



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149

WASHINGTON, TUESDAY, OCTOBER 21, 2003

No. 148

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, You are life, wisdom, truth, and blessedness. You are our hope and the center of our joy.

Lord, the Founders of this great land walked in Your guidance and rested in Your compassion. Unite us so that we can do Your will. Remove from us all evil desires and empower us to embrace the good. Speak to our Senators so that they may understand Your will for our Nation and our world.

Illuminate their understanding with beams of celestial grace. Make us thankful for the privilege of prayer. May we never take it for granted. Let us see Your goodness in our daily bread and in the gift of each new day. And, Lord, touch our world with Your peace. We pray this in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore. I ask the distinguished assistant Democratic leader to lead us in the Pledge of Allegiance to our flag.

The Honorable HARRY REID 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning there will be a period for morning business to allow Senators to make

statements. At 10:30 today, the Senate will begin consideration of the conference report to accompany the partial-birth abortion ban bill. Under a unanimous consent agreement, there will be up to 4 hours of debate on that conference report. Under a previous order, the Senate will stand in recess from 12:30 until 2:15 for the respective party caucus meetings. After that recess, the Senate will continue consideration of the partial-birth abortion ban, with a vote on the conference report expected this afternoon. That vote will be the first vote of the day.

Following the vote on the partial-birth abortion ban, the Senate will resume consideration of the motion to proceed to S. 1751, the class action fairness bill. I remind my colleagues that we had hoped to begin consideration of the class action legislation yesterday. Unfortunately, there was an objection to proceeding which is why it was necessary for us to proceed to move to that bill. Yesterday, we filed a cloture motion on the motion to proceed and that vote will occur tomorrow morning.

It is important that we are able to proceed with that bill. I understand there are differences on the substance of the legislation. However, the Senate should be allowed to consider those issues through debate and votes, as appropriate. Therefore, I once again encourage my colleagues on the other side of the aisle to allow us to begin work on the bill to bring some sense to the overall class action process.

I was also disappointed with the objection to proceeding to the Healthy Forests initiative. Chairman COCHRAN and others on both sides of the aisle have been working in good faith to bring that bill to the floor in a way to consider some concerns that may exist on the Democratic side. Again, there was an objection to proceed to that measure. I hope Members can, over the course of this morning and today, rethink that objection and allow de-

bate to begin on this very important initiative, the Healthy Forests legislation.

We are also working hard to clear for Senate action a number of other important issues, including the fair credit reporting bill, the so-called spam legislation, as well as an agreement to move forward on the charitable giving bill.

I remind my colleagues, both the Senate and the House have already passed their respective versions of that legislation and it is now time for us to move to conference and reconcile those differences. Having said that, we will continue to work with the Democratic leadership in an effort to reach an agreement to move forward on all of the bills I just mentioned.

As we approach the last weeks of this session, we need to redouble our efforts to stay focused and disciplined on these agreements so we can allow the Senate to consider all of these bills. I thank my colleagues in advance for their cooperation.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The assistant Democratic leader is recognized.

Mr. REID. While the majority leader is in the Chamber, I say on behalf of the minority, we acknowledge the importance of class action, Healthy Forests, charitable choice. Those are the ones I remember the leader speaking of. For example, charitable choice could be done within a matter of minutes and sent directly to the House. There has been a decision made by the majority—and I think not a proper one—to take it to conference. We could send it immediately to the House.

We are working very hard to try to cooperate with the majority on the most important piece of legislation, class action. A vast majority of Members on this side of the aisle want to do something on class action. We have had

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



Printed on recycled paper.

S12907

as our point person on this JOHN BREAU, and he has had contact with the majority to try to come up with something on this issue. I think we are very close to working something out.

Healthy Forests, as the leader knows, is a difficult issue. For Western States it is extremely important. We hope that can be resolved quickly.

I bring to the leader's attention, however, we also have those appropriations bills we need to do. I spoke very briefly this morning with the distinguished Presiding Officer. He has been in contact, as I am sure the leader knows, with Senator BYRD. Maybe there is still something we can do on those appropriations bills to get, if not all of the six we have not passed here done, at least some of them completed. We have those most important conferences. We have had, as far as I am concerned, a difficult time getting a conference completed on the energy and water appropriations bill. That has been a bill we usually bring up first because it is so important to Members in the House and Senate. I spoke this morning to Majority Leader DELAY, saying we need a little help from the leadership in trying to move that.

I hope, in addition to these other important items the leader has mentioned, we can work together to come up with some program to get some of the appropriations bills passed. I think it is important for the country.

