United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *107th* CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, FRIDAY, MARCH 23, 2001 *No. 40*

House of Representatives

The House was not in session today. Its next meeting will be held on Monday, March 26, 2001, at 2 p.m.

Senate

FRIDAY, MARCH 23, 2001

The Senate met at 8:45 a.m. and was called to order by the Honorable CRAIG THOMAS, a Senator from the State of Wyoming.

PRAYER

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

Almighty God, on this twenty-third day of March, we gratefully remember that it was on this day in 1775 that Patrick Henry delivered his famous, ''give me liberty or give me death'' speech. Thank You for patriots like Henry who not only fought for political freedom but also for religious freedom for all people. We are deeply moved by what Patrick Henry championed in Article 16 of the Virginia Bill of Rights: that ''. . . all men are equally entitled to the free exercise of religion and to practice . . . forbearance, love, and charity towards each other.''

Father, may the many different ways we worship You result in righteousness in our character and in our leadership. May Your righteousness make us right with You, keep us right with each other, and distinguish our Nation for righteousness. Help us face and solve any problems in our society that deny people their freedom. So help us, Almighty God, for we do believe that righteousness exalts a Nation! Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRIS DODD, a Senator from the State of Connecticut, 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. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 23, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CRAIG THOMAS, a Senator from the State of Wyoming, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. THOMAS 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.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Acting Majority Leader is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, today the Senate will immediately resume the consideration of the Helms campaign finance reform legislation with up to 15 minutes of debate with a vote to occur at approximately 9 a.m.

Additional amendments will be offered throughout the day.

Senators who have amendments are encouraged to come to the floor during today's session to ensure consideration of their amendment.

As a reminder, the Senate will consider the Hollings joint resolution regarding a constitutional amendment on Monday. A vote on that joint resolution will occur beginning at 6 p.m. Additional votes may occur Monday evening as well.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order the Senate will now resume consideration of S. 27, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 27) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

Pending:

Specter amendment No. 140, to provide findings regarding the current state of campaign finance laws and to clarify the definition of electioneering communication.

Helms amendment No. 141, to require labor organizations to provide notice to members concerning their rights with respect to the expenditure of funds for activities unrelated to collective bargaining.

AMENDMENT NO. 141, AS MODIFIED

Mr. MCCONNELL. Mr. President, Senator HELMS desires to modify his amendment. I send that modification to the desk.

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

The ACTING PRESIDENT pro tempore. The amendment is so modified.

The amendment (No. 141), as modified, is as follows:

At the appropriate place, insert the following:

SEC. . DISCLOSURE OF EXPENDITURES BY LABOR ORGANIZATIONS.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following:

''(i) NOTICE TO MEMBERS AND EMPLOYEES.—A labor organization shall, on an annual basis, provide (by mail) to each employee who, during the year involved, pays dues, initiation fees, assessments, or other payments as a condition of membership in the labor organization or as a condition of employment (as provided for in subsection (a)(3)), a notice that includes the following statement: 'The United States Supreme Court has ruled that labor organizations cannot force fees-paying non-members to pay for activities that are unrelated to collective bargaining contract administration and grievance adjustment. You have the right to resign from the labor organization and, after such resignation, to pay reduced dues or fees in accordance with the decision of the Supreme Court.' ''.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will begin consideration of the Helms amendment, and there are 16 minutes of debate to be equally divided in the usual form.

Who yields time?

Mr. MCCONNELL. Mr. President, Senator HELMS is not able to be here at this moment.

With regard to labor unions in America, let me say, on behalf of his amendment, we have had amendments that would guarantee that union members had an opportunity to consent to their money being used on causes to which they might object. That was voted down. We have had amendments on disclosure so that union members and the public could learn how union money is being spent. That has been voted down.

Senator HELMS is now offering a very basic right to members, and that is notification. He hopes that if consent is a poison pill, and disclosure is a poison pill, maybe notification will not be. That is at the heart of the Helms amendment.

I certainly would urge all Members to support this very important amendment that provides basic fairness to members of organized labor.

Mr. President, I yield the floor.

