United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, WEDNESDAY, OCTOBER 9, 2002 No. 132

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

PRAYER

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

Almighty God, Source of strength for those who seek to serve You, we praise You for that second wind of Your power that comes when we open ourselves to Your Spirit. You have promised that, ''As your days so shall your strength be.'' Well, Lord, You know what the days are like before a recess. The Senators and all who work with them feel the pressure of the work to be done and the little time left to accomplish it. In days like these, stress mounts and our emotional reserves are drained. Physical tiredness can invade our effectiveness, and relationships can be strained. In this quiet moment, we open ourselves to the infilling of Your strength. We admit our dependence on You, seek Your guidance, and commit our work to You. Give us that healing assurance that You will provide strength to do what You guide and that there will always be enough time in any one day to do what You have planned for us to do. In Your all-powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODHAM CLINTON 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 9, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CLINTON thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first half of the time shall be under the control of the majority leader, or his designee; under the previous order, the second half of the time shall be under the control of the Republican leader, or his designee.

AUTHORITY FOR THE HEALTH, EDUCATION, LABOR, AND PENSIONS COMMITTEE TO MEET

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session after the first floor vote of the day during the session on Wednesday, October 9, in SC–216. The Senate will consider the nomination of Mark B. McLellan of the District of Columbia to be Commissioner of the Food and Drugs Department of Health and Human Services.

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

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, when we take up this legislation, I ask that the full hour and a half be allotted in morning business, so it will be shortly after 11 o'clock.

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

Mr. REID. At that time, I ask that Senator FEINGOLD be recognized for up to 30 minutes and Senator REED be recognized as the next Democrat in order, following Senator KAY BAILEY HUTCHISON, who would follow Senator FEINGOLD, and then Senator REED, and then Senator GRASSLEY. That is, Senator REED from Rhode Island for 45 minutes, Senator GRASSLEY for 20 minutes, and Senator HUTCHISON for 30 minutes.

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

Mr. REID. Senator WELLSTONE is to be recognized for up to 8 minutes in morning business. Senator KENNEDY will have the time until 10 o'clock, and Senator REID of Nevada will be recognized at 10 o'clock to speak. I ask unanimous consent that that be the case.

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

The Senator from Minnesota is recognized.

EMERGENCY UNEMPLOYMENT COMPENSATION

Mr. WELLSTONE. Madam President, shortly, a unanimous consent request will be made—and this is the third or fourth time—to pass S. 3009, the Emergency Unemployment Compensation Act of 2002, which I have introduced with the Presiding Officer, who has done so much work on this and Senator

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

KENNEDY and others. This is the third or fourth time, and every day we are going to be making this request.

To tell you the truth, I think it is absolutely unconscionable that the Senate has not acted on this and that the Republican leadership, each time, has thrown up a roadblock to extending unemployment benefits. Believe me, I would love nothing more than to be home campaigning, but I don't think we should leave here without extending unemployment benefits.

In my State of Minnesota, there are 20,000 Minnesotans who have run out of unemployment benefits. Nationwide, there are about 900,000. I am sure many are in the State of New York, which the Chair represents. Colleagues, these are men and women who are hard-working, who have lost their jobs. The economy is flat. We are in economic trouble as a nation. It would be nice if the administration would get serious about the economy. How about a little bit of humanity?

In the early 1990s when we went through this, we didn't hesitate to pass an extension of unemployment benefits under exactly the same circumstances. I think each time we had more than 95 votes, Republicans and Democrats alike. These are people who are flat on their backs through no fault of their own. They have run out of unemployment benefits.

There are two different issues here. One, if we don't extend it by the end of December, some people who are receiving the current 13 weeks of benefits get cut off in the middle. I guess there is some discussion in the House with the Republican leadership about helping them. But the larger question—and we must make sure they get full unemployment benefits—is people who have just run out of all their unemployment benefits. In Minnesota right now, twice as many people are looking for jobs as there are jobs available.

I want to make the argument—and I don't have a lot of time—and it is a two- or threefold argument. First, I appeal to the humanity of everybody here. Just imagine—I don't know how many Senators have been out of work—when you have a family to support, unemployment benefits are a lifeline.

We have a trust fund, and we have more than enough money to support this. We are not spending additional money out of general revenue.

How many Senators have been through this? If you are out of work and you have run out of benefits, you cannot put food on the table. It is a terrifying situation. I think our common humanity dictates that we must do this. Today, I want this unanimous consent agreement to be agreed to.

Second of all, from an economic point of view, although I think a humanitarian appeal should be made, given a flat economy, you can count on it, Senators, that people who get an extension of unemployment benefits for an additional 13 weeks will be consuming because, believe me, they have to. They will be spending these dollars because they have to.

Right now, the problem is they don't have enough money to make ends meet month by month. So, actually, you are injecting a much-needed stimulus into the economy. So if the first argument doesn't move your soul—the humanitarian argument that this is the right thing to do for people who are in real trouble through no fault of their own—how about doing it for the economy?

