations by minors: Since 1975, it has investigated and closed only four such cases, levying one $4,000 fine against a parent for donating money through a child.

Representatives for the Democratic and Republican parties said they do not solicit contributions from the children of donors.

Yet veteran campaign operatives, speaking on the condition of anonymity, said that major donors are often reminded that family members may also contribute. While professional fund-raisers are instructed to inform such donors of the legal requirements, other individuals soliciting contributions may ''forget the niceties,'' one longtime Democratic campaign advisor said. Campaign finance experts even have a name for the practice: ''family bundles.''

The sponsors of the sweeping bipartisan campaign finance bill that passed the House last year included a provision that would have banned all donations to candidates and political parties from individuals under 18. The bill stalled in the Senate. The sponsors reintroduced the legislation last month with the same proposed ban on child donors.

The Times study found at least four donors age 10 or under who gave $1,000 or more. In two additional cases that were previously reported, donors were so politically precocious that they were still in diapers.

'. . . ON BEHALF OF MY DAUGHTER'

On Jan. 25, 1996—the same day her parents made identical donations—Skye Stolnitz, then 10, gave $1,000 to the Republican presidential primary campaign of former Tennessee Gov. Alexander.

''It was my decision based on what I thought was in her best interest,'' said Skye's father, Scott A. Stolnitz, a dentist in Marina del Rey. ''I felt that Lamar Alexander at the time had the solutions for education in America, which I was very concerned about on behalf of my daughter.''

He said that the $1,000 came from Skye's checking account, which he funds. Stolnitz said that he discussed the donation with his daughter, ''even at that tender age. I told her what I was doing and why. She did not object.''

He said he was ''not aware'' of federal laws that require donors to make such decisions on their own and had no intention of exceeding contribution limits.

When young Asher Simon made $1,000 contributions to Feinstein, then-House Speaker Thomas S. Foley (D-Wash.) and then Rep. Lee H. Hamilton (D-Ind.) in 1994, both his parents also gave to the same candidates during the same election cycle, including the maximum to Feinstein and Foley. This was the only time that Asher, who is now 13, made a federal contribution, records show.

Herbert Simon, Asher's father, is a leading developer of shopping malls and, along with his brother, owns the Indiana Pacers professional basketball team. Diane Meyer Simon, a former Democratic National Committee member, said that her son ''comes from a very political family that has a long tradition of supporting candidates.''

The Simons, who own homes in Indianapolis and Santa Barbara, have donated nearly $1 million to candidates and party committees since 1991, records show.

Asher's four older siblings gave an additional $40,750. Rachel and Sarah Simon contributed the same amounts to the same candidates as Asher when they were about 14 and 12, records show.

''Whatever payments were made were in trust accounts and accounted for properly,'' said Robert F. Wagner, an attorney for Diane Meyer Simon. ''This is a very, very decent family. . . . There was no intent to do anything improper.''

The FEC permits political donations from a trust fund but requires that the beneficiary make the donation ''knowingly and voluntarily.'' The key to the propriety of such a donation is how much control the beneficiary exercises over the trust fund, election law attorneys said.

HIGH SCHOOL SISTERS GIVE $40,000 TO PARTY

Lindsey Tabak was a high school sophomore and her sister, Lauren, a senior in Livingston, N.J., when each contributed $20,000 to the Democratic Congressional Campaign Committee on Oct. 29, 1996. Twelve days earlier, their parents, Mark H. Tabak and Judy Wais Tabak, each gave the maximum legal donation to the committee.

Lindsey said her contribution ''was like a family decision that we would donate the money to the Democratic Party.''

Asked whose money it was, she replied: ''It's like the family's . . . I'm not sure where it came from. I know it was in my name.''

Mark Tabak, who manages a firm that invests in international health-care ventures, said that the money came from his daughter's trust funds, a portion of which is earmarked for political and charitable contributions. He called it ''a collective decision'' to help the Democrats try to retain control of Congress.

''I assure you that this was not a scam to bypass hard-money limits,'' Tabak said, noting that he and his wife could have given unlimited sums of soft money to the Democratic group. Political parties prefer hard-money donations because of the restrictions imposed on how they spend soft money.

Both major political parties have benefited from student donors. Since 1991, Democrats have raked in $4.3 million and Republicans received $2.7 million.

Many of the student contributors were old enough to attend college, according to public records and interviews. Some of these donors contributed to the same campaigns, in similar amounts and at the same times as their parents.

CONTRIBUTIONS OFTEN MATCH PARENTS'

Take the case of Steven P. St. Martin. The son of a wealth Louisiana attorney, he gave a total of $35,000 to various Democratic campaigns between 1991 and 1998 when he was a college and law school student. His contributions often matched those of his father, Michael X. St. Martin, his mother or his brothers, records show.

''I make my contributions completely on my own,'' said Steven St. Martin, now an attorney in Houma, La. He declined to explain the correlation between his donations and those of his family. ''It's kind of personal,'' he said.

Two estranged daughters of Dallas billionaire Harold C. Simmons alleged that their father used trust funds to make political contributions in their names without their permission. This was part of a broader lawsuit claiming that Simmons squandered the trusts on various expenses.

The trust for one daughter, Andrea Simmons Harris, gave $36,500 to Republican candidates between 1991 and 1993 when she was a student in her mid-20s, records show. Simmons and other family members usually made the maximum legal donations to the same recipient on the same day.

Simmons, who denied wrongdoing, agreed last year to pay his adult daughters $50 million each to drop the suit seeking his removal as trustee of the family fortune.

At the other end of the ''student'' spectrum are the diaper donors.

Bradford Bainum was 18 months old when he made the first of four contributions to Democratic candidates in 1992 and 1993, records show. He gave $4,000 by the time he was 2.

His father, Stewart Bainum Jr., executive of a nursing home chain and former Maryland state senator, acknowledged donating in the name of his son as well as exceeding contribution limits in a 1997 settlement with the FEC. He paid a penalty of $4,000.

This is the only time since the current campaign finance system was established in 1975 that the FEC fined a donor in a case involving contributions by a minor.

The FEC may impose penalties up to the amount of a contribution for giving in the name of another person or twice the amount if the transgression is knowing and willful. The agency may also find that a parent exceeded the contribution limit by donating through a child.

''It's not an easy area of the law to enforce,'' said Ian Stirton, an FEC spokesman. ''Somebody has to know this is going on.''

Still, the agency has acknowledged serious concerns over the practice of student giving.

Lois G. Lerner, the FEC's associate general counsel, said that, while commission members have not yet addressed this issue, the agency ''has realized in recent years that people are trying to get as much money into the process as they can and this is an area where it's pretty easy to do so.''

Parent donors may also trip over state election laws.

Al Checchi, the multimillionaire former Northwest Airlines chairman who ran for governor of California last year, acknowledged in 1997 that he arranged two contributions in the names of his children without their knowledge.

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 said the children—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.

Kenneth A. Gross, 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: 8,876 (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)

Amount: $1,000

Date: Jan. 25, 1996

Donor, Recipient and Parents: (Parents) 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: Asher ''supports candidates he agrees with,'' his mother said.

* * * * *

Donor, Recipient and Parents: (Student) Lindsey Taback (age 15)

Amount: $20,000

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: $20,000

Date: Oct. 17, 1996

Explanation: The contribution ''was like a family decision that we would donate money to the Democratic Party,'' Lindsey said.

* * * *

Donor, Recipient and Parents: (Student) Elizabeth Heyman (age 7)

Amount: $1,000

Date: Sept. 26, 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 Kempner, 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

Donor, Recipient and Parents: (Parents) Barbara Lipman (mother)

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: Analysis of Federal Election Commission records by the Campaign Study Group, other public records and interviews

CONTRIBUTION PROPOSAL BY FEC

This is the Federal Election Commission's 1998 recommendation for 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 should pass a bill 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. The Senate reached a 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. In 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 almost 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 qualification for candidacy—particularly with respect to the Senate. The millionaires amendment in this bill will not eliminate the advantage of wealthy candidates, but it will substantially reduce the current incentives that place personal wealth near the top of qualifications for candidacy.

Despite some excellent provisions, this bill will not be implemented without concern. The history of campaign

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 the system through 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 money flowing through interest groups and non-candidates who seek to influence an election but who cannot be held accountable by voters at the polls.

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 amount or content 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 a good faith 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-guaranteed freedoms of political expression. Americans don't like to think in these terms because we want to 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 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 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 on this issue.

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 reform.

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 and dramatic 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 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 American 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 campaign ads are called issue 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 certainly 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 know 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 lessen about the corrupting influence of money in politics.

Nowhere in these laws are there any provisions for soft money. That aberration came into play in 1978 when the Federal Election Commission gave the Kansas Republican State Committee permission to use corporate and union funds to pay for a voter drive benefitting Federal as well as State candidates. The costs of the drive were to be split between hard money raised under Federal law and soft money raised under Kansas law. The FEC's decision in the Kansas case gives parties the option to spend soft money any time a Federal election coincides with a State or local race. A creation not of Congress, but of a weak, politically motivated Federal agency, soft money is a loophole to our system that is long overdue for eradication.

Despite what the foes of this bill claim, banning soft money contributions does not violate the Constitution. The Supreme Court in Buckley versus Valeo held that limits on individual campaign contributions do not violate the first amendment. If a limit of $1000 on contributions by individuals was upheld as constitutional, then a ban on contributions of $10,000, $100,000 or $1 million is also going to be upheld. Buckley, too, said that the risk of corruption or the appearance of corruption warranted limits on individual campaign contributions. Soft money contributions to political parties can be limited for the same reason.

Like soft money, issue advocacy has a history that defies the intent of campaign finance laws. In what remains

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.'' A footnote to the opinion says that the limits apply when communications include terms ''such as 'vote for,' 'elect,' 'support,' 'cast your ballot for,' 'Smith for Congress,' 'vote against,' 'defeat,' 'reject.'' The 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 to vote against 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 interests started overwhelming the airwaves with millions of dollars in 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 effort 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. But that is simply not 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 I 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. Instead, it means more of what voters complain about most. More 30-second spots, more negativity 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 period shortly before the election, when 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 reverses 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 grant.

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 the negative influence 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/Fiengold 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 I will continue to support and 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 towards repairing the system. But, it does mean we must ensure that this the first, rather than 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 long-sought meaningful campaign finance reform is finally within reach. It's been a winding journey spanning seven years. I am pleased to have been part of the quest, and proud to have been an original cosponsor of the McCain-Feingold bills since my arrival in the Senate in January 1997.

It was a privilege to have been part of the two-week historic debate last March. As I remarked last year, the open and freewheeling debate on amendments in which we 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 reform: 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 equation, 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 bipartisan tenacity and determination 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. The voices of average citizens can barely be heard. Year after year, lobbyists and large corporations contribute hundreds of millions of dollars to political campaigns and dominate the airwaves with radio and TV ads promoting the causes of big business.

During the 2000 election cycle alone, according to Federal Election Commission records, businesses contributed a total of $1.2 billion to political campaigns. A Wall Street Journal article reported that $296 million, almost two-thirds of all ''soft money'' contributions given in the last election, came from just over 800 people, each of whom gave an average of $120,000. With sums of money like this pouring into our political system, it's no surprise that the average American family earning $50,000 a year feels alienated from the system and questions who's fighting for their interests.

The first step in cleaning up our system is to close the gaping loophole that allows special interests to bypass existing contribution limits and give huge sums of money directly to candidates and parties. These so-called ''soft-money'' contributions have become increasingly influential in elections. From 1984 to 2000, soft money contributions have sky-rocketed from $22 million 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 political 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 over due changes to the system. Passage of campaign finance reform legislation is also a signal to the American people that their elected representatives can and will put the interests of the people above those of wealthy special interests.

Mr. MURKOWSKI. Madam President, I rise to elaborate on my vote on H.R. 2356, 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 the political process. Second, 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 fundamentally flawed bill 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 crafters of the language have 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 political candidate, 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 eviscerated a majority of the provisions. They explicitly rejected as unconstitutional efforts to have the Government regulate ''issue advocacy,'' limit independent expenditures, and mandate limits on campaign spending.

The Buckley Court wrote that:

> in a republic where the people [not their legislators] are sovereign, the ability of the citizenry 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 that 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, the 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 past attempts to suppress 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 every 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 that 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 system. 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. Chances are, if we succeed at blocking the flow of soft money from one direction, it will eventually be funneled into campaigns from another.

Furthermore, some soft money contributions are used for get-out-the-vote efforts—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 devastating to 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. It failed last year, 60–40. The votes simply aren't there. I dislike this bill, but I don't want to hold up the inevitable.

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. 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 bolstered my support for efforts to limit so-called ''issue ads.'' This organization, funded by secret, undisclosed contributors, ran issue ads throughout my campaign distorting my position on one issue, which was unrelated and irrelevant to their purported purpose. This group was accountable to no one and did not have to disclose its true agenda. Because it operated in virtual secrecy, it was impossible to hold them accountable for distorting the truth.

It only follows that 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.

It now seems likely 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 political system and give disproportionate power to the least accountable groups around.

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.

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 changes called for 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 on our political process that we are much better off without.

Before I go further, let me express my gratitude to two brave Senators: RUSS FEINGOLD of Wisconsin and JOHN MCCAIN of Arizona. We all know that it was through their tireless work and their laser-like focus that this piece of legislation has become law. By the time I arrived in the Senate a little over a year ago, the groundwork had already been laid. The traps had already been run. Year after year, the two Senators who lent their names to McCain-Feingold came to the Senate floor to deliver stirring oratory on the importance of this legislation. But no bill was passed. They visited with their colleagues in closed-door meetings. But many Senators remained unconvinced. Now—finally—these two stalwarts can move on to other issues. McCain-Feingold has passed, and for that, they have my deepest gratitude and admiration.