Mr. FRIST. Mr. President, I appreciate the comments just made by my colleague and I think his comments reflect the amount of work we absolutely must accomplish in the next few days. I say that because in terms of the numbers of days in the weeks remaining, there are very few legislative days. We should all redouble our efforts and focus on each and every one of these bills. They are all very important.

I know it may seem, as the Republican leader, I am encouraging the resolution of these bills by bringing them to the floor. That is exactly what I am doing, so we can all redouble our efforts to accomplish what really we want to do mutually: Go through each of these, have the appropriate debate and amendment on the floor as we go forward.

Mr. REID. One bill I did not mention that I feel strongly about is fair credit reporting. That is also very important. I bet my office has received 100 phone calls in the last couple of legislative days dealing with that legislation. We hope something can be worked out on that also.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning

business until the hour of 10:30 a.m., with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the Senator from Texas, Mrs. HUTCHINSON, or her designee.

The majority leader.

ECONOMIC GROWTH

Mr. FRIST. Mr. President, on leader time, I want to make a very brief comment to highlight a few of the encouraging developments on our economic front. I know we will be going to morning business, and some of my colleagues will be talking shortly on the issue of our economy and where we are in terms of jobs and job creation.

There have been some very encouraging developments on the economic front. When the third quarter GDP figures are released next week, it is anticipated we will very possibly see growth as high as 6.5 percent. All signs, at this point, point to a very robust holiday buying season.

The Department of Commerce reports consumption is strong. In the third quarter, consumption grew by an annual rate of over 12 percent. Many economists tell us this third quarter consumption may be the strongest we have seen over the last 4 years—again, very good news.

Likewise, the Department of Labor reports the initial jobless claims are at their lowest levels since February. In August, the nonfarm sector employment rose by 57,000 jobs. In the area of manufacturing, mid-Atlantic manufacturing is showing promising signs of recovery. The index for new orders showed the highest gains in 8 years, and the monthly index of regional manufacturing significantly topped the economists' expectations. Inflation, meanwhile, remains very low. Short-term interest rates are also at historically low levels. There is much to cheer about in this positive news.

Smart, progrowth fiscal policy is helping lead this creation of new jobs. But we have a lot more work to do. There are some structural problems we need to tackle on this Senate floor in order to strengthen the marketplace. We need a more efficient marketplace, a more transparent marketplace. We need to make it less risky for businesses to go out and hire workers and to retrain those workers, and we can do that by focusing on appropriate reforms such as strengthening trade; reducing health care costs; reducing litigation costs; reducing insurance costs; strengthening energy policy, which we are doing in conference right now; and, I would also add, enacting strong asbestos reform. These are the sorts of policies that will increase productivity. They will increase predictability in the marketplace, and they ultimately will stoke the engines of economic growth.

I am really, for the first time, becoming optimistic that we have turned this

corner and that we will see continued improvement. The agenda items we are working on to complete this session—many of which we just discussed—will lead to more jobs, more prosperity, and a solid economic recovery.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

Mr. REID. Will the Senator yield for a request?

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, before the majority leader leaves, I ask unanimous consent that in morning business each side get their full half hour. That would extend the vote a few minutes this afternoon.

The PRESIDENT pro tempore. That would add 12 minutes to the time.

Mr. REID. Yes.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Does the Senator from Nevada yield time?

Mr. REID. Yes. Mr. President, I yield 15 minutes to the Senator from North Dakota, Mr. DORGAN; 5 minutes to Senator KOHL; and 10 minutes to Senator STABENOW.

The PRESIDENT pro tempore. I thank the Senator.

The Senator is recognized.

APPROPRIATIONS, ENERGY, AND CUBA TRAVEL

Mr. DORGAN. Mr. President, let me make a comment about the appropriations bills, then about the Energy conference, and then I want to talk a bit about the Department of Homeland Security and the ban on travel to Cuba.

First, the appropriations bills.

Our colleague, the majority leader, Senator FRIST, talked just a bit about that today in response to questions by the Senator from Nevada. My understanding is the bills are all ready to come to the floor of the Senate. We were told in early September that we would, when returning from the August break, be on appropriations bills. We passed all 13 appropriations bills through the Appropriations Committee in the Senate. Yet since we passed a continuing resolution, because we did not have the appropriations bills done by October 1, since that time we have not completed even one additional appropriations bill.

I know the chairman of the Appropriations Committee wants to get these bills to the floor. But instead the leader is scheduling other issues. I am not suggesting the other issues are unimportant, but we have a responsibility to meet a deadline with appropriations bills; and the question is, Where are they, and why are they not being brought to the floor of this Senate?

I do not understand it, nor do most of my colleagues.

If the Committee on Appropriations has finished its work on the bills, why