My third argument is—I know we are debating the resolution on Iraq—but I have said over and over, and I am sure the Chair has picked this up as well—I like to talk to the State legislature candidates because their methodology of campaigning for office, as opposed to when one is campaigning statewide, is knocking on doors every day. They pound the doors 3 or 4 hours every evening.

I ask them: What are you hearing? People are talking about how worried they are about the economy; some people are out of work; other people are worried they will be. They are talking about health care, health care, health care, as though people have not heard it before. In our State, given all the cuts in education, they are talking about education as well.

It is a false dichotomy. It is not as if people back home are worried about the economy but are not worried about Iraq, or are not worried about terrorists. They are worried about all of it, and all of us should be worried about all of it.

I think the people I represent in Minnesota believe we are a great enough and a good enough country we can deal with our challenges in international affairs and, at the same time, we can deal with challenges that affect people in our country and our local communities, our families.

I do not understand this false dichotomy where apparently the administration and my colleagues on the other side of the aisle think we cannot address any of these economic issues. Apparently, they think we cannot focus on any domestic issues any longer; cannot even provide an extension of unemployment benefits to people. I believe some colleagues do not want to do this because they feel it is an admission the economy is not doing that well. The economy is not doing that well. We should wake up and smell the coffee.

The people I represent are still waiting on the Federal Government to provide the resources we said we were going to provide for schools, education, and our kids. The House Republican leadership and the Senate Republican leadership do not want to bring an appropriations bill out here that deals with education. We could easily provide more funding for Pell grants, making higher education not less but more accessible.

We certainly should provide more funding for special education which would help all of our districts, and provide more funding for title I.

Again, the Republican leadership and the White House do not want anything to do with it. I am going to a press conference in a couple of minutes on—that sounds melodramatic, life or death; it is a bit like unemployment benefits—disaster relief. I have never been in the Senate when we have not provided disaster relief.

The people in northwest Minnesota are flooded out, they are gone, it is over for them, and this administration is opposed to this bill. I have never voted against disaster relief in any part of the country. If something happens in New York, Madam President, I will vote for the money the people need. People do not ask for hurricanes, tornadoes, fire, and flooding, but if it should happen to the people in Minnesota, I ask you to support that.

Whatever happened to some sense of community? Whatever happened to compassionate conservatism? Compassionate conservatism dictates, at the very minimum, before we leave that the Senate pass this legislation I have introduced to extend unemployment benefits. I will come out to the Senate Chamber and give enough speeches to deafen all the gods until this is done. Frankly, I think on the other side of the aisle, people should feel uneasy and uncomfortable in blocking this legislation. They are putting up a roadblock to providing help to people who really need the help.

This is the right thing to do. It is certainly profamily, it is certainly prochildren, and it is certainly compassionate. I do not know what the delay is. Time is not neutral for a lot of people.

Madam President, by way of concluding—I know other colleagues are going to be out on the floor—I thank the Presiding Officer, since, as the Presiding Officer, she cannot speak for herself, at least for this moment—she does a good job speaking for herself, otherwise, all the time. Madam President, you have been a leader in bringing this before the Senate. I thank you for doing that.

We are not going to let up until this legislation is passed. I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. WELLSTONE. Madam President, we did not suggest the absence of a quorum?

The ACTING PRESIDENT pro tempore. No.

Mr. WELLSTONE. Madam President, I am going to be joined by Senator KENNEDY in just a moment. He will be making a request, and we will wait for a response on the part of our colleague.

While I am waiting for Senator KENNEDY, let me say again I think we have a huge disconnect between some of what is going on in the Senate—or what is not going on in the Senate—and the people we represent.

In Minnesota—I do not know about other States—people in Minnesota cannot understand for the life of them what in the world is the delay in extending unemployment benefits. People in Minnesota do not know that in

the early nineties we passed similar legislation and did it in a bipartisan way. They do not know there is plenty of precedent for it. And they do not know all about unanimous consent, and how one Senator can object, and all of the rest.

What people do have in Minnesota is a sense of right and wrong. Let's talk values for a moment. The values of people in Minnesota are when the economy goes south—I know some of my colleagues do not like to talk about the economy—when the economy is flat, and when so many people have lost their jobs and are hurting, and their families are hurting, people in Minnesota believe we ought to reach out and help them.

This legislation I have introduced, with the support of Senator KENNEDY and Senator CLINTON, should pass today. I see my colleague, Senator KENNEDY, is in the Chamber. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

UNANIMOUS CONSENT REQUEST—S. 3009

Mr. KENNEDY. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 619, S. 3009, a bill to provide for the extension of unemployment compensation; that the bill be read the third time and passed; and that the motion to reconsider be laid upon the table, without intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection? The Senator from Oklahoma.

Mr. NICKLES. Madam President, reserving the right to object, I had a colloquy with the Senator from Minnesota when he propounded this request a couple days ago, and I asked the question if this was a simple extension. I believe he said it was almost.