As happy as I am about the passage of this legislation, I would be remiss if I did not voice my regret at the failure of the final legislation to include a provision to address the skyrocketing cost of campaign advertisements. In recent years, television networks have reaped tremendous profits by exploiting the importance of broadcast advertising in the final weeks of a modern campaign. The price of airtime has become prohibitive to cash-strapped campaigns. And the simple fact of the matter is that media costs drive campaign costs. Any solution to the campaign finance problem is fundamentally incomplete if it fails to address what drives the demand for campaign money: expensive media.

During Senate consideration of McCain-Feingold, I was proud to cosponsor an amendment introduced by the senior senator from New Jersey, Mr. TORRICELLI. That amendment would have required television networks to offer candidates for federal office commercial time that cannot be preempted at the lowest price offered to any advertiser. It is only appropriate that, in exchange for the lucrative stewardship of the public airwaves, broadcasters provide candidates access to the airwaves at a discounted rate. It is unfortunate that because Shays-Meehan does not include the Torricelli provision, the lowest unit charge amendment will not become law at this time.

But, this should not and will not be the last time campaign finance reform is debated on the Senate floor. We have many more important campaign finance issues to explore, from improving the access of candidates to broadcast media to introducing aspects of public financing into the system. I look forward to continuing to work to improve the system.

Having said that this legislation is an important step in the right direction. I was proud to support it. And I again congratulate my colleagues, Senators FEINGOLD and MCCAIN, for their outstanding leadership.

Mr. SARBANES. Madam President, last spring, after years of debate and delay, a majority of the Senate agreed with the American public that our system of campaign financing needs repair and passed a significant campaign finance reform bill. Last month, the House of Representative passed similar campaign finance reform legislation. Now the Senate has taken up this House bill, and today this body will pass a comprehensive campaign finance reform bill. This legislation is long overdue.

With every passing election cycle, money plays a greater and greater role, and we run the risk of weakening the public's trust in our democratic system of government. In short, our constituents are losing faith in our ability to serve their interests over the interests of those who contribute to our campaigns. People are growing cynical about public life. They are staying away from the polling place in increasingly large numbers, in large part due to the perception that money, rather than the popular will, drives electoral outcomes. Under these circumstances, meaningful campaign finance reform becomes necessary to protect our system of government and our way of life.

While no legislation can completely solve the problems in our campaign system, this campaign finance reform bill makes real progress in the fight against corruption. I wish to express my dismay that this issue requires a cloture vote. The Senate debated this legislation for two weeks last year, and voted 59–41 to pass it. Yet, some Republican Senators still seem bent on derailing this bill, a bill that is clearly the will of the House of Representatives, the Senate, and most importantly, the American people. After the cloture vote, the Senate will be able to do what it should have done long ago, pass meaningful campaign finance reform legislation.

Mr. DOMENICI. Madam President, I rise today to speak about campaign finance reform. I want to express my

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 money is a corrupting influence on 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 money rules the political process.

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 be leveled for candidates who are not 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 the wealthy candidate spends.

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. I also expressed my hope 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'' between a candidate and parties or outside groups. 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 challenged 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. A 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 should it go to back to the House or to conference. Unfortunately, this concern will probably prevent us from doing as good a job as we should have. This leaves us with two disappointing choices: send an imperfect bill to the President or do nothing at all. I will vote for this legislation because I believe in this instance we must at least take a step forward.

Mrs. FEINSTEIN. Madam President, 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 innumerable set-backs 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, numerous 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.

House Resolution 2356, the ''Shays-Meehan'' bill, is sufficiently similar to S. 27 that Senators who support campaign finance reform ought to have no hesitation voting for final passage.

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.

Furthermore, State political parties 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 $124 million and 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.

One of the very biggest 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 other Members from both sides of the aisle.

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 amount that the national party committees can contribute to candidates, from $17,500 to $35,000; and indexes these new limits for inflation.

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 reinvigorate 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. That was 27 years ago!

I have spoken previously about how the costs of campaigning have risen much faster than ordinary inflation over the past 27 years these limits have been frozen.

The advantage of modestly lifting some of the limits is that doing so will reduce the time candidates have to spend fund-raising, time better spent with, prospective, constituents.

During the 2000 election, my campaign had over 100 fund-raisers. That took time. Time to call. Time to attend. Time to say thanks. And that was time I couldn't spend doing what my constituents want me to do.

The task of raising hard money in small contributions unadjusted for inflation is just too daunting, for incumbents and challengers alike.

Particularly in the larger States such as California, where extensive television and radio advertising is imperative, it is not uncommon for Senators to begin fund-raising for the next election right after the present one ends and they often find themselves ''dialing for dollars'' instead of attending to other duties.

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.

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 entitled candidates and 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 being 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 these sham issue ads.

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.

I represent 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. 2356.

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 Nations 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 corrupting 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 real reform.

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 a general election.

The bill allows an exception for the use of soft money by State and local parties to conduct get out the vote and voter registration activities that do not mention a Federal candidate so long as no single donor contributes more than $10,000 per year.

The bill deems as a contribution any communication that is coordinated with candidates or political parties. The bill also requires the Federal Election Commission to promulgate new rules on coordination.

The bill enhances full disclosure of the money flow. It requires disclosure to the Federal Election Commission within 24 hours by any one who makes an independent expenditure that is more than $10,000 for broadcast, cable or satellite ads within 20 days of a general election.

The bill increases certain contribution limits. It doubles the individual contribution limits, from $1,000 to $2,000 per election, to Presidential, Senate, and House candidates and indexes the limit to inflation;

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 $25,000 per year to $95,000 per election cycle, including not more than $37,000 to candidates and $20,000 for the national party committees.

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, 2003 for any changes to the contribution limits. 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 fully support 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 an incumbent protection provision. There continues to be no recognition of the considerable war chests that some incumbents have ready for use in Federal elections. This kind of provision works against the public policy goals of campaign finance reform.

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 proper 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 scrutinized 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 never 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.

I 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 interested parties.

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 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 colleague, the ranking member of the Rules Committee, for his devotion to the principles of free speech and association. His unyielding belief that most, if not all, proposed campaign finance reforms are not only unwise, but unconstitutional.

I think all my colleagues would agree that Senator MCCONNELL is a formidable 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. Since 1995, the Senate leaders of campaign finance reform are Senator JOHN MCCAIN of Arizona and Senator RUSS FEINGOLD of Wisconsin. In the house, the leaders are Congressman CHRISTOPHER SHAYS of Connecticut and Congressman MARTIN MEEHAN of Massachusetts.

I acknowledge them for their vision in recognizing the powerfully negative influence of the money chase in our financing system. Their dogged persistence and patience in striving to craft a consensus on reform legislation that addresses the worst aspects of the current system is now paying off.

I must express my great respect to my colleagues in the Democratic caucus, under the very able leadership of Majority Leader DASCHLE, along with a small group of courageous Senators across the aisle, who have put aside their own short-term political interests and voted time and again in favor of comprehensive, commonsense, and badly needed campaign finance reform.

I also thank the numerous staff who have assisted in facilitating consideration of this measure, not the least of which are our Democratic floor staff, including Marty Paone, Lula Davis, and Gary Myrick, along with the outstanding democratic cloakroom staff.

I also want to extend my special appreciation to Jennifer Duck and Michelle Ballantyne of Senator DASCHLE'S staff, along with Mark Childress and Mark Patterson, who were invaluable in offering much needed expertise and guidance on bringing this legislation to final passage.

Of equal assistance with both the substance and the procedures for this legislation were the staff of Senators FEINGOLD and MCCAIN, including Bob Schiff, Ann Choiniere and Jeanne Bumpus.

I also want to acknowledge the contributions of Senator MCCONNELL'S staff, including Hunter Davis of his personal staff, and Tam Somerville, Brian Lewis, and Leon Sequeira of the Rules Committee minority staff.

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 Gillespie, my elections counsel on the rules committee 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 I must emphasize, 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 even as we speak drawing up 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 to political parties, where 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 a genuine and proper aspect of the future that we face.

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 challengers the kind of support they have been giving in the past. Challengers will be thrown into the never-never land of depending upon unknown special interest groups to come in without coordination and hopefully help the challenger. But as we have seen in my own State of Utah, many times the ads run by these special interest groups actually damage the people they are supposed to help.

When the money was spent by parties, the challenger could call the party and say: Knock it off. But when it is spent by a special interest group, the challenger loses control of his campaign and is at the mercy of unknown forces and unreported money.

That, I believe, is the future. But that is not why I have been so vigorous in opposing this bill. It is not why the Senator from Kentucky has been so vigorous in opposing this bill.

We both took an oath to uphold and defend the Constitution of the United States when we came to this body. I believe that oath is the most serious statement I have ever made in this Chamber.

The Senator from Kentucky has led this fight fearlessly and courageously. The driving force has been our conviction that this bill is an affront to James Madison, Alexander Hamilton, and the others who created the Constitution and who gave us freedom of speech in the first amendment in the first place.

If you read the 10th Federalist, which I have done in this Chamber, you find that Madison lays out very specifically and very clearly how the factions can control democracy if they are not handled in a proper way. The most significant proper way to deal with the scourge of factions is to have full disclosure and full understanding of what is going on with this. With this bill, we drive political money into the dark corners.

While it is a sad day, in my view, it is nonetheless a good day. Like the Senator from Kentucky, I believe I have fought the good fight. I have lost, as has he, but I have been proud to be one of his lieutenants as he has been the captain of this fight. He is going to carry the fight on through the courts, which is his constitutional right. I believe the courts will side with him, and the positions he has taken in this debate more often than they will differ.

We will have a future. The Republic still lives. We will not see anything change for the better, in my view. And those of us who have stood on principle walk out with our heads held high.

I congratulate the other side. They have fought fair. They have fought vigorously. I have had a number of conversations with Senator FEINGOLD in which we have both expressed our affection for each other but our deep disagreement on this issue. I trust that 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 friendship and for his kind words about our work on this great cause. I assure him, as expressed, that it is not over yet. We have another day in court. I thank the Senator from Utah for his kind words.

I understand I have a minute remaining. Is that right?

The PRESIDING OFFICER. Two minutes.

Mr. MCCONNELL. Madam President, I ask unanimous consent that I be allowed to use those 2 minutes as the last speaker on this side of the issue. I don't intend to be the last speaker before the vote but the last speaker on this side of the issue.

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 campaigns 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. But independent groups would largely operate without restriction. It would be regrettable. I believe the courts will be in error. But it could happen. If it happens, and if the courts rule that the control of independent expenditures is unconstitutional, there is a risk that both the political parties 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, more 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 raised until the fundamental 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 very kind of financial pressure 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 House of Representatives. 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 even in the coming months, and challenge ourselves to do better: reduce the cost of campaigns, continue to find the mechanisms to assure every American that they have an equal chance and an equal voice to be heard.

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 be done 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, who gave their support to 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. This kind of bipartisan bill wasn't totally unprecedented. 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 advancement 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 colleague, Senator SUSAN 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 many of our colleagues. She has been a tireless advocate for reform, a terrific ally 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 commitment to 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 JIM JEFFORDS to craft the provision on phony issue ads 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 root of the issue ad 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, we simply 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 with his work 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. We will miss 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. I am proud of 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 outstanding contributions 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 staffers, past and present, who have worked to make this moment possible, including Kitty Thomas, Andy Kutler, Sumner Slichter, Bill Dauster, Susanne Martinez, and Tom Walls. I also thank Jeanne Bumpus, Mark Salter, Mark Buse, and other members of 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 pleasure to work with. Many other current 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 material was ordered to be printed in the RECORD, as follows:

From Senator FEINGOLD's staff and former staff: Mary Bottari, Laura Grund, Ari Geller, Ben Hawkinson, Rebecca Kratz, Anne McMahon, Brian O'Leary, Mary Frances Repko, Thomas Reynolds, Mary Ann Richmond, Hillary Wenzler, Kirsten White, Trevor Miller, 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 Calderwood, John Richter, Eric Buehlman, Hannah Sistare, Bill Outhier, Brad Pruitt, Maureen Mahon, Martin Siegel, Sharon Levin, Beth Stein, Nancy Ives, Glenn Ivey.

From the House staff: Amy Rosenbaum, Glen Shor, Dan Manatt, Paul Pimental, Katie Levinson, Alison Rak, Kristin Miller, Len Wolfsen, Kit Judge, Steve Elmendorf, George Candanis.

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 MEEHAN 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 BOEHLERT, AMO HOUGHTON, NANCY JOHNSON, MARK KIRK, TOM PETRI, TODD PLATTS, MARGE ROUKEMA, ROB SIMMONS, JOHN LEWIS, CHARLIE STENHOLM, BARNEY FRANK, STENY HOYER, JOHN CONYERS, and SILVESTRE REYES, and former Representatives TOM CAMPBELL and LINDA SMITH.

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 Weissman, made crucial 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 for 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.

How much time remains on our side?

The PRESIDING OFFICER (Mr. WYDEN). Twenty-one minutes.

Mr. FEINGOLD. 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. 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, 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 rhetoric with actions. RUSS 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. RUSS 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 LOTT, 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 would like to personally thank Senate Republican supporters, particularly Senator THOMPSON whom I will miss more than I can say. His friendship and wise counsel have been not only important to me as a Senator but were a critical element in achieving the legislative result we achieved in the Senate.

To Senator COCHRAN, one of the senior Members and most well liked and respected Members of the Senate, who came on board on this issue at a time when we needed the credibility of a man of his stature, I will always be grateful. Senators SNOWE and COLLINS, I think the State of Maine can be proud of both of those Senators, including Senator SNOWE's contribution over one of the more difficult aspects of this legislation, the so-called Snowe-Jeffords amendment, without which it would not have been possible to pass this legislation.