Mr. DODD. Mr. President, will the Chair notify me when I have used 3 minutes?

The ACTING PRESIDENT pro tempore. The Chair will do so.

Mr. DODD. Mr. President, I obviously did not object to the Member's desire to modify the amendment. That is the courtesy we extend to each other in the Senate. I point out that this amendment was poorly drafted. There were actual misstatements of current law included in the amendment.

The modified amendment requires there be written notice. With all due respect to my friend from North Carolina, to begin with, this is an unnecessary amendment. Secondly, it is a type of union bashing again. This is the same process we have been through. Yesterday we voted 99–0 on Senator NICKLES' amendment to strike the Beck language from this bill. We believed that the Senate should not be legislating like this on a decision the Supreme Court has left to the NLRB to interpret and decide.

Under the Beck holding, there is a requirement of notice. This amendment attempts to specify the content of the notice, the means on a portion of the notice required under that decision. The courts have said that it is the purview of the National Labor Relations Board, through case law, to spell out what constitutes that notice.

With the amendment we adopted yesterday 99–0, we said: Look, even though we have different opinions about what Beck holds, we should not try to include Beck in the McCain-Feingold campaign finance reform bill itself. Congress should defer to the NLRB with respect to Beck. Now, here we go again. We are going right back, almost with the next amendment, saying we are going to take portions of the Beck decision and tell you what Beck means. That, it seems to me, contradicts the exact vote we cast yesterday. I am somewhat surprised about this because I thought maybe we were going to put these amendments aside, particularly after having gone through any number of amendments that were designed to attack organized labor and unions and their involvement.

But with that said, I must note that there are other political rights that union members have. I do not hear my colleagues suggesting that those rights ought to be enumerated and notice given about them. For example, you have a right to join with other union members to register members, their families, or other employees. Why not send written notice of that right to union members?

You have the right to join with other union members and encourage and assist other members to vote. That is a right. Why not include written notice of that?

There is a long list of rights that union members have that could be included. You have a right, on your own nonworking time, to volunteer to assist other candidates. I could go down a long list of union member's political rights that we do not require under law that there be a written notice. As a result, this amendment is targeted and pointed in a way that is unfair.

Under Federal law, you have the right to organize a union in your workplace, to join a union. Under Federal law, you cannot be disciplined, discharged, or suffer any adverse action by an employer to join or assist a union.

The ACTING PRESIDENT pro tempore. The Senator has used 3 minutes.

Mr. DODD. Mr. President, I ask for 1 additional minute.

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

Mr. DODD. Under Federal law, you have the right to join or assist a union. Under Federal law, you have a protected right, together with any other employees, to present any views, requests, or demands to your employer about wages, benefits, and the like. Why not require that these be given written notice?

My point is this—this amendment is adversely selective in its approach. It is picking out one part of the Beck decision, and saying to the NLRB: You have no right to decide in this area. Congress is going to specifically tell the NLRB how to do it. As I said, yesterday we voted 99–0 to strike the Beck language from this bill. We are coming right back in again today and asking this body to re-inject itself into the Beck decision.

The Beck decision requires notice. The NLRB already has rich case law on what constitutes notice and how to make sure members receive legally sufficient notice. For us to specify, as the Helms amendment does, would be a return to exactly what we are trying to avoid by the vote we cast yesterday.

For those reasons, I urge rejection of this amendment.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. MCCONNELL. Obviously, unions have every incentive to inform workers of their right to organize and their rights to get them to join unions. That is to their advantage. They do not have an incentive to notify members of their opportunity to get their own money back. That is precisely what the Helms amendment is about: to require notification to individual union members of their rights to receive a refund.

It seems to me it is quite simple. It looks to me as if the opponents of this amendment think it is perfectly all right for unions to notify employees about the opportunities to organize but not the opportunities to receive any refunds they are due under Federal law.

So it is quite simple. I certainly urge adoption of the Helms amendment.

I yield the floor.

Mr. DODD. Mr. President, I yield 2 minutes to my friend from Wisconsin.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I will vote against this amendment. I, too, thought we had finished with the antilabor amendments yesterday when we agreed to remove the codification of the Beck provision from the bill. The debate on this campaign finance reform bill is not the proper forum to address labor law issues.