I have read the bill and have found it is not a simple extension. I ask my colleague, has the bill changed? Is this a simple extension, a 13-week extension of unemployment compensation for all States?

Mr. KENNEDY. If I can respond, this is not the Thomas bill which was extended the last time. This is the historic and the traditional legislation that was passed three or four times in the early 1990s. This is not the more restricted Thomas bill.

We are going back to the legislation that provides genuine protections for unemployed workers. This legislation will affect close to 3 million workers who otherwise will see their unemployment insurance expire by the end of this year and the early months of next year.

The bill does not do all we believe ought to be done for part-time workers who are contributing into the unemployment insurance fund, or lower-income workers, all of whom are participating and paying into the insurance fund.

What we want to do with this legislation is say: We have a $27 billion surplus. The workers have paid into the fund. We need $14 billion of that so people can pay their mortgages, pay their health insurance, and pay their bills. That is what this bill is, and that is what will happen when we pass it.

This bill has basically been supported by a strong editorial in the Washington Post.

Mr. NICKLES. If the Senator will yield, I am trying to figure out what his bill will do.

Mr. KENNEDY. The Senator had this request, and I hoped he would have had a chance to look at and review it, because he is going to hear about it every single day as long as the Senate is in.

Mr. NICKLES. That's fine.

Mr. KENNEDY. If there is some way we can help clarify it, we are glad to do it. Last week when I was in the Chamber, along with the Senator from Minnesota, the Senator from New York, and the Senator from Illinois, who were fighting for it, we heard asked: Is this the same bill, or how is this different? We are glad to take the time, but the time is going on. We will be glad to sit down with the Senator later on today and go over every bit of it and hopefully get the extension of it. We are troubled. We are troubled by the fact that even though the first President Bush effectively opposed it on two occasions, he did support it on the third, and had Republican support on the third occasion. We hope the good light that is shone—and the common sense and wisdom—on those Republicans and the President when he supported it the third time will be shed on the Republican Senators and the Senator will help us get this supported.

Mr. NICKLES. If my colleague will yield for a question, I guess by the length of the Senator's answer, it is not a clean extension. I am reading on page 4 of the Senator's bill a section entitled ''Adjusted Insured Unemployment Rate.''

Correct me if I am wrong, but this definition basically says people who have exhausted unemployment compensation in the most recent 3 calendar months, even if they subsequently get a job, are still counted as unemployed; is not that correct?

Mr. KENNEDY. If the Senator would—only if they have been exhausted.

Mr. NICKLES. So the Senator's bill permits individuals who have exhausted their unemployment compensation, and then may have subsequently found a job, to be counted in the unemployment figures, according to this Adjusted Insured Unemployment Rate calculation on page 4?

Mr. KENNEDY. We are effectively using the trigger that had been used before, which gives the focus and attention on those who are both unemployed and those who have States which have a higher incidence of unemployment, and in those States, those figures would be added to the valuation of the unemployed workers in an attempt to get a true reading on the numbers of the unemployed.

Mr. NICKLES. If the Senator will yield further, it says:

> . . . except that individuals exhausting their right to regular compensation during the most recent 3 calendar months for which data are available before the close of the period for which such rate is being determined shall be taken into account as if they were individuals filing claims for regular compensation for each week during the period for which such rate is being determined.

In other words, one could exhaust their unemployment compensation, and may or may not find another job in the following 3 months—they are still going to be counted as unemployed according to this definition, which is really yielding a higher figure. I find that totally unacceptable. Maybe it was done in the 1990s, but that does not make it right. Surely we would want accurate unemployment compensation statistics used in determining how many weeks would be available for additional extended benefits. We want to do it right, and I am sure my colleagues from Massachusetts and Minnesota want to as well. This section is not doing it right. This section alone does not make the bill a clean extension.

I will be happy to work with my colleagues, but this is not acceptable. So I want to point that out.

I want to make another point while I am considering whether I will object to this. This one section is not acceptable. Also, I am finding, after reading the proposal of my colleagues, instead of having a 13-week extension, it is a 26-week extension for all States. That is very expensive. I might ask my friend from Massachusetts, what is the estimated cost of this proposal?

Mr. KENNEDY. To answer the question, this counts people who are unemployed and who have no benefits. Right now if someone is getting extended benefits, they are not counted. We count those people. That is the principal difference. That was the difference in the early 1990s as well, and that is what the Thomas bill did not do. That is what we do. We think there is a sound reason for being able to do it.

Mr. DURBIN. Will the Senator yield?

Mr. KENNEDY. I will yield, but first I will be glad to continue with my friend if he is interested in trying to get the legislation passed. We have not heard what the Senator is for. We know what he is against. He is against this bill. If the Senator is saying he is for an extension on it, we are more than glad to try and work and see if something can be achieved, if that is what the position is. If the Senator's position is in opposition and continues to be in opposition, then we are going to continue to press him. If his position is, yes, I will support—would the Senator support the extension of the Thomas bill?

Mr. NICKLES. If the Senator will yield, and I asked a question first. I