I am grateful for the valued support of Senators SPECTER, CHAFEE, FITZGERALD, LUGAR, and DOMENICI, who gave legitimacy to our claims of bipartisan cooperation. I am grateful again, as I am so often, to Senator CHUCK HAGEL. It takes a brave and committed soul to take it upon himself, as he did a few weeks ago, to attempt to facilitate a resolution to this measure between myself and the other supporters of this bill and Senator MCCONNELL. It is in large part due to his efforts that we have that resolution today.

Senate passage of a bill, of course, is only half—or less than half, really—of the legislative battle. If it were not for the untiring work of Congressmen CHRIS SHAYS and MARTY MEEHAN, the House sponsors of this legislation, we would not be here today. I will always hold them in the highest regard for their tenacious, unrelenting commitment to our shared goal. House minority leader GEPHARDT worked many long hours to hold the support of the vast majority of his caucus, and I am greatly indebted to him.

I salute also 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 MITCH MCCONNELL. It has been a worthy 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 indispensable 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.

Senator FEINSTEIN—Gray Maxwell and Mark Kadesh.

Senator HAGEL—Chad Woff.

Senator JEFFORDS—Eric Buchlmann.

Senator LEVIN—Linda Gustitus, and Ken Saccoccia.

Senator LIEBERMAN—Laurie Rubenstein.

Senator LOTT—Sharon Soderstrom.

Senator MCCAIN—Mark Buse, Mark Salter, Brooke Sikora, Joe Donahue, and Ann Begeman.

Senator MCCONNELL—Tamara Somerville, Hunter Bates, Andrew Siff, and Brian Lewis.

Senator SCHUMER—Martin Siegel.

Senator SNOWE—Jane Calderwood and John Richter.

Senator THOMPSON—Bill Outhier, Hannah Sistare, and Fred Ansell.

Mr. MCCAIN. In particular, I thank Mary Murphy and Bob Schiff, of Senator FEINGOLD's staff, for all their work on this issue over the years. Let me also express my heartfelt gratitude to my former staffer Mark Buse, who recently left the Hill after working by my side on this issue for many years. This would not have been possible without him. I thank as well Mark's successor as Republican staff director on the Commerce Committee, Jeanne Bumpus, who, in an incredibly short period of time, became expert on the many issues involved in this legislation and was an invaluable support to me.

I also want to thank my administrative assistant and alter ego, Mark Salter, for his continued efforts not only here but in a broad variety of ways. I am grateful for his friendship.

Mr. President, the proponents of this legislation have had, and continue to have, one purpose: to enact fair, bipartisan, campaign finance reform that seeks no special advantage for one party or another. Once we complete the Senate debate and vote on final passage, it will be up to the President to take the action that his spokesmen and advisors have led us to believe he will take—to sign the bill into law. It is my hope that he will deem it appropriate to do this.

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. It is to the people.

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 might 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 them to exercise their franchise more faithfully, 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 rendered good 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. It will be 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 constitutional right to do, 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 and perhaps we can 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 in the last 2 years 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 reforms, 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:

[Rollcall Vote No. 54 Leg.]

YEAS—60

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

NAYS—40

Allard	Campbell	Grassley
Allen	Craig	Gregg
Bennett	Crapo	Hagel
Bond	DeWine	Hatch
Breaux	Ensign	Helms
Brownback	Enzi	Hutchinson
Bunning	Frist	Hutchison
Burns	Gramm	Inhofe

Kyl	Roberts	Stevens
Lott	Santorum	Thomas
McConnell	Sessions	Thurmond
Murkowski	Shelby	Voinovich
Nelson (NE)	Smith (NH)	
Nickles	Smith (OR)	

The bill (H.R. 2356) was passed.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. Expressions of approval or disapproval are not permitted in the gallery.

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 Senators who wanted to challenge the constitutionality of the Line Item Veto Act could do so using unlimited pro bono legal services, subject to regulations promulgated by the Ethics Committee.

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:

S. RES. 227

Resolved, That (a) notwithstanding the provisions of the Standing Rules of the Senate or Senate Resolution 508, adopted by the Senate on September 4, 1980, 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 intervene 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.

(b) This resolution shall supersede Senate Resolution 321, adopted by the Senate on October 3, 1996.

Ms. LANDRIEU. Mr. President, I begin by adding my compliments to Senators FEINGOLD and MCCAIN for their extraordinary efforts in passing and helping to usher through a far-reaching piece of legislation that will hopefully close the loopholes and help Members conduct campaigns that truly meet the spirit and intent of the reform laws we have passed over the course of the last couple of years. We need to have the kind of campaigns of which we can all be proud, ones that allow people in this Nation to express their views, yet have campaigns and financing and funding that are fully and completely disclosed. I thank them and acknowledge their work.

Mr. WARNER. Madam President, today I rise to address issues related to my vote on H.R. 2356, the Bipartisan Campaign Finance Reform Bill.

For some time President Bush has clearly indicated his willingness to sign campaign reform legislation passed by the Congress. I have great respect for his judgement and this was an important consideration in making my decision to support this legislation.

The Bipartisan Campaign Finance Reform Bill is not perfect legislation, but I believe it may be the best the Congress is able to produce. I approached both McCain-Feingold and now the Bipartisan Campaign Finance Reform Bill with an open mind and feel it is in the best interests of the nation to implement achievable reform legislation rather than hold out for perfect—and probably unattainable—reform legislation.

During each of the last two Congresses I introduced my own campaign finance reform bills—''The Constitutional and Effective Reform of Campaigns Act,'' or ''CERCA.'' My proposals have been good faith efforts to strike middle ground in this important debate and were offered as alternatives to the bills that have been debated before the full Senate in the past. The principal points in my bills were enhanced disclosure, increased hard dollar contribution limits, a cap on soft money and paycheck protection.

As chairman of the Rules Committee during the 105th Congress, I chaired twelve or more hearings on campaign reform including the funding of campaigns. My bill was a result of these 2 years of hearings, discussions with numerous experts and colleagues, and the result of over 2 decades of participating in campaigns and campaign finance debates.

My bill capped soft money thereby addressing the public's legitimate concern over the propriety of large soft money donations while allowing the political parties sufficient funds to maintain their headquarters and conduct their grassroots effort.

The Bipartisan Campaign Finance Reform Bill bans all soft money. And while I would have preferred merely to cap soft money as we already cap hard money, a total ban is the only option currently on the table.

In addition to the issue of soft money, there is the issue of raising the hard money caps. Candidates for public office are forced to spend too much time fundraising at the expense of their legislative duties.

The current individual contribution limit of $1,000 has not been raised, or even indexed for inflation for over 20 years. This situation requires candidates to spend more and more time seeking more and more donors.

The Bipartisan Campaign Finance Reform Bill increases the individual contribution limits to $2000 and indexes that limit for inflation. My campaign finance legislation contained a similar provision which ensured that a greater percentage of political contributions would be fully reported and available for all to see.

It is my firm belief that the Congress has a responsibility, in accord with the constitution, to balance the rights of those who care to participate in the political process with the desire to improve accountability and responsibility within the campaign system.

Precisely because of my concern that previous campaign finance reform proposals did not adequately respect the First Amendment Freedom of Speech, I was compelled to write my own campaign reform proposals that focused on disclosure and accountability.

Clearly, today's legislation faces constitutional challenge, however, those decisions will ultimately have to be resolved by the judicial branch of Government.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

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.

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 proposal by the 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. 3038

Ms. LANDRIEU. I rise, Mr. President, to speak about the 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.

The goal is self-reliance. It is a value, a tradition of America that has served this Nation very well, that we produce what we consume. We relied on our strengths and our resources to lift this country from a cluster of small colonies over 200 years ago, to a great nation, perhaps the greatest nation ever to be born and developed in this world, using a political system that, while not perfect, is admired by many countries and used as a model.

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 business, really produces 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 as far as the sky 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 came to the Senate 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 a infusion of capital? What else 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-September 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, when we are flying sorties over 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 here.

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 not finite, sources such as 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 not only low emissions. Not only do renewables lower our emissions and improve our environment, but most importantly it helps relieve our dependence on foreign sources of oil and gas.

So I am opposing the Kyl amendment and joining with Senator BINGAMAN, asking both Democrats and Republicans to let us have a strong vote for renewables. I do not agree exactly with the way this amendment has been crafted. I am hoping in conference it will be perfected to make sure we are providing the right incentives for renewables in such a way that consumers do not have to pick up too great a tab.

I think this amendment can be worked with. But to pass this energy bill off the floor of the Senate without a real commitment to renewables would be a mistake. It will not get us any closer any faster to a point where Americans can say we don't need Iraq, we don't need Saddam Hussein, and we don't need places in the Mideast to send us oil.

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 Landrieu and others' 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.

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 southern 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 wean ourselves off the oil and gas coming from places in the world that we don't want to have to be involved in unless 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, understanding 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 call be rescinded.

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 presented to us is the third iteration. 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.

I am looking at the renewables section. I ask my colleague from New Mexico to correct me if I am wrong. The mandate requiring utilities and retail electric suppliers to produce 10 percent of their electric power from renewable sources does not include public power. Is that correct?

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 the 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 large portion—rural co-ops, public powers, large municipalities? 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.

I hope everybody 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 utility costs, 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—and then 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.

So if you calculate that, for Oklahoma Gas & Electric, the largest utility in my State, it would cost them $62

million—not an insignificant cost. It is an increase in the cost to a utility in Oklahoma of about 5 percent; in fact, that would be for most of the utilities in the country.

Let's see if I have one from Minnesota. You are looking at a cost increase of about 5 percent. You might say, how did you calculate that? I will give you a thumbnail sketch.

You mandate that 10 percent of the cost must be in renewables. The most efficient of the incremental renewables is wind energy. For wind energy, the cost will be at least 3 cents per kilowatt hour, plus there is a tax credit of 1.7 cents per kilowatt hour. So the total is 4.7 cents.

Guess what. The market wholesale cost of electricity right now is 2.2, 2.3 cents. You are talking about an increase; you are talking about a cost to both the taxpayers and the consumers of 4.7 cents, just to start. So you are talking about something twice as much as the cost of electricity in the country, and you are saying 10 percent of it has to be in the renewables. If you take just 10 percent of the power costs—and it says the energy consumed or the energy produced must be more expensive or twice as expensive—you have increased their cost by at least 5 percent.

I do not know if people around here are really cognizant, but the more I learn about this renewable section, the more I am flabbergasted of how people are thinking they are going to vote for it and not increase costs. It is an enormous cost increase—enormous, in the billions of dollars. It is billions of dollars that transfer from basically fossil fuel plants to certain areas or certain companies that produce so-called credits or they can buy the credits from the Government. If they can buy the credits from the Government, the Government has a big new fundraiser in this, a big tax increase that utility payers are going to be paying.

I make mention of two or three issues. The original Bingaman amendment that was in this section did not exclude public power. It did not exclude the city of Los Angeles, which, incidentally, has a powerplant and consumption as big as Oklahoma Gas & Electric—pretty good size—and they are exempt. Oklahoma Gas & Electric is not exempt, but the city of Los Angeles is.

I heard the Senator from California, Mrs. BOXER, say, yes, these renewables are great. If they are so great, why don't they apply to the city of Los Angeles? Why doesn't it apply to Bonneville? Why doesn't it apply to TVA? Why doesn't it apply to municipalities? Why doesn't it apply to co-ops?

There is support from co-ops. They don't want to have their cost go up. Certainly, we don't want to mandate that the municipalities have their cost go up. We don't want the cost to go up for public power. We will exempt them and maybe buy some votes. But who are we going to sock it to? Oh, we will sock it to anybody else that happens to be a privately owned utility. We will sock it to them. There may be one or two that might benefit. Maybe they will produce enough of the credits so they can sell them, so they can sell the electricity. They can get tax credits of 1.7 percent. And they can get the credit from other utilities that do not have enough credits to meet their 10-percent mandate.

They get three times the value of electricity from the Government. They will get almost a 200-percent rate of return from the Government, and they get to sell the electricity. That is a pretty good deal for a couple utilities. But for consumers, they get a bill.

Some people say it does not make any difference because this is hidden. This is not going to come as a tax in the form of Congress issuing a tax increase. We are not doing that. We are telling the utilities: You go do it. We are mandating that you do it. And you bill your customers, who happen to be our constituents.

We ought to rename this section, ''Renewable Section of Congress Increasing Electricity Prices,'' because that is what it is. It is a Btu tax. It is a tax increase. It is a utility rate increase, pure and simple. You cannot mandate that 10 percent of the marginal power has to be increased from certain renewable sources.

It is very interesting to note, a renewable source is not hydro under the definition in the bill. They left out hydro, which is as renewable as any. Oh, it is left out. Why? I don't know why, but it was left out. It is renewable, but we are just not going to define it, so it is left out. The more you find out about this amendment, the proposal by my colleague from New Mexico, the less sustainable it is.

I wish to mention a few companies—we have gotten this from the Energy Information Administration, Department of Energy—and with how much energy they produce, and with the 10-percent renewable requirement, and assuming they have to purchase the offset, the credits, how much will it cost: the Public Service Utility of New Hampshire, $21 million—a pretty good hit—Kansas City Power & Light, $16 million; Kansas Gas & Electric, $27 million; Nevada Power Company, $50 million; Sierra Pacific Power Company, $24 million; Arizona Public Service Company, $67 million; Tucson Electric, $24 million; Pacific Gas & Electric, $216 million.