I think these kinds of amendments have, at this point, become distractions. Sooner or later, those who oppose this bill are going to have to quit trying to change the subject and face up to the real issue, the corrupt soft

money system that they have defended by standing in the way of reform.

Sooner or later, we are going to get to the point where people realize a majority of this body wants to pass this reform, a majority of the House wants this reform, and most importantly, the American people want this reform.

This amendment requires a notice to be posted in every workplace telling union members that they have a right to quit their union. That is not balanced and is not evenhanded. So what is next? I guess we should require all companies to send a notice to their shareholders letting each and every one of them know they have a right to sell their shares if they do not like the political spending of the corporations. That is the logical implication of this.

I think it is fitting that our last vote of this week will be to table this amendment. If we learned nothing else this week—actually, I think we have learned a lot, but if we learned nothing else, we now know for sure the Senate is not going to add antiunion amendments to this bill. And it is not going to do that not because it wants to protect labor but because it wants to protect reform.

I thank my colleagues, especially on the Republican side of the aisle where the pressure to take a shot at labor is intense, for standing firm against these distracting and irrelevant amendments and moving us ever closer to passing the McCain-Feingold bill.

Mr. MCCONNELL. Mr. President, here is an example of the need to ensure union members know of their rights. In 1959, Congress enacted the Labor Management Reporting and Disclosure Act, LMRDA, to ''protect the rights and interests of union members against abuses by unions and their officials.'' The act gave union members various substantive rights that were considered so crucial to ensuring that unions were ''democratically governed and responsive to the will of their membership'' that they were labeled the ''Bill of Rights of Members of Labor Organizations.''

Of course, Congress realized that the protections provided in the Bill of Rights of Members of Labor Organizations were meaningless if union members did not know of their existence. Therefore, in section 105 of the LMRDA, Congress mandated that ''[e]very labor organization shall inform its members concerning the provisions of this chapter.''

Unfortunately, as demonstrated by the United States Fourth Circuit Court of Appeals' recent decision in Thomas versus The Grand Lodge of the International Association of Machinists, No. 99–1621 (January 27, 2000), labor unions have frustrated the will of Congress for over 40 years and sought to prevent their members from learning of the rights Congress gave them. Unions have done this by simply disregarding Congress' direct command to notify ''[e]very labor organization shall inform its members concerning the Bill of Rights of Members of Labor Organizations in the LMRDA.

Unions take the meritless position, the Machinists Union asserted in the Thomas, that their one-time publication of the Bill of Rights of Members of Labor Organizations in the LMRDA to their membership in 1959 satisfied their obligation under section 105.

The Court of Appeals rejected this argument, as any sane person would, because it ran ''counter to the clear text of [section 105]'', which, according to the Court clearly states Congress' intent ''that each individual [union member] soon after obtaining membership be informed about the provisions of the [Bill of Rights of Members of Labor Organizations.]'' Unions have been flouting the law in this manner since 1959, so there is a need to not only ensure that workers know their rights, but real need to make unions obey laws that have been on the books since 1959 that require them to provide certain notices to workers. Does my colleague support unions disregarding their obligations under the LMRDA?

Mr. President, I repeat, if this amendment is voted down, it is further evidence during this debate that no amendments will be adopted that in any way adversely impact organized labor. All of those amendments have been described as a poison pill. It is pretty clear, as we move along, that anything that provides any kind of discomfort for the largest special interest in America will not be included in this bill.

Mr. President, I yield the floor.

Mr. DODD. I yield 30 seconds to the Senator from Michigan.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. I thank my friend from Connecticut.

Mr. President, yesterday we decided we were going to leave the Beck interpretation and implementation to the courts. That is exactly where that is right now. This whole issue of what is related to collective bargaining is being litigated now in the courts. This amendment goes in the opposite direction.

In the Nickles amendment yesterday, we said, let's be silent on the definitions that are involved in Beck. This now puts in a partial definition, as the Senator from Connecticut pointed out, in only parts which are aimed at reducing participation and free association. That is not what we should be doing. We should keep our eye on eliminating the soft money.