Guess what. Pacific Gas & Electric was having a hard time staying out of bankruptcy. They actually filed for bankruptcy. We are going to put on a mandate that they have to spend $216 million. We are exempting Bonneville but not exempting Pacific Gas & Electric. Maybe they have offsets to reduce that. Maybe they have enough wind energy to do it, but I doubt it.

Georgia Power, $223 million. I could go on and on. My point being, I do not think this amendment has been well thought out. I do not think we have had a hearing on this proposal. The proposal deals with billions and billions of dollars of increases in electricity costs.

Some people are saying, oh, let's just have a renewable standard of 20 percent, 10 percent. Oh, it is all doable. We have to have renewables.

I believe in renewables. I want to have renewables. And I want to encourage wind power and encourage other alternative sources of energy. But I just don't know that we want to pass a law that says you must have 10 percent of your power from this source defined as a renewable, and, oh, we forgot to include hydro, and we don't care how much it costs. That is really the impact of this amendment. Consumers beware.

I compliment Senator KYL because I think he has come up with an affordable substitute, one that encourages alternative sources but does not mandate it, does not dictate that your electricity prices will be increasing by 5 or 10 percent, which I believe is the case in the underlying amendment. Senator KYL's amendment treats all utilities fairly. The amendment proposed by my colleague from New Mexico socks it to some utilities but it exempts a bunch of other utilities.

Why should California be exempt and Texas and Oklahoma not be exempt?

That doesn't quite seem right to me. Why is the Northwest exempt? Why is Bonneville exempt and the privately owned utilities are not? They already have lower utility rates in many cases because they have Federal hydropower, which is pretty cheap. It was built a 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 significant impact of billions of dollars, 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 constituents. I would like for people to pause and think.

I will be happy to share information that the Energy Department has provided us on what this might cost your utilities and what your utilities will have to pass on to the constituents. It won't cost the utilities money. They will charge that added, mandated cost from this Senate to their customers. So the utilities won't pay it.

I have mentioned a few of these. MidAmerican Energy Company faces 44.6 million dollars in increased utility prices. They will only transfer these costs to their customers. The truth is, a lot of those customers are going to be companies that maybe are struggling to survive, that maybe are having a hard time creating jobs. And we are going to increase their utility prices by 5 or 10 percent. Some companies, some corporations, commissions, maybe the Texas Railroad Commission will say:

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 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 do 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 in that definition?

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 northwest 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 would be anxious to see the calculation to which the Senator from Oklahoma was referring. As I understood his explanation, 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 was 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 be going 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 $40-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.–some 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 of them 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. Who yields time?

The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I think the Senator from Virginia was here before me.

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 who signed 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 the wind doesn't blow. 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 renewable energy. 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 lonesome, and it is sitting 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 this windmill is beautiful. 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 it is absolutely outrageous to say, 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? There is no way that 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 buy 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 well is this whole process 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 does 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 feasible 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 these 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 could hurt, it could be expensive, but 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 municipals, we do not 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 3.4 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 that 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 legislature 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 it to people. I hope they will vote for it. I hope 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, 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 37 seconds.

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 of 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 explore this issue between the time this bill leaves the floor and gets to conference where I hope it will be perfected and balanced in promoting renewables.

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 a fact sheet from the Union of Concerned Scientists, an EIA study that says: ''National Renewable Energy Standard of 20 Percent is Easily Affordable.''

There 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 portfolio 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 is included in the Renewable Energy and Energy Efficiency Act of 2001 (S. 1333), proposed by Sen. Jeffords (I–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 business as usual through 2006 and only $2.8 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 could receive 20% of their electricity from 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.

Even these small increases in electricity prices are largely offset, however, by lower natural gas prices. Because an RPS creates a more diverse and competitive market for energy supply, EIA finds that these market forces would reduce natural gas prices and bills.

Diversifying the electricity mix with renewable energy also helps stabilize electricity prices by easing pressure on natural gas prices and supplies. 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 be only $14 billion over the next 18 years. With ongoing natural gas savings after 2020, an RPS would likely produce net savings for consumers.

A 20% RPS would also help reduce emissions from power plants. Under an RPS, carbon emissions from power plants would be 55 million metric tons or 8% lower than business as usual in 2010 and 137 million metric tons or 18% lower in 2020, according to EIA.

CORRECTING EIA ASSUMPTIONS AND COMBINING AN RPS WITH EFFICIENCY PRODUCES ADDITIONAL SAVINGS

Several other studies have found that using more realistic assumptions and combining an RPS with strong energy efficiency policies would produce additional savings for consumers.

The DOE Interlaboratory Working Group (IWG), consisting of the five national energy

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 combination of an RPS of 7.5% by 2010, advanced energy efficiency measures, and four-pollutant emission reduction targets similar to those proposed by Senator Jeffords in S. 556 would save consumers $64 billion 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 $35 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. The EIA:

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;

Arbitarily increases the capital cost of wind, biomass, and geothermal technologies by up to 200% in a given region after a fairly small amount of the regional potential is met;

Limits the penetration of variable output resources like wind and solar 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 in existing coal power plants to 5% 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 that. This is electricity 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 that one of these days those 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, biomass, or solar, increases jobs 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 in America. 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 third reason 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 in the event natural gas prices soar. 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 increasing 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 when people have no choice but to get power from either gas or oil.

So 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 could provide clean natural gas 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 in her own right which has now been expired. 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 years, from 1990 to 1995. As I said earlier, 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, or 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 retains a renewable portfolio and 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 Chair announces the Senator from New Mexico has 22 minutes 29 seconds remaining; the Senator from Arizona 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 showed. Transportation flows 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 with nuclear 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 at 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 as to what the increases 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 Louisiana, the State of the Senator who just spoke. I will leave out for part of this discussion the municipals, but I will bring them in to show it is the same for the municipals. I begin with private utilities in Louisiana.

For the CLECO Power Company, the cost of this is $25.5 million, an increase in retail of 4½ percent. Entergy, Gulf States Louisiana and New Orleans is $60 million, $89 million, and $17 million, respectively, with an increase in prices to the retail customer of over 5 percent, 4½ percent, and 3.86 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 Kyl amendment if 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—they have invested 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 3.69 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 29½-percent increase? Fortunately, it is one of the political subdivisions that is currently excluded from the bill. Certainly they hope to remain excluded.

In California, Pacific Gas and Electric is $260 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 what it would cost these utilities 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 cost 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.

Yes, some 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 did 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 is coal, nuclear, and 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. Hydro 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 of luck; you will have to import 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 credits so the owners 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 one that we can identify and we 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 on 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 credits. That is what they 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.

I 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:

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC, March 5, 2002.

Hon. FRANK H. MURKOWSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MURKOWSKI: We are writing to express our deep concern over the economic impact of the renewable electricity portfolio mandates contained in the Substitute Amendment (the Energy Policy Act of 2002) to S. 517. This renewable portfolio standard would require that 10 percent of all electricity generated in 2020 must be generated by renewable facilities built after 2001. The renewable portfolio standard would become effective next year, and the amount of renewable generation required would increase every year between 2005 and 2020. While we believe that renewable sources of generation should have an important, and growing, role in supplying our electricity needs, the provisions contained in the Substitute Amendment was not reasonable and cannot be achieved without causing dramatic electricity price increases. This in turn would have the unintended consequence of reducing the competitiveness of American businesses in the global economy and, thereby, reducing economic growth and employment.

Today, according to the Energy Information Administration, non-hydro renewables placed in service over past decades make up only about 2.16 percent of the total amount of electricity generated in the United States. However, even this modest existing renewable capacity will not count under the Substitute Amendment toward satisfying the renewable portfolio requirement. Generally, under that Amendment, renewable facilities that can be used to meet the 10 percent minimum must be placed in service in 2002 or thereafter. Therefore, compliance with the Substitute Amendment's 2.5 percent renewables mandate for 2005 would require doubling the amount of non-hydro renewables that we now have in just three years—even though it took us more than 20 years to get to where we are today.

In addition, because the Substitute Amendment requires that 10 percent of all electricity generation, not capacity, must come from renewables, vast numbers of renewable electricity-generating facilities will have to be built. Wind energy, perhaps the most promising non-hydro renewable technology, operates effectively only between 20 percent to 40 percent of the time. Solar is also intermittent. Therefore, the actual amount of newly installed capacity needed to generate enough electricity to meet the Daschle Amendment's requirements could well exceed 20,000 megawatts by 2005. To put this into context, according to the American Wind Energy Association, we currently have less than 5,000 megawatts of installed wind capacity in the United States.

Simply imposing an unreasonably large, federally mandated requirement to generate electricity from renewables will not guarantee that enough windmills and other renewable facilities can be built on schedule; that the wind (or sun or rain) will cooperate; or that the generating costs will be as low as would be the case from a more diverse, market-dictated portfolio of conventional, as well as renewable and alternative fuels. If retail suppliers do not comply with the mandate, they would face a 3 cent per kilowatt hour civil penalty. Some way suggest that this penalty would operate as a ''cap'' on the inevitable run up of electricity costs under the Amendment. Even if this penalty were effective at limiting skyrocketing electricity costs—and experience with similar ''penalties'' indicates that it will not—the 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 electric powerplants and discouraged its use 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 when 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 far 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 or mitigate the harmful economic consequences of the renewable fuels portfolio mandate.

Sincerely,

Adhesive and Sealant Council, Inc.,
Alliance for Competitive Electricity,
American Chemistry Council,
American Iron and Steel Institute,
American Lighting Association,
American Paper Machinery Association,
American Portland Cement Alliance,
American Textile Manufacturers Institute,
Association of American Railroads,
Carpet and Rug Institute,
Coalition for Affordable and Reliable Energy,
Colorado Association of Commerce and Industry,
Edison Electric Institute,
Electricity Consumers Resource Council,
Independent Petroleum Association of America,
Industrial Energy Consumers of America,
International Association of Drilling Contractors,
Interstate Natural Gas Association of America,
National Association of Manufacturers,
National Lime Association,
National Mining Association,
National Ocean Industries Association,
North American Association of Food Equipment Manufacturers,
Nuclear Energy institute,
Ohio Manufacturers' Association,
Oklahoma State Chamber of Commerce & Industry,
Pennsylvania Foundry Association,
Pennsylvania Manufacturers' Association,
State of Florida Public Service Commission,
Texas Association of Business and Chambers of Commerce,
U.S. Chamber of Commerce,
Utah Manufacturers Association,
Westbranch Manufacturers Association.

PUBLIC SERVICE COMMISSION,
CAPITAL CIRCLE OFFICE CENTER, 2540 SHUMARD OAK BOULEVARD,
Tallahassee, FL, March 18, 2002.

Re: Energy Legislation (Substitute Amendment 2917 to S. 517)

Hon. BILL NELSON
U.S. Senator, Washington, DC.

DEAR SENATOR NELSON: 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 being addressed by the Senate. It is extremely preemptive of State Commission authority. If legislation moves forward, we ask that it provide a continuing role for States in ensuring reliability of all aspects of electrical service-including generations, 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 States at all on transmission 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 the 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 retail electric 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 will also determine the type of renewable energy resource 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 time lines, and the types of renewable energy that would most benefit their retail ratepayers. 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.

(5) CONSUMER PROTECTION

The FPSC is concerned with language in Section 256 that requires the State actions not be inconsistent with the provisions found in the bill. While the FPSC favors a strong consumer protection measures, preempting States by Federally legislating retail consumer protections is not necessary. States are better positioned to combat retail abuses. States are partners with federal agencies in these efforts to ensure consumer protection.

The critical role of State Commissions in the analogous area of implementing the Federal Telecommunications Act provision against slamming (the unauthorized switch of a customer's primary telecommunications carrier) serves as a good example. The Federal Communications Commission saw the benefit of having State Commissions carry out the anti-slamming program. State Commissions are simply better situated and have a more in-depth understanding of the abuses in the consumer protection arena. As a result, Florida's slamming rules are actually more strict and provide better remedies to the consumers than the FCC rules. We would like to retain the ability to take similar steps in the energy area if warranted.

It is our understanding that there are now 100–200 amendments. We are in the process of reviewing all of them. In the meantime, please call us with questions on them. We appreciate that your staff has been in frequent contact with FPSC staff.

In conclusion, we request that you take these points into consideration as energy legislation progresses. Please do not hesitate to call if we may be of further assistance.

Sincerely,

LILA A. JABER,
Chairman.

Mr. MURKOWSKI. I might observe, the State of Florida is in company here with a lot of other corporations. Nevertheless, I think what we have is people who are suggesting that, indeed, we have not examined sufficiently the ramifications of just what this mandate is.

It has worked, in my opinion, with the States. Fourteen States have mandated renewables. It is working. Now we are coming out and saying one size fits all.

In my State, if I want to have biomass, I am left out in the cold because I do not have anything but timber on public land. But it says in here that unless it is slashing, I can't even use waste from mature logs that happen to be harvested. I can't use the bark, can't use the sawdust, unless there is an amendment to this. Maybe we can get over that.

There is not an awful lot of thought that has gone into this. In my opinion, it has been an effort to try to accommodate various concerns. Yes, renewables are good. We ought to really have

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 you 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, over an amendment by one of 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 see 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 will be busy in 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 done that. But there are many things in this bill that will cause those who think nuclear power can, indeed, be part of the American scene to say that Congress is recognizing that and is paving the way for innovation, new approaches to nuclear power, which may, indeed, help 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 these kinds of sources of energy, 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 real 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 believe this standard 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 electric costs because of 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 ones, as I understand it. 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 still believe that to 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 the electricity. But 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 you don't have Sun or wind. 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 stable 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, but 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, translating in terms of costs today to 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 $11 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.

Another way 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 as high as $40 million a year in 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 to meet new standards, unless there is no other way to get America's energy crisis—to control it and to preserve and protect our ambient air.

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 dichotomy which I have just explained.

We can greatly simplify the planning of utilities and minimize the substantial burden of this new standard by simply switching from an ''energy-generated'' basis to a ''capacity'' basis. That would make it easy to measure. 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.

When 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 not as simple 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, make it far 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 utility prices.

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 to study this 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 on 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 output from 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 brandnew electricity generating plants going in. 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 meeting future demand 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 dependent on natural gas? As I say, my State benefits 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 natural gas 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 today 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 giving some 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 gotten their 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 where 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.

There are 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 and Education 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 simple. I cited this earlier 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.

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. I just have a few 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 our friend and colleague, Senator SUSAN COLLINS of Maine. It is called the stand-by-your-ad requirement. 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 simply that to qualify for the special advertising discount given to candidates now for Federal office, those candidates have to personally stand by any mention of an opponent in a radio or television ad by placing a photo on the screen and stating he or she personally approved the broadcast or personally identify themselves in a radio ad and reading a statement saying they have approved the ad.

First amendment rights are protected under this proposal. Candidates can say anything they please. They just have to personally stand by their remarks to get the discount. They can say anything they 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 has to pay more for various ads 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 positive or 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.

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 looks like they just came out of prison and has not had a chance to get cleaned up and has had every possible dastardly act impugned to them. You are not going to be able to do that any longer. You are going to have to own up to what you say and not just run these grainy pictures and frighten kids and families with bloodcurdling music in an effort to score points at your opponent's expense.

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 portrayed your opponent not as somebody with whom you disagree on the issues but someone who is going to be a threat to the American way of life, and

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 with Senator SMITH, with whom I work on a great many issues and 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 out of hand, and many 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 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 breakthroughs in 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 completely 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 colleague, Senator SMITH, to his credit, shares my view that our campaigns got completely out of hand.

For about 3 weeks, the people of Oregon had balance in their hand. I made no reference to Senator SMITH at all. I took all of the ads off the air that mentioned his name and talked only about the kinds of initiatives I wanted to pursue, issues we talked about in the Senate today such as the bipartisan proposal Senator SNOWE and I have on prescription drugs.

I admit I come to this question of attack ads colored by a truly searing experience I had in 1996 and it is why Senator COLLINS and I felt so strongly about trying to make this change.

I think owning up to statements about what a candidate says about their opponent is going to make a difference. I think it is going to cause a candidate to think twice before they go forward with these negative blitzes on their opponents. I am going to be frank. That is what I wanted to see American politics be all about after 1996. That is why I have tried to keep it positive and to focus on areas where in the public policy arena people can be helped, people can be empowered, and they can make choices that make a difference for their lives.

Certainly the debate on campaign finance reform has been contentious, but I think we can all agree that reasonable 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 the stand-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 after the Easter recess.

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 freedoms 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.

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 implementing 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, 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 INTERSTATE TRANSPORTATION AND LOCAL AUTHORITY ACT OF 2002

Mr. FEINGOLD. Mr. President, yesterday I joined as an original cosponsor of legislation introduced by my Midwestern 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. BAYH, 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.

We 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 that we, in many instances, have the luxury of avoiding many environmental problems, and we have structured our State and local governments in Wisconsin to try to be sure that we continue to avoid them. We in Wisconsin, however, are unable to protect our communities, which have done a good regulatory job, from having to deal with the solid waste mess created by our neighboring communities in other States. Instead, my State has been forced to accept other States' municipal solid waste in ever increasing amounts.

We need to enact legislation to give back to States the power to be able to

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 $3 per ton 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 in-State 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 accepting out-of-State waste from 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 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. Ilinois-based Waste Management Inc. and the 1,300-member National Solid Waste Management Association were 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 the 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 the need for State control is even more acute today than in 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 prompt 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 freedom-loving 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 way. When duty calls, Americans are ready to answer.

With the military action in Afghanistan and the many theaters of the war on terror serving as a backdrop, the movie, ''We Were Soldiers,'' chronicles one of the first major battles of the Vietnam War, and conveys 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 lost, as well as on the veterans who returned home to a changed country. Although that is the context in which Ia Drang occurred, the movie does a remarkable job not focusing on politics. Rather it is about the love and deep bond between men in battle, fighting for their lives. Lt. Colonel Moore summed up his dedication to his men perfectly when he told them that although they may not all make it back alive, he could guarantee they'd all make it back home.

The story of the Battle of Ia Drang is one of grit and determination. But it is also one of staggering loss. In November of 1965, some 450 men, under the command of Lt. Colonel Moore, were dropped into a small clearing in the Ia Drang Valley. They were immediately surrounded by more than 2,000 Northern Vietnamese soldiers, and confronted with the type of conflict that would mark the war in Vietnam for years to come. Three-hundred-five of those 450 men never made it home; their names are inscribed on the third panel to the right of the apex, Panel 3–East, of the Vietnam Veterans Memorial in Washington, DC, and in the thoughts of all Americans, men and women for whom they sacrificed their lives. 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 the history books. 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, NY. Two men yelling 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. SARBANES. Mr. President, I rise today in observance of the 181st 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. This arduous struggle continued 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 peoples 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 NATO and 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 institutions, 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 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 to act with integrity. 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, which addresses violence prevention and seeks to bridge the digital divide by offering activities to encourage girls to pursue careers in math, science, and technology.

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. will be serving American girls for many years to come. I look forward to standing here again in 2012 to salute the Girl Scouts on their centennial.

ADDITIONAL STATEMENTS

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 past 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 famines 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 greatly 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.•

TRAGIC ANNIVERSARY FOR 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 injured was American democracy-worker Ron Abney.

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 authorities 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 are:

Mr. Cheth Duong Daravuth; Mr. Han Mony; Mr. Sam Sarin; Ms. Yong Sok Neuv; Ms. Yong Srey; Ms. Yos Siem; Ms. Chanty Pheakdey; Mr. Ros Sear; Ms. Sok Kheng; Mr. Yoeun Yorn; Mr. Chea Nang; and 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, NJ.

Founded in February of 1882 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 chapters from 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 members 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 servicemen and 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 out an anti drug/alcohol message 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.●

TRIBUTE TO ELISE TOLLIVER OF NICHOLASVILLE

● Mr. BUNNING. Mr. President, I rise today to honor Elise Tolliver of Nicholasville, 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 performance (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. As Winston Churchill so plainly stated, ''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-dedication 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, Gilkeria, 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-

working farm families across the country who throughout our nation's history have worked relentlessly to ensure the food security of our nation and to eliminate hunger around the world.

Some of my colleagues may believe I sound like a broken record when it comes to my advocacy for the nation's mid-section and its hard-working food producers. But I like to remind them about an old saying: ''We're only nine meals away from a revolution.'' In other words, empty stomachs can prompt a traditionally law-abiding populace to mob hysteria and mayhem. A stable food supply brings social stability.

For seven decades the Federal Government has recognized the importance of maintaining a farm safety net to ensure America's homegrown food security. The tragic event of September 11 underscored the significant responsibilities the Federal Government must undertake to protect our national security interests at home and abroad.

Safeguarding the American public and shielding the U.S. economy, transportation infrastructure, health care delivery systems, energy supplies, natural resources and production agriculture from the threats of 21st century terrorism have become Washington's top priority. This effort must include a farm safety net that works to ensure our farmers and ranchers are able to continue feeding America by making a decent living off the land. Otherwise, American consumers could well find themselves at the mercy of foreign suppliers at the grocery store much like we are today at the gas station.

We must not forget our nation's long agrarian heritage. In 1790, ninety percent of the nation's labor force were farmers—feeding a population of only 4 million.

Today, with less than 2 percent of our population actively engaged in agriculture, our nation's family farmers feed a U.S. population of 265 million, along with millions of others around the world.

The contributions of the agriculture industry on our economy are many. Agriculture is the largest positive contributor to our nation's balance of trade. Last year, American farmers exported $53 billion worth of commodities. The State of Iowa alone exported more than $3 billion worth of corn, soybeans, live animals, and red meats.

Moreover, according to the Department of Agriculture, each dollar from agricultural exports generates another $1.47 in additional economic activity. Twenty-four million Americans depend on agriculture for their livelihoods.

Despite the enormous contributions of farming to our country, today, fewer and fewer people have direct ties to life on the farm, and fewer still depend solely on farming for their livelihood. Technological efficiencies and mechanical advances on today's farm require less labor to produce more food. While 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. The 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 Center 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 Comberland County Black Hall of Fame.

Mrs. Corbin has met every challenge, every task and every duty with unwavering faith and an unflinching commitment to the people she serves. I am proud to recognize her today as one of New Jersey's Best.●

IN RECOGNITION OF MELVIN R. SCOTT, JR.

● Mr. TORRICELLI. Mr. President, I rise today to recognize Melvin R. Scott, Jr., who will be receiving the Nelson Mandela Education Award from the Coalition of Black Trade Unionists.

Throughout his distinguished career, Mr. Scott has served his fellow Americans in two vital capacities, serving in the U.S. Army and as an educator. After serving as a Training Officer at Fort Campbell and undertaking advance training at the Infantry School at Fort Benning, he went overseas and served in the Korean War. During his service in Korea, Mr. Scott was honored with the Bronze Star, a Medal of Commendation, and an Expert Infantry Badge with clusters.

After Mr. Scott's tour of duty in Korea, he returned to the United States and began his career in education. He began as a substitute teacher in Pittsburgh and through hard work became a member of the Vineland Board of Education in New Jersey on which he still currently serves. As a member of the board, Mr. Scott has overseen all federally funded programs since 1965. He has also been named Teacher of the Year and served in interim capacities as Principal of the Bridgeton Summer Program and Vice-Principal at Bridgeton Elementary School.

In addition to his military service and time as an educator, Mr. Scott has also been an active member of his community. He was President of the Health Service Committee for the City of Vineland for eleven years, is a member of the South Jersey Umpires Association, on the Red Cross Advisory Committee for the City of Vineland, and is a member of numerous other organizations.

Mr. Scott is truly a distinguished American. We are all better off for the dedication he has shown to protecting his nation and to bettering the lives of his fellow New Jerseyans.●

IN RECOGNITION OF ERNEST D. COURSEY

● Mr. TORRICELLI. Mr. President, today I rise to honor Ernest D. Coursey, a true citizen and servant of Atlantic City, New Jersey. As a leader of the City's Council, he has worked diligently to improve the daily lives of his neighbors and bring opportunity and hope to the thousands who call Atlantic City home. For his work and commitment, Mr. Coursey will receive the Charles A. Hayes Award, named for an outstanding public servant, a veteran of the United States Congress, and passionate defender of civil, human, and worker's rights.

First elected Third Ward Councilman on the Atlantic City Council in 1991, Mr. Coursey quickly emerged as a leader. He rose first to Council Vice President and later to Council President, while never forgetting his constituents,

focusing on the needs of children and Seniors. His annual holiday events, food drives and Senior and Youth Days united the entire city and increased the sense of community.

After serving on the City's Council, he was appointed Confidential Aide to the Mayor. This new role has enabled Mr. Coursey to bring his considerable leadership skills and knowledge of the residents' needs to the entire City. As a life-long Atlantic City resident, Ernest D. Coursey has demonstrated his commitment to public service and to the citizens of his hometown. His receipt of the Charles D. Hayes Award is not only a fitting recognition of his many accomplishments, but is also an appropriate tribute to the legacy of Charles Hayes. It is my privilege to acknowledge Mr. Coursey today.●

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 string 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 Teamsters 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 most 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.

(The nominations received 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.

H.R. 1712. An act to authorize the Secretary of the Interior to make adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park, and for other purposes.

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.

H.R. 2804. 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.''

H.R. 3928. An act to assist in the preservation of archaeological, paleontological, zoological, geological, and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake City, Utah.

H.R. 3985. An act to amend the Act entitled ''An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases,'' approved August 9, 1955, to provide for binding arbitration clauses in leases and contracts related to reservation lands of the Gila River Indian Community.

H.R. 3986. An act 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.

The message also announced that the House has passed the following bill, without amendment:

S. 2019. An act to extend the authority of the Export-Import Bank until April 30, 2002.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

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 to the boundary of the National park of American Samoa to include certain portions 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. 3928. An act to assist in the preservation of archaeological, paleonotological, zoological, 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.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2804. 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 20, 2002, she had presented to the President of the United States the following enrolled bill:

S. 2019. An act to extend the authority of the Export-Import Bank until April 30, 2002.

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 for Management and Administration, Small Business Administration, transmitting, pursuant to

law, the report of a nomination for the position of Chief Counsel for Advocacy, received on March 18, 2002; to the Committee on Small Business and Entrepreneurship.

EC–5831. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Small Business and Entrepreneurship.

EC–5832. A communication from the Director of the Office of White House Liaison, Department of Commerce, International Trade Administration, U.S. and Foreign Commercial Service, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the position of Assistant Secretary and Director General, received on March 18, 2002; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Banking, Housing, and Urban Affairs; and Commerce, Science, and Transportation.

EC–5833. A communication from the Director of the Office of White House Liaison, Department of Commerce, International Trade Administration, transmitting, pursuant to law, the report of a nomination confirmed and the change in previously submitted reported information for the position of Under Secretary for International Trade Administration, received on March 18, 2002, referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986; to the Committees on Banking, Housing, and Urban Affairs; and Finance.

EC–5834. A communication from the Chairman of the Office of the General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Final Rules and Explanation and Justification on Independent Expenditure Reporting'' received on March 15, 2002; to the Committee on Rules and Administration.

EC–5835. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendment to Election Cycle Reporting'' received on March 15, 2002; to the Committee on Rules and Administration.