Mr. DODD. I yield 30 seconds to the Senator from Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I point out, I did have a meeting with the leader of the AFL–CIO in which he expressed his dissatisfaction with several portions of this legislation.

I believe it should also be reiterated that taking out the Beck language was something that was agreed to on both sides.

Mr. President, I am going to make a motion to table this amendment at the appropriate time.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Connecticut has 30 seconds. The Senator from Kentucky has 5 minutes.

Mr. MCCONNELL. I yield back our time.

Mr. DODD. I yield back our time.

Mr. MCCAIN. Mr. President, I move to table the amendment and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table the Helms amendment No. 141, as modified.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Delaware (Mr. CARPER), the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Georgia (Mr. MILLER), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. BOXER) would vote ''aye.''

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 40, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—53

Akaka	DeWine	Lincoln
Baucus	Dodd	McCain
Bayh	Dorgan	Mikulski
Biden	Edwards	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Breaux	Feinstein	Reed
Byrd	Fitzgerald	Reid
Cantwell	Graham	Rockefeller
Carnahan	Harkin	Sarbanes
Chafee	Hollings	Schumer
Cleland	Inouye	Smith (OR)
Clinton	Jeffords	Snowe
Cochran	Johnson	Specter
Collins	Kerry	Stabenow
Conrad	Kohl	Torricelli
Corzine	Leahy	Wellstone
Daschle	Levin	Wyden
Dayton	Lieberman	

NAYS—40

Allard	Gramm	Nickles
Allen	Grassley	Roberts
Bennett	Gregg	Santorum
Bond	Hagel	Sessions
Brownback	Hatch	Shelby
Bunning	Helms	Smith (NH)
Burns	Hutchinson	Stevens
Campbell	Hutchison	Thomas
Craig	Inhofe	Thompson
Crapo	Kyl	Thurmond
Domenici	Lott	Voinovich
Ensign	Lugar	Warner
Enzi	McConnell	
Frist	Murkowski	

NOT VOTING—7

Boxer	Kennedy	Murray
Carper	Landrieu	
Durbin	Miller	

The motion was agreed to.

Mr. SCHUMER. 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.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. LOTT. Mr. President, we have agreed that this was the last vote of the day. If I may have the attention of the managers, I believe there is an understanding that we will do a couple more amendments today.

Mr. MCCONNELL. Will the Senator yield?

Mr. LOTT. I yield to Senator MCCONNELL.

Mr. MCCONNELL. I believe on this side we have an amendment from Senator HUTCHISON of Texas and Senator FITZGERALD of Illinois to be laid down this morning and dealt with Monday, and I believe one on the Democratic side as well.

Mr. DODD. If the Senator will yield, we are hopeful Senator WELLSTONE will have an amendment. I do not think he will offer it today but maybe first thing on Monday about noon. It should not take much time. We can have that and then go to the Hollings proposal at 2 o'clock, I believe, on which we will have 4 hours; is that correct?

Mr. LOTT. Under the agreement, I believe it is actually five, but we have worked out that we will shorten that time and it will only be 4 hours.

Mr. DODD. With the debates ahead of time and some votes ready, we should have business to do when Members come back on Monday.

Mr. LOTT. I remind all the Senators that we can expect one or two, maybe even more votes, as many as four around 6 o'clock on Monday. As always, Senator DASCHLE and I will try to accommodate as many Senators as is possible, but we have to make some progress on this legislation. We are trying to accommodate everybody by having debate and then stacking those votes on Monday. As my colleagues know, we have not been stacking votes, but we need to do that in order to make progress and have those votes late Monday afternoon.

Also, while we have had a free-flowing debate and vote on amendments and some people like the way this is progressing, at some point we need to identify how many amendments are out there, how many are pending. I understand Senators are now coming up with some new ideas for amendments they may want to offer.