EC–5836. A communication from the Director, Office of White House Liaison, Department of Commerce, Economic Development Administration, 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 Economic Development, received on March 18, 2002; to the Committee on Environment and Public Works.

EC–5837. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Notice of Availability of Grants for Development of Coastal Recreation Water Monitoring and Public Notification Under the Beaches Environmental Assessment and Coastal Health Act'' (FRL7161–5) received on March 18, 2002; to the Committee on Environment and Public Works.

EC–5838. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Listing the Desert Yellowhead as Threatened'' (RIN1018–AI35) received on March 18, 2002; to the Committee on Environment and Public Works.

EC–5839. A communication from the Vice Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Turkey, Mongolia, the Czech Republic, and Brazil; to the Committee on Banking, Housing, and Urban Affairs.

EC–5840. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Community Investment Cash Advance Programs Regulation'' (RIN3069–AA99) received on March 18, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–5841. A communication from the Director of the Office of White House Liaison, Department of Commerce, Bureau of Export Administration, 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 Export Enforcement, received on March 18, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–5842. A communication from the Director of the Office of White House Liaison, Department of Commerce, Bureau of Export Administration, 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 Export Administration, received on March 18, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–5843. A communication from the Director of the Office of White House Liaison, Department of Commerce, Bureau of Export Administration, 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 Export Administration, received on March 18, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–5844. A communication from the Director of the Office of White House Liaison, Department of Commerce, International Trade Administration, Trade Development, 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 Trade Development, received on March 18, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–5845. A communication from the Assistant General Counsel for Regulatory Law, Freedom of Information and Privacy Acts Division, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Privacy Act: Implementation'' (RIN1901–AA69) received on March 18, 2002; to the Committee on Energy and Natural Resources.

EC–5846. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Integrated Safety Management System Guide (Volumes 1 and 2)'' (DOE G 450–1B) received on March 18, 2002; to the Committee on Energy and Natural Resources.

EC–5847. A communication from the Chairman of the Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''STB Ex Parte No. 542 (Sub-No. 8) Regulations Governing Fees for Services Performed in Connection With Licensing and Related Services—2002 Update'' (Board Decision No. 32552) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5848. A communication from the Secretary of the Commission, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''16 CFR Section 802.21'' (RIN3084–AA23) received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5849. A communication from the Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''General Grant Administration Terms and Conditions of the Coastal Ocean Program: Announcement of Opportunity'' (RIN0648–ZA92) received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5850. A communication from the Deputy Assistant Administrator for Fisheries for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Pacific Tuna Fisheries; 2001 Quotas and Management Measures for Yellowfin and Juvenile Bigeye Tuna'' (RIN0648–AO48) received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5851. A communication from the Director, Office of White House Liaison, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the nomination for the position of Assistant Secretary for Legislative and Intergovernmental Affairs, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5852. A communication from the Director, Office of White House Liaison, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the nomination for the position of Chief Financial Officer and Assistant Secretary for Administration, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5853. A communication from the Director, Office of White House Liaison, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the nomination for the position of General Counsel, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5854. A communication from the Director, Office of White House Liaison, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the nomination for the position of Deputy Secretary, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5855. A communication from the Director, Office of White House Liaison, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the nomination for the position of Secretary of Commerce, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5856. A communication from the Director, Office of White House Liaison, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a nomination and a change in previously submitted reported information for the nomination for the position of Under Secretary and Director of the PTO, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5857. A communication from the Director, Office of White House Liaison, National

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 nomination for the position of Assistant Secretary for Communications and Information, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5858. A communication from the Director, Office of White House Liaison, Economics and Statistics Administration, Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the nomination for the position of Under Secretary for Economics Affairs, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5859. 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 nomination for the position of Assistant Secretary for Technology Policy, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5860. A communication from the Director, Office of White House Liaison, Technology Administration, Department of Commerce, transmitting, pursuant to law, the report of a nomination and a change in previously submitted reported information for the nomination for the position of Under Secretary of Technology, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5861. A communication from the Senior Attorney, Financial Management Service, Treasury Department, transmitting, pursuant to law, the report of a rule entitled ''Payment of Federal Taxes and the Treasury Tax and Loan Program'' (RIN1510–AA79) received on March 15, 2002; to the Committee on Finance.

EC–5862. 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 Steel Products'' (RIN1515–AD07) received on March 18, 2002; to the Committee on Finance.

EC–5863. A communication from the Regulations Coordinator, Office of Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Federal Health Care Programs; Fraud and Abuse; Revisions and Technical Corrections'' (RIN0991–AB09) received on March 18, 2002; to the Committee on Finance.

EC–5864. 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'' (RIN0938–AL05) received on March 18, 2002; to the Committee on Finance.

EC–5865. 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 nomination for the position of Assistant Secretary for Import Administration, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5866. A communication from the Director, Office of White House Liaison, International Trade Administration, Market Access and Compliance (MAC), Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the nomination for the position of Assistant Secretary for MAC, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5867. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Revised Medical Criteria for Determination of Disability, Musculoskeletal System and Related Criteria'' (RIN0960–AB01) received on March 18, 2002; to the Committee on Finance.

EC–5868. A communication from the Director of the Workforce Compensation and Performance Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Cost-of-Living Allowances (Nonforeign Areas); Various Allowance Rate Adjustments'' ((RIN3206–AJ15)(RIN3206–AJ26)) received on March 15, 2002 ; to the Committee on Governmental Affairs.

EC–5869. A communication from the Deputy Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of the Agency's Inventory Commercial Activities for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–5870. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the Board's Audit Reports Regarding the Thrift Savings Plan for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–5871. A communication from the Director of the Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled ''Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture; Extension of Filing Dates for Certain Confidential Financial Disclosure Report Filers'' (RIN3209–AA00) received on March 18, 2002; to the Committee on Governmental Affairs.

EC–5872. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–5873. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the Annual Report on the Federal Equal Opportunity Recruitment Program (FEORP) for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–5874. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–5875. A communication from the Inspector General of Social Security, transmitting, pursuant to law, the Office of the Inspector General Fiscal Year 2002 Annual Audit Plan; to the Committee on Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SARBANES 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 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 Brig. Gen. George P. Taylor, Jr.

Air Force nomination of Lt. Gen. Bruce A. Carlson.

Air Force nomination of Lt. Gen. Robert C. Hinson.

Air Force nomination of Maj. Gen. Duncan J. McNabb.

Air Force nomination of Lt. Gen. Joseph H. Wehrle, Jr.

Air Force nomination of Maj. Gen. Thomas B. Goslin, Jr.

Air Force nomination of Lt. Gen. Leslie F. Kenne.

Air Force nomination of Maj. Gen. William R. Looney 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.

Army nomination of Maj. Gen. James R. Helmly.

Navy nomination of Rear Adm. (lh) 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 lists 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. Yoho, Jr., 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. Bell and ending David J. Wellington, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2002.

Air Force nomination of David H. Conroy.

Air Force nomination of Edward A. Laferty.

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. Friesen.

Army nomination of Gregory A. Brouillette.

Army nominations beginning *Amy M Bajus and ending *Antoinette Wrightmcrae, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2002.

Air Force nominations beginning Wesley J. Ashabranner and ending David L. Walton, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2002.

Air Force nomination of Michael Hajatian, Jr.

Air Force nomination of Catherine S. Lutz.

Air Force nomination of Karen L. Wolf.

Air Force nominations beginning Albert G. Baltz and ending Duane Kellogg, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2002.

Air Force nominations beginning James C. Demers and ending Carlos E. Rodriguez, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2002.

Air Force nominations beginning Derrick K. Anderson and ending Joseph R. Wallroth, which nominations were received by the Senate and appeared in the Congressional Record on March 6, 2002.

Air Force nominations beginning Matt Adkins, Jr. and ending Stephen M. Wolfe, which nominations were received by the Senate and appeared in the Congressional Record on March 6, 2002.

Army nominations beginning *David E Bentzel and ending *Shannon M Wallace, which nominations were received by the Senate and appeared in the Congressional Record on March 6, 2002.

Army nominations beginning *Abad Ahmed and ending *Larry J Wooldridge, which nominations were received by the Senate and appeared in the Congressional Record on March 6, 2002.

Army nominations beginning Kimberlee A Aiello and ending *Chunlin Zhang, which nominations were received by the Senate and appeared in the Congressional Record on March 6, 2002.

Army nomination of James R. Kish.

Marine Corps nominations beginning Raymond J. Faugeaux and ending Marianne P. Winzeler, which nominations were received by the Senate and appeared in the Congressional Record on March 6, 2002.

Navy nominations beginning Jennifer R Flather and ending Stephen J Williams, which nominations were received by the Senate and appeared in the Congressional Record on March 6, 2002.

Air Force nomination of Joseph Wysocki.

Air Force nominations beginning Richard L. Fullerton and ending William P. Walker, which nominations were received by the Senate and appeared in the Congressional Record on March 13, 2002.

Air Force nominations beginning William P. Albro and ending Delilah R. Works, which nominations were received by the Senate and appeared in the Congressional Record on March 13, 2002.

Army nominations beginning *Sharon M Aaron and ending Joellen E Windsor, which nominations were received by the Senate and appeared in the Congressional Record on March 13, 2002.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. 2035. 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. 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.

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.

By Mrs. CLINTON (for herself, Mr. KERRY, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. BOXER, Mr. CORZINE, Ms. STABENOW, and Mr. SCHUMER):

S. 2038. 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. 2039. 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 memory of the USS *South Dakota* and its World War II crew on the occasion of the 60th Anniversary of the commissioning of the USS *South Dakota;* to the Committee on Armed Services.

By Mrs. BOXER (for herself, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. MURRAY, Mrs. HUTCHISON, Ms. SNOWE, Ms. COLLINS, Ms. LANDRIEU, Mrs. LINCOLN, Ms. CANTWELL, Mrs. CARNAHAN, Mrs. CLINTON, and Ms. STABENOW):

S. Res. 229. A resolution condemning the involvement of women in suicide bombings; considered and agreed to.

ADDITIONAL COSPONSORS

S. 121

At the request of Mrs. FEINSTEIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 121, a bill to establish an Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children, 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 of the 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 provide enhanced 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 revise the Renewable Energy Production Incentive program, and for other purposes.

S. 1839

At the request of Mr. ALLARD, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1839, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statures 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. 1922

At the request of Mr. HUTCHINSON, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1922, 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 provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of

the Federal deposit insurance system, and for other purposes.

S. 1992

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1992, a bill 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 for other purposes.

S. 2003

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. 2003, 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. LUGAR, 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 Korean 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 areas 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 judgeship. This is a goal that is rarely met in Florida's Middle and Southern Districts.

In fact, the number of case filings per judgeship 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 courts' weighted caseload with 547 per judgeship 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 alleviate 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 one additional permanent judgeship 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 these jurisdictions 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 Presiding Officer of the Senate 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 alone, 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 Senator Allen and I offered 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 science-related 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 Nation. One 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 communities all across this country to put in place a preexisting 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 technology 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 bring in mobile cellular units to 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 companies that 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 antiterror technologies. Suffice it to say, our Government has received thousands and thousands of ideas, unsolicited, from private companies and citizens all across this country with respect to products to aid in the fight against terrorism. And there is no systematic way to evaluate the quality of those products.

The bipartisan legislation we brought to the Senate today would provide that test bed and a 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—the hard-wire systems, 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 could have used 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 been very helpful in this effort—was 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 as 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 help and 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 crises such as the September 11 attacks are not just technology problems, they are problems that ultimately cost lives. 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 before disaster strikes. Clearly, we need to respond more effectively when there is a disaster. But it is only common sense to utilize the talents and energy of those in the private sector in a preventive way as well, and that is also a key feature of our bipartisan legislation.

Since September 11, thousands of experts and entrepreneurs have contacted the Federal Government offering new technologies. We would like to have those evaluated. That evaluative kind of effort can go forward as we employ a preventive kind of strategy for our leaders in the private sector and for purposes of making sure we accept and evaluate and implement these ideas that are now flooding in from around the country.

We create a Center for Civilian Homeland Security Technology Evaluation. It is going to have two purposes. It will serve as a national clearinghouse for security and emergency response technologies, helping 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. We establish a center for evaluating technologies, 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, but 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. Web sites, voice mail, and e-mail systems of relief organizations filled up and crashed.

When emergency workers moved in, they told us they were hindered by the fact that their 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.

So 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 anything the 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, many of which the occupant of the chair and I have a chance to wrestle with in the Commerce Committee. Certainly 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 all expressed support for 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 Allbaugh; 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:

INTEL CORPORATION,
Santa Clara, CA, March 18, 2002.

Hon. RON WYDEN,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR WYDEN: I 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 resiliency 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 look forward to 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.

ORACLE CORPORATION,
Washington, DC, March 18, 2002.

Hon. RON WYDEN,
United States Senate, Washington, DC.

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 improve and enhance emergency response capabilities, particularly the recovery of information technology infrastructure, in the event of major disasters such as the events 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 resiliency and continued operation of our information technology infrastructure against attacks and national disasters is critical. Oracle looks forward to working with you on the details of your proposal as it moves through the legislative process.

On behalf of Oracle, thank you for your leadership on issues important to maintaining our nation's technology infrastructure.

Sincerely,

ROBERT P. HOFFMAN,
Director.

MICROSOFT CORPORATION,
Washington, DC, March 19, 2002.

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 State 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 should draw upon 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 KRUMHOLTZ,
Director, Federal Government Affairs, Associated General Counsel.

AOL TIME WARNER,
Washington, DC, March 19, 2002.

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 antiterrorism 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 technical 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 from 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 a national emergency. We believe that this type of voluntary partnership between industry and government is vital to ensuring that disaster response and recovery efforts are coordinated and effective.

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 Public Policy, AOL Time Warner.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 228—HONORING THE MEMORY OF THE U.S.S. SOUTH DAKOTA AND ITS WORLD WAR II CREW ON THE OCCASION OF THE 60TH ANNIVERSARY OF THE COMMISSIONING OF THE U.S.S. SOUTH DAKOTA

Mr. JOHNSON (for himself and Mr. DASCHLE) 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 1943, 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 the most decorated American battleship of World War II, having been awarded 13 battle stars;

Whereas the U.S.S. South Dakota became one of only four battleships to be awarded the Navy Unit Commendation;

Whereas Admiral Chester W. Nimitz used the U.S.S. South Dakota as his flagship for the surrender of Japan in Tokyo Bay;

Whereas the U.S.S. South Dakota served as the flagship for Admiral William F. Halsey on the return of the Navy's Third Fleet to the United States after World War II ended; and

Whereas the memory of those who served and those who died on the vessel are honored at the U.S.S. South Dakota Memorial in Sioux Falls, South Dakota: Now, therefore, be it

Resolved, That the Senate—

(1) remembers the service of the U.S.S. South Dakota and its World War II crew on the occasion of the 60th Anniversary of the commissioning of the U.S.S. South Dakota;

(2) commends the members of the World War II crew of the U.S.S. South Dakota for their dedicated service to the United States during that war;

(3) pays solemn tribute to those who were killed or wounded on the decks of the U.S.S. South Dakota; and

(4) honors the lasting legacy of the great fighting spirit of the U.S.S. South Dakota and its crew.

THE U.S.S. SOUTH DAKOTA

Mr. JOHNSON. Mr. President, I rise today to submit a resolution honoring the 60th anniversary of the commissioning of the USS *South Dakota*.

The USS *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 USS *South Dakota* and her dedicated crew.

The USS *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 USS *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 USS *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 signalled 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 USS *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 USS *South Dakota* and honoring the lasting legacy of her crew.

SENATE RESOLUTION 229—CONDEMNING THE INVOLVEMENT OF WOMEN IN SUICIDE BOMBINGS

Mrs. BOXER (for herself, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. MURRAY, Mrs.

HUTCHISON, Ms. SNOWE, Ms. COLLINS, Ms. LANDRIEU, Mrs. LINCOLN, Ms. CANTWELL, Mrs. CARNAHAN, Mrs. CLINTON, and Ms. STABENOW) submitted the following resolution; which was considered and agreed to:

S. RES. 229

Whereas on October 24, 2001, the Senate approved amendment No. 1941 to H.R. 2506 of the One Hundred Seventh Congress expressing the sense of the Senate that suicide bombings are a horrific form of terrorism that must be universally condemned as terrorist acts;

Whereas it has been reported that an influential 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 people 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 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 accordance with international law and custom; and

Whereas the involvement of women in carrying out suicide bombings is contrary to the important role women must play in conflict prevention and resolution: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the condemnation of all suicide bombings as terrorist acts, made by the Senate in Senate amendment No. 1941 to H.R. 2506 of the One Hundred Seventh Congress 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 emulate a self-destructive, brutal, and murderous crime.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee 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 ''Accounting and Investor Protection Issues Raised by Enron and Other Public 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 Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, March 20, 2002, at 9:30 a.m. on competition in the local telecommunications 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 Committee 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 testimony on legislative initiatives that would impose limits on the shipments of out-of-State municipal solid waste and authorize State and local governments to exercise flow control. 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 Committee 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 Randal K. Quarles to be Assistant Secretary for International Affairs of the U.S. Department of Treasury.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized 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' Committee on Veterans Affairs, to hear the legislative presentations of American Ex-Prisoners of War, the Vietnam Veterans 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 authorized to meet during the session of the Senate on Wednesday, March 20, 2002 at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON PERSONNEL

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized 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 Subcommittee on Strategic of the Committee on Armed Services be authorized 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 review of the defense authorization request for fiscal year 2003.

Witnesses

Panel 1: The Honorable E. C. ''Pete'' Aldridge, Under Secretary of Defense for Acquisition, Technology and Logistics; the Honorable Peter B. Teets, Under Secretary of the Air Force and Director, National Reconnaissance Office; and General Ralph E. Eberhart, USAF, Commander in Chief, United States Space Command.

Panel 2: Admiral James O. Ellis, Jr., USN, Commander in Chief, United States Strategic Command; Major General 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 Admiral Dennis M. Dwyer, USN, Director, Strategic Systems Programs, United States Navy.

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

PRIVILEGE OF THE FLOOR

Ms. LANDRIEU. Mr. President, I ask unanimous consent that Neil Naraine, a fellow in my office, be granted the privilege of the floor for the remainder of the debate on the energy bill.

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

EXECUTIVE SESSION

NOMINATION DISCHARGED AND PLACED ON THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the Environment and Public Works Committee be discharged from further consideration of the nomination of J. Paul Gilman, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency, and that the nomination be placed on the Executive Calendar.

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

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following nominations: Calendar Nos. 730 through 736, and the nominations on the Secretary's desk under Foreign Service; that the nominations be confirmed; that the motions to reconsider be laid upon the table; that any statements relating to the nominations be printed in the RECORD; that the President 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 Terpeluk, 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. (New Position)

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 (95) beginning Gustavio Alberto Mejia, and ending Joseph E. Zadrozny, 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. 3986.

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. 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.

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, 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. 3986) 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 proceed 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), a $16,000,000 reduction in funding 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 Institutions 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 conduct of elections included in the OSCE 1990 Copenhagen Document;

Whereas during the 1999 presidential election campaign, a heavy proincumbent 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 proincumbent campaigning by state administration and public officials was widespread and systematic;

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 ODIHR 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 an election campaign 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 the campaign 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 assistance programs for the 2002 parliamentary elections;

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 indigenous, nonpartisan, nongovernment organization that was established in 1994 to monitor the conduct of national election campaigns and balloting in Ukraine, cited five major types of violations of political rights and freedoms during the precampaign phase of the parliamentary elections, including—

(1) use of government position to support particular political groups;

(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 provisions calling for—

(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 address issues 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 stations 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 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 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 and preamble be agreed to en bloc, that the amendments to the preamble be agreed to, the preamble as amended be agreed to, the motion to reconsider be laid upon the table, and any statements therein be printed in the RECORD.

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

The amendments to the preamble were agreed to.

The resolution (S. Res. 213) was agreed to, as follows:

S. RES. 213

Whereas the United States Department of State Country Reports on Human Rights for 2001 reports that the ''indiscriminate use of force by [Russian] government troops in the Chechen conflict resulted in widespread civilian casualties and the displacement of hundreds of thousands of persons'';

Whereas the United States Department of State Country Reports on Human Rights for 2001 reports that Russian forces continue to arbitrarily detain, torture, extrajudicially execute, extort, rape, and forcibly disappear people in Chechnya;

Whereas credible human rights groups within the Russian Federation and abroad report that Russian authorities have failed to launch thorough investigations into these abuses and have taken no significant steps toward ensuring that its high command has taken all necessary measures to prevent abuse;

Whereas there are credible reports of specific abuses by Russian soldiers in Chechnya, including in Alkhan-Yurt in 1999; Staropromysloviski and Aldi in 2000; Alkhan-Kala, Assinovskaia, and Sernovodsk in 2001; and Tsotsin-Yurt and Argun in 2002;

Whereas the Government of the Russian Federation has cracked down on independent media and threatened to revoke the license of RFE/RL, Incorporated, further limiting the ability to ascertain the extent of the crisis in Chechnya;

Whereas Chechen rebel forces are believed responsible for the assassinations of Chechen civil servants who cooperate with the Government of the Russian Federation, and the Chechen government of Aslan Maskhadov has failed unequivocally to condemn these and other human rights abuses or to distance itself from persons in Chechnya allegedly associated with such forces; and

Whereas the Department of State officially recognizes the grievous human rights abuses in Chechnya and the need to develop and implement a durable political solution: 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 elected leadership of the Chechen government, including President Aslan Maskhadov, should immediately seek a negotiated settlement to the conflict there;

(3) the President of the Russian Federation should—

(A) act immediately to end and to investigate human rights violations by Russian soldiers in Chechnya, and to initiate, where appropriate, prosecutions against those accused;

(B) provide secure and unimpeded access into and around Chechnya by 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

(4) the President of the United States should—

(A) ensure that no security forces or intelligence units that are the recipients of United States assistance or participants in joint operations, exchanges, or training with United States or NATO forces, are implicated in abuses;

(B) 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;

(C) promote peace negotiations between the Government of the Russian Federation and the elected leadership of the Chechen government, including Aslan Maskhadov; and

(D) re-examine the status of Chechen refugees, especially widows and orphans, including consideration of the possible resettlement of such refugees in the United States.

ORDERS FOR THURSDAY, MARCH 21, 2002

Mr. REID. I ask unanimous consent that when the Senate completes 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, VICE KERRI-ANN JONES.

DEPARTMENT OF LABOR

KATHLEEN M. HARRINGTON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE SUSAN ROBINSON 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. FIXICO.

AFRICAN DEVELOPMENT FOUNDATION

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, VICE GEORGE EDWARD MOOSE, TERM EXPIRED.

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, VICE JOHN F. HICKS, SR., TERM EXPIRED.

FOREIGN SERVICE

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:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

STEPHAN WASYLKO, OF NEW YORK

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

MERRITT T. COOKE, OF PENNSYLVANIA
DAVID W. FULTON, OF VIRGINIA
JOHN A. HARRIS, OF TEXAS
CHARLES KESTENBAUM, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

SUZANNE K. HALE, OF VIRGINIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

NORVAL E. FRANCIS JR., OF VIRGINIA
LARRY M. SENGER, OF WASHINGTON

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DANIEL K. BERMAN, OF CALIFORNIA
GARY C. GROVES, OF VIRGINIA
DEBRA D. HENKE, OF VIRGINIA
MAURICE W. HOUSE, OF OKLAHOMA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

GARY V. KINNEY, OF VIRGINIA
PAULINE G. JOHNSON, OF MARYLAND

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

CAROLYN ROSE BLEDSOE, OF VIRGINIA
KARL FICKENSCHER, OF MARYLAND
MICHELLE ALLISON GODETTE, OF FLORIDA
JOAKIM ERIK PARKER, OF CALIFORNIA

DEPARTMENT OF COMMERCE

LAURIE A. FARRIS, OF VIRGINIA
SARAH ELIZABETH KEMP, OF WASHINGTON
PATRICK T. WALL, OF ALABAMA

DEPARTMENT OF STATE

TIMOTHY M. STATER, OF VIRGINIA
TERESA WILKIN, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

LYNN KRUEGER ADRIAN, OF FLORIDA
HEATHER ARMSTRONG, OF PENNSYLVANIA
CAROLYN BYRD BRYAN, OF VIRGINIA
MICHAEL CAREY BURKLY, OF CALIFORNIA
SHERRY F. CARLIN, OF FLORIDA
CAROLINE F. CONNOLLY, OF MASSACHUSETTS
FERNANDO COSSICH, OF FLORIDA
MARCUS A. JOHNSON JR., OF VIRGINIA
KATHARINE JOANNA KREIS, OF CONNECTICUT
CATHERINE A. MALLAY, OF VIRGINIA
JED DOUGLAS MELINE, OF NEW YORK
BETHANNE MOSKOV, OF NEW YORK
ANN B. POSNER, OF SOUTH DAKOTA
HARRY GEORGE PROCTOR, OF VIRGINIA
MICHAEL SAMPSON, OF WASHINGTON
ANNE L. TERIO, OF VIRGINIA

DEPARTMENT OF COMMERCE

TYRENA LAVETTE HOLLEY, OF THE DISTRICT OF COLUMBIA
VIRGINIA KRIVIS, OF FLORIDA
JOHN S. LARKIN II, OF TEXAS

DEPARTMENT OF STATE

RAMIN ASGARD, OF NEW JERSEY
ANNE-MARIE CASELLA, OF NEW YORK
NAOMI CATHERINE FELLOWS, OF CALIFORNIA
WILLIAM A. MARJENHOFF, OF VIRGINIA
KAREN L. OGLE, OF MICHIGAN

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JENNIFER L. BACHUS, OF KANSAS
HUNTER HUIE CASHDOLLAR, OF TENNESSEE
ROBERT E. COPLEY, OF COLORADO
JESSE STARR CURTIS, OF ARIZONA
ALEXANDER N. DANIELS, OF CALIFORNIA
ADRIENNE MARIE GALANEK, OF NEW YORK
JAMES GARRY, OF THE DISTRICT OF COLUMBIA
JOHN MICHAEL FRANCIS GRONDELSKI, OF NEW JERSEY
THOMAS J. GRUBISHA, OF PENNSYLVANIA
HEATHER GUIMOND, OF THE DISTRICT OF COLUMBIA
JENNIFER ANN HARHIGH, OF PENNSYLVANIA
EDWARD P. HEARTNEY, OF CALIFORNIA
AARON M. HELLMAN, OF CALIFORNIA
PATRICIA LYNN HOFFMAN, OF PENNSYLVANIA
KURT J. HOYER, OF CALIFORNIA
ROGER KENNA, OF VERMONT
JASON NEIL LAWRENCE, OF CALIFORNIA
HEATHER CHRISTINE LIPPITT, OF ILLINOIS
HENRY MARTIN MCDOWELL IV, OF ALABAMA
KEVIN DAVID MCGLOTHLIN, OF FLORIDA
JOSEF E. MERRILL, OF CALIFORNIA
IRENEO BONG TAN MIQUIABAS III, OF OHIO
ANDREW BENJAMIN MITCHELL, OF TEXAS
ERIN STROTHER MURRAY, OF WEST VIRGINIA
BRIAN THOMAS NEUBERT, OF NEW YORK
ALAIN G. NORMAN, OF MARYLAND
MARIA DE GUADALUPE OLSON, OF ILLINOIS
BENJAMIN RALPH OUSLEY, OF NORTH CAROLINA
LAWRENCE JAMES PETRONI, OF NEW YORK
PAUL EVANS POLETES, OF SOUTH DAKOTA
ELIZABETH C. POWER, OF TEXAS
ALAN SENET PURCELL, OF KENTUCKY
JEFFREY KIMBALL RENEAU II, OF NEW HAMPSHIRE
JOHN CARTER ROBERTSON, OF TEXAS
MATTHEW P. ROTH, OF KANSAS
JEFFERY ALBERT SALAIZ, OF TEXAS
JOSEPH E. SALAZAR, OF TEXAS
AARON HESS SHERINIAN, OF CALIFORNIA
ANNE R. SORENSEN, OF NEW YORK
MARY PAULINE STICKLES, OF MARYLAND
JENNIFER D. SUBLETT, OF MISSOURI
CHRISTINA LOUISE TOMLINSON, OF VIRGINIA
REBECCA J. VARNER, OF MAINE
STEPHEN SPENCER WHEELER, OF CALIFORNIA
ERIC MARSHALL WONG, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