The whole idea has been from the beginning that while we will have full debate and amendments offered, at some point next week—hopefully by Thursday night—we will get to a conclusion of this consideration. We cannot do that if we do not know what amendments are out there and if we do not begin to make more progress in terms of the amount of time we spend on amendments. We do not have to spend the full 3 hours or 4 hours on amendments. If my colleagues need to, fine, but I hope the managers of the legislation and those who have been working on it—Senator MCCAIN, Senator FEINGOLD, Senator MCCONNELL, and Senator DODD—will receive the cooperation of Senators so we will know what we can expect next week. If you look at the stacked votes on Monday and look at the next 3 days—we have been doing two or three amendments a day, perhaps as many as three now—that would mean we could only do nine or ten more amendments. I hope Members will think in those terms to get to a point where we get a fair conclusion.

Mr. MCCAIN. Will the majority leader yield?

Mr. LOTT. I am happy to yield.

Mr. MCCAIN. I thank the majority leader. I understand the necessity, because of the weekend, that there may be two or three stacked votes on Monday. But the original agreement was we wouldn't stack any votes. So it will be my intention to object for the rest of the week after these stacked votes. These are too critical to wait over the weekend and let them sit out there to then have everybody come running in to vote on them.

I thank Senators DODD and MCCONNELL. We have had an excellent debate and a ventilation of this issue which has been educational not only to Members but to the country.

I also emphasize we need to get this done. I understand the urgency of moving to the budget the week after next, but we need to get this issue completed. I hope all Members understand that. We are committed to staying on this until we get a final vote either up or down on the bill.

I thank the majority leader for all his help. This has been a debate that I can personally say I have enjoyed and I think other Members have as well.

Mr. LOTT. Mr. President, it is obvious we are probably going to have to go late Tuesday, Wednesday, and Thursday night to get this accomplished. We have difficulty when we have Senators say: I have an amendment, but I don't want to offer it Thursday night or Friday or Monday, but I am available Tuesday—as is everybody else. I hope Senators, if they are serious, will take advantage of prime time on Friday morning or Monday night at 8 o'clock, which is, I believe, about 5 o'clock in California. It would be a very good time to offer a serious amendment.

I yield to Senator DASCHLE.

Mr. DASCHLE. At times in the past when we have had debates of this kind—and this has been a very productive and good debate this week—we have sought unanimous consent for a finite list, and it would be something we might want to contemplate doing maybe no later than Monday evening so we can work down a list and try to find ways in which to manage the remaining amendments.

Most Members on this side would be prepared to work with the leadership to find a way to do that. That may be something we want to contemplate over the weekend.

Mr. LOTT. Mr. President, I know the managers are trying to identify those amendments. I talked to Senator MCCAIN and Senator MCCONNELL about getting that list identified clearly by Tuesday; certainly to get that done it would have to be in on Monday.

We do have pending before the country the need for action on our budget for the year, on tax relief that could be beneficial to all Americans and the economy. We have the education legislation reported out of the Health Committee ready to go as soon as we come back from the Easter recess, and we have an energy problem in this country that needs some attention, too. We have a lot of very serious work we need to do on behalf of the American people.

I hope we can complete this bill by the end of next week, and I expect that to be the case.

Mr. MCCONNELL. Will the Senator yield?

Mr. LOTT. I yield to the Senator.

Mr. MCCONNELL. I say to the distinguished majority leader, it shouldn't be a problem coming up with a list of amendments by sometime Monday.

I think it was George Orwell in the novel ''Animal Farm,'' who said all pigs were equal but some pigs were more equal than others. All amendments are equal, but I think we have a sense of the really important amendments and those will be dealt with in the early part of the week. I think we will have a clearer sense of where we are.

I also want to agree with Senator MCCAIN. This has been a superb debate, enlightening for all the Members. A lot of Members, and hopefully members of the press, have learned a little bit more about a very complex issue which we have had out here in a freewheeling fashion for the last week. We understand the need to get to a conclusion and will work toward that on Monday.

Mr. DODD. Will the Senator yield?

Mr. LOTT. I yield.

Mr. DODD. I think there has literally only been half an hour or an hour of quorum calls all week. The Members have engaged in the debate. This is like the preparation of bacon and eggs. The Members are deeply committed to this issue in some ways, and we are spending the time on it.

I hope next week we can complete this. We have had wonderful debate and good amendments, by the way. We have improved this bill. I think both Senator MCCAIN and Senator FEINGOLD would agree there have been improvements to the legislation as a result of the amendment process.

I know the other issues are tremendously important and all of us care about them. This issue goes to the heart of all of those questions, as well. This will be an important debate.

I thank my colleague from Kentucky and the Members who have been on the floor during the week. They have contributed to the debate substantially.

Mr. LOTT. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. I thank the Presiding Officer. I wanted to ask the distinguished

majority leader if I might make some comments, few in number, with respect to the subject of the forthcoming action on the budget that had been mentioned. My leader on the Budget Committee is not here at the moment but I simply want to say on behalf of myself and other Members of the Budget Committee, particularly those on my side, we do really need to have a good debate on the budget.

I will probably have a few additional comments later today, but for now let me just remind the Senate that according to reports, the Budget Committee will not report out a budget resolution. This will be the first time, I am told, in the history of this Budget Act that the Senate will not have the benefit of a markup in the Budget Committee. I am not saying at this point to criticize anybody, but this is something new. I am a new member of the Budget Committee so I am learning some things as we go along.

I do have to make that point. The people of this country are going to be denied, as Senators will be denied, the opportunity to listen to and to engage in debate in the Budget Committee, with amendments being offered and acted upon in that committee before a budget resolution is sent to the floor. It probably won't be reported from committee, a resolution, but according to the law, it is due to be reported by April 1, April 1 being a Sunday, and we understand it is due to be reported, due to be put on the calendar without debate, without amendments in the committee, by April 2.

Now, the second wrinkle in this horn is the Senate has not yet received the budget from the administration. We have received kind of a blue outline which, like the apostle Paul said, enables us to see through a glass darkly. We don't have a budget. That is not something that is unheard of, as I will say later today, and which was also emphasized yesterday by the distinguished Senator from New Mexico, Mr. DOMENICI, the very able chairman of the Budget Committee.

I do have a few things, after I read the RECORD, that I want to say in that regard. I only want to say, Mr. Leader, whatever we can do to help the Senate to be able to examine this budget resolution when it is called up, have ample time to do it, and I want us to be able to act with some idea of what the administration is going to have in its budget.

We had earlier understood that the budget would be up here on April 3. Now we are told it will be up here on April 9 which is, I believe, the first Monday or Tuesday in the recess. So we will get the budget in the recess. But by then, according to the schedule that we understand will be followed, the budget resolution will be called up in the Senate and acted upon.

I will make a few additional remarks on this subject after I read the RECORD because my distinguished and beloved friend, PETE DOMENICI, chairman of the Budget Committee, made some comments yesterday, and I have no fault with that at all, but I do want to read those comments.

Please understand we are being confronted very soon with a matter which is going to be very controversial, thorny, and heatedly debated at times, which is all right. But the Senate needs to be put on notice. The people need to be put on notice that this is coming. Coming events cast their shadows before them.

This is an event that is casting its shadow. Unfortunately, we are not going to have an opportunity in the Budget Committee to make our wishes known.

The distinguished Senator from Michigan is on the floor. She is on that committee—a very able new member. I am a new member—not so able, but a new member. But she is a very able new member and she will join with me in calling attention to this. Not much is being said about this right now, but it is out there, it is coming, and it is probably the most important subject that this Senate will discuss this year. It involves a huge tax cut.

I was glad to see in the newspaper this morning that the distinguished chairman of the Budget Committee, Mr. DOMENICI, is thinking of having—I don't know how accurate this is, how accurate the story is, but he is thinking in terms of having a rebate, which I think might be a very good approach. But he is also thinking of still having a 10-year approach. I haven't heard him say that. We will certainly be listening with great interest to what he has to say on this point.

I thank both leaders for allowing me to take these few minutes because I don't think the time has been ill spent by my calling to the attention what lies ahead.

In closing, let me thank Mr. MCCAIN for his objections to stacked votes. That may be a thing we ought to do, not just with reference to this particular bill that is before the Senate, but we perhaps ought to object to stacked votes. I know how it would inconvenience Senators, but the people did not send me to this Senate for my convenience. I am here to serve them. And it is not in the best interests of the people that we stack votes, and for the very reasons that Mr. MCCAIN said.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, if I might just comment for a moment to support the distinguished Senator's comments. Senator BYRD may be in fact a new member of the Budget Committee. He is certainly a person we look to for wise counsel on important subjects such as the budget. I have learned a tremendous amount from him as a member of the Budget Committee. I would add to his comments. I am, in fact, a new Member of the Senate as well as to the Budget Committee, but I have sat through our 16 hearings, had the opportunity to listen to each Secretary, each area of the budget, listening to the views on the President's budget, and at the end of this process when I assumed as a new member I would have the opportunity to put forward the wishes of the people of Michigan—our values, our priorities in the form of a budget—we were told yesterday we, in fact, would not even debate a budget resolution for the first time since 1974 when the Budget Act was put together.

I share Senator BYRD's tremendous concerns. I cannot imagine anything more fundamental than this body debating the future of the country through the budget. I strongly support and urge that the leadership on the other side decide to allow us to do our job on the Budget Committee and come forward with, hopefully, what would be a bipartisan document that would allow us to proceed and work together to do the country's business.

Mr. BYRD. Mr. President, if the distinguished Senator will yield?

Ms. STABENOW. I am happy to yield to the distinguished Senator.

Mr. BYRD. I just want to compliment the Senator from Michigan for the exemplary service she has rendered on the Budget Committee, and I thank her for her comments today.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the quorum call be dispensed with.

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

Mr. MCCONNELL. The Senator from Texas has an amendment to offer, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

AMENDMENT NO. 111

Mrs. HUTCHISON. Mr. President, I ask that amendment No. 111 be reported.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 111.

Mrs. HUTCHISON. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to exempt State and local political committees from duplicative notification and reporting requirements made applicable to political organizations by Public Law 106–230)

On page 37, between lines 14 and 15, insert the following:

SEC. 305. EXEMPTION FOR STATE AND LOCAL POLITICAL COMMITTEES FROM NOTIFICATION AND REPORTING REQUIREMENTS IMPOSED BY PUBLIC LAW 106–230.

(a) EXEMPTION FROM NOTIFICATION REQUIREMENTS.—Paragraph (5) of section 527(i) of the Internal Revenue Code of 1986 (relating to organizations must notify Secretary that they are section 527 organizations) is amended by striking ''or'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', or'', and by adding at the end the following new subparagraph:

''(C) which—

''(i) engages in exempt function activity solely in the attempt to influence the selection, nomination, election, or appointment of any individual to any State or local public office or office in a State or local political organization, and

''(ii) is subject to State or local contribution and expenditure reporting requirements relating to selections, nominations, elections, and appointments to such offices, and reports under such requirements are publicly available.''.

(b) EXEMPTION FROM REPORTING REQUIREMENTS.—Paragraph (5) of section 527(j) of such Code (relating to required disclosures of expenditures and contributions) is amended by striking ''or'' at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting '', or'', and by adding at the end the following new subparagraph:

''(F) to any organization which—

''(i) engages in exempt function activity solely in the attempt to influence the selection, nomination, election, or appointment of any individual to any State or local public office or office in a State or local political organization, and

''(ii) is subject to State or local contribution and expenditure reporting requirements relating to selections, nominations, elections, and appointments to such offices, and reports under such requirements are publicly available.''.

(c) EXEMPTION FROM REQUIREMENTS FOR ANNUAL RETURN BASED ON GROSS RECEIPTS.—Paragraph (6) of section 6012(a) of such Code is amended by striking ''section)'' and inserting ''section and an organization described in section 527(i)(5)(C)''.

(d) EFFECTIVE DATE.—Notwithstanding section 402, the amendments made by this section shall take effect as if included in the amendments made by Public Law 106–230.

Mrs. HUTCHISON. Mr. President, this is a technical amendment to a bill that was passed last year by the Senate to correct a problem, and it has corrected part of a problem, but it has caused a problem for our State and local candidates all over the country.

By way of background, this was a bill that was passed in an effort to close a loophole where