SAMUEL E. ADAMS, OF VIRGINIA
JASON M. ANDERSON, OF VIRGINIA
MARLENE C. ANDERSON, OF NEW MEXICO
HEIDI F. APPLEGATE, OF VIRGINIA
ANDREW BAUMERT, OF VIRGINIA
JEFFREY AARON BEALS, OF NEW YORK
DAVID J. BENNER, OF VIRGINIA
JANET L. BERN, OF VIRGINIA
VINCENT M. BROWN, OF VIRGINIA
ALLEN J. BURNETT, OF VIRGINIA
DAVID A. CARMAN, OF VIRGINIA
S. MICHAEL CAVENDISH, OF VIRGINIA
MARA CLEARY, OF VIRGINIA
AMY E. CONLEY, OF VIRGINIA
TIMOTHY EVAN COOPER, OF VIRGINIA
DAVID B. COPE, OF THE DISTRICT OF COLUMBIA
WILLIAM A. COSTANZA, OF VIRGINIA
STEVEN J. CRONIN, OF THE DISTRICT OF COLUMBIA
GERARD A. DENION, OF VIRGINIA
BRYAN MICHAEL DEWITT, OF VIRGINIA
DAVID A. DISTEFANO, OF VIRGINIA
GARY WAYNE DODSON, OF VIRGINIA
TERRY DEAN DUNCAN, OF MICHIGAN
MICHAEL B. DYE, OF OREGON
BRENDAN H. ENGLEHART, OF VIRGINIA
MIRIAM E. FAUGHNAN, OF THE DISTRICT OF COLUMBIA
BORIS L. FERRELL, OF VIRGINIA
ANNE C. FICHTER, OF VIRGINIA
MELISSA A. FRITTS, OF WEST VIRGINIA
ROBERT GAHNBERG, OF VIRGINIA
KEITH E. GAINEY JR., OF VIRGINIA
SUSAN M. GUTHRIE, OF VIRGINIA
ROBERT J. HAYES JR., OF VIRGINIA
CHRISTOPHER C. HOCH, OF MARYLAND
KIMBERLY CELESTE JEMISON, OF VIRGINIA
JOAN E. KANE, OF CALIFORNIA
DANIEL J. KASHAWLIC, OF VIRGINIA
GLENN V. KAYLOR, OF VIRGINIA
CINDY S. KIM, OF VIRGINIA
JI YOUNG ELIZABETH KIM, OF THE DISTRICT OF COLUMBIA
SAMUEL L. KING, OF VIRGINIA
HOWARD JON MADNICK, OF VIRGINIA
JAMES D. MANOWN, OF VIRGINIA
CARA MARTIN-CRUMPLER, OF VIRGINIA
DEBORAH M. MASTERS, OF VIRGINIA
KIMBERLY MCCULLOCH, OF MARYLAND
COLLEEN M. MCGRATH, OF VIRGINIA
STEPHAN B. MERCIER, OF THE DISTRICT OF COLUMBIA
BARBARA L. MERCKER, OF VIRGINIA
DEBRA L. MOSBACHER, OF ARIZONA
CYNTHIA G. MOSS, OF VIRGINIA
RICHARD PAUL PERISTERE, OF VIRGINIA
MARC ELIAS POLYMEROPOULOS, OF VIRGINIA
MIRIAM RAMOS, OF VIRGINIA
LEONARD RICHARDSON, OF VIRGINIA
MARTHA RODRIGUEZ-ZABEL, OF VIRGINIA
KEVIN RUPP, OF VIRGINIA
MATTHEW L. SALVETTI, OF THE DISTRICT OF COLUMBIA
CATHERINE A. SHANKS, OF VIRGINIA
PAUL RAYMOND SHAYA, OF VIRGINIA
JAMES E. STEJSKAL, OF VIRGINIA
KEVIN G. THOMAS, OF VIRGINIA
TIMOTHY ANDREW TRAX, OF VIRGINIA
WILLIAM J. TUTTLE, OF VIRGINIA
LAUREN G. TWINAM, OF VIRGINIA
AMANDA GERARD WALLIS, OF VIRGINIA
GREGORY DONALD WELLS, OF THE DISTRICT OF COLUMBIA
KENNETH J. WILKINSON, OF VIRGINIA

ZACHARY M. WYATT, OF THE DISTRICT OF COLUMBIA
EDWARD W. YASKO, OF VIRGINIA

SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

CLIFTON MCCLURE JOHNSON, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

AGENCY FOR INTERNATIONAL DEVELOPMENT

JAMES E. STEPHENSON, OF FLORIDA

DEPARTMENT OF DEFENSE

CHARLES S. ABELL, OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS. (NEW POSITION)

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD L. KELLY, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MARILYN D. BARTON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

LARRY O.* GODDARD, 0000

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 531 AND 624:

To be colonel

MARY B. BEDELL, 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 624:

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 531 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

LAWRENCE J. HOLLOWAY, 0000

THE FOLLOWING NAMED OFFICERS 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:

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 TERPELUK, 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.

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 DAVIDOW AND ENDING GEORGE E. MOOSE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 20, 2001.

FOREIGN SERVICE NOMINATIONS BEGINNING GUSTAVIO ALBERTO MEJIA AND ENDING JOSEPH E. ZADROZNY, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 20, 2001.

EXTENSIONS OF REMARKS

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

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 agreed to H. Con. Res. 353, Budget Resolution for Fiscal Year 2003.

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. **Page S2183**

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. **Pages S2096–S2161**

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. **Page S2111**

Pro Bono Legal Services: Senate agreed to S. Res. 227, to clarify the rules regarding the acceptance of pro bono legal services by Senators. **Page S2161**

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. **Page S2189**

Condemning Suicide Bombings: Senate agreed to S. Res. 229, condemning the involvement of women in suicide bombings. **Page S2189**

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. **Pages S2189–90**

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. **Pages S2190–91**

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: **Pages S2161–74**

Pending:

Daschle/Bingaman Further Modified Amendment No. 2917, in the nature of a substitute. **Pages S2161–74**

Feinstein Modified Amendment No. 2989 (to Amendment No. 2917), to provide regulatory oversight over energy trading markets and metals trading markets. **Page S2161**

Kerry/McCain Amendment No. 2999 (to Amendment No. 2917), to provide for increased average fuel economy standards for passenger automobiles and light trucks. **Page S2161**

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. **Pages S2161–62**

Bingaman Amendment No. 3016 (to Amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard. **Page S2162**

Lott Amendment No. 3028 (to Amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees. **Page S2162**

Lott Amendment No. 3033 (to Amendment No. 2989), to provide for the fair treatment of Presidential judicial nominees. **Page S2162**

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. **Page S2162**

Kyl Amendment No. 3038 (to Amendment No. 3016), to provide for appropriate State regulatory authority with respect to renewable sources of electricity. **Pages S2162–74**

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. **Page S2191**

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.

Pages S2188–89, S2192

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.

Routine lists in the Air Force, Army, Foreign Service, Navy. **Pages S2191–92**

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. **Page S2188**

Messages From the House: **Page S2180**

Measures Referred: **Page S2180**

Measures Read First Time: **Page S2180**

Enrolled Bills Presented: **Page S2180**

Executive Communications: **Pages S2180–82**

Executive Reports of Committees: **Pages S2182–83**

Additional Cosponsors: **Pages S2183–84**

Statements on Introduced Bills/Resolutions: **Pages S2184–88**

Additional Statements: **Pages S2177–80**

Authority for Committees to Meet: **Page S2188**

Privilege of the Floor: **Page S2188**

Record Votes: Two record votes were taken today. (Total—54) **Pages S2111, S2160–61**

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

Committee on Armed Services: Subcommittee on Personnel concluded hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on recruiting and retention in the military services, after receiving testimony from Sgt. Lindsey E. Gwyn, USA, United States Army Recruiter; Electrician's Mate First Class Petty Officer Bruce Piatek, USN, United States Navy Enlisted Recruiter; GySgt. Ryan L. Parker, USMC, Noncommissioned Officer in Charge; Tech. Sgt. Gabriel Quintana, USAF, United States Air Force Enlisted Recruiter; Lt. Gen. John M. Le Moyne, USA, Deputy Chief of Staff for Personnel/G1, United States Army; Maj. Gen. Michael D. Rochelle, USA, Commanding General, United States Army Recruiting Command; Vice Adm. Norbert R. Ryan, Jr., USN, Chief of Naval Personnel and Deputy Chief of Naval Operations for Manpower and Personnel; Rear Adm. George E. Voelker, USN, Commander, United States Navy Recruiting Command; Lt. Gen. Garry L. Parks, USMC, Deputy Commandant for Manpower and Reserve Affairs, United States Marine Corps; Maj. Gen. Jerry D. Humble, USMC, Commanding General, United States Marine Corps Recruiting Command; Lt. Gen. Richard E. Brown III, USAF, Deputy Chief of Staff for Personnel, United States Air Force; and Brig. Gen. Duane W. Deal, USAF, Commander, United States Air Force Recruiting Service.

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.

Hearings recessed subject to call.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee began 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, but did not complete action thereon, and will continue tomorrow.

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. **Pages H1087–90**

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 **Pages H1006–07**

Women's History Month: H. Res. 371, expressing the sense of the House of Representatives regarding Women's History Month (agreed to by a yea-and-nay vote of 423 yeas with none voting "nay," Roll No. 72). **Pages H1018–19**

Freedom to Telecommute: The House passed H.R. 3924, to authorize telecommuting for Federal contractors by a yea-and-nay vote of 421 yeas with none voting "nay," Roll No. 71. **Pages H1015–18**

Agreed to H. Res. 373, the rule that provided for consideration of the bill by voice vote. **Pages H1009–15**

Budget Resolution for Fiscal Year 2003: The House agreed to 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 by a yea-and-nay vote of 221 yeas to 209 nays, Roll No. 79. **Pages H1037–72**

Pursuant to the rule, the amendment in the nature of a substitute printed in H. Rept. 107–380 was considered as adopted. **Page H1071**

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. **Pages H1020–36**

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. **Pages H1034–37**

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. 73. Rejected the Slaughter motion to adjourn by a recorded vote of 72 ayes to 333 noes, Roll No. 74. **Pages H1019, H1020**

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. **Page H1072**

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. **Pages H1072–73**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, April 10. **Page H1073**

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. **Page H1073**

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. **Page H1073**

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. **Page H1073**

Enrollment Correction: The House agreed to H. Con. Res. 361, directing the Clerk of the House of Representative to make corrections in the enrollment of the bill H.R. 2356, Bipartisan Campaign Reform Act of 2002. **Pages H1073–74**

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. **Page H1074**

National Museum of African American History and Culture Plan for Action Presidential Commission: The Chair announced the Speaker's appointment of the following individuals to the National Museum of African American History and Culture Plan for Action Presidential Commission: As

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. **Pages H1074–75**

Senate Messages: Message received from the Senate appears on page H1007.

Quorum Calls—Votes: Nine yea-and-nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H1005–06, H1006–07, H1018, H1018–19, H1019, H1020, H1034–35, H1035, H1035–36, H1036, and H1071–72. There were no quorum calls.

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

Committee on Armed Services: Continued hearings on the fiscal year 2003 National Defense Authorization budget request. Testimony was heard from the following officials of the Department of Defense: Gen. Joseph W. Ralston, USAF, Commander-in-Chief, U.S. European Command; and Adm. Dennis C. Blair, USN, Commander-in-Chief, U.S. Pacific Command.

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 Benefit 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 Country, 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

Committee on Transportation and Infrastructure: Ordered reported the following measures: H.R. 3983, amended, Maritime Transportation Antiterrorism Act of 2002; H.R. 3930, amended, Water Quality Financing Act of 2002; H. Con. Res. 347, authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service; H. Con. Res. 348, authorizing the use of the Capitol Grounds for the National Book Festival; H. Con. Res. 356, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; H. Con. Res. 354, authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run; H.R. 2672, to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon as the "Wayne Lyman Morse United States Courthouse;" and H.R. 2911, to designate the Federal building located at 5100 Paint Branch Parkway in College Park, Maryland, as the "Harvey W. Wiley Federal Building."

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)*

S. 1857, to encourage the negotiated settlement of tribal claims. Signed on March 19, 2002. (Public Law 107–153)

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 Offender 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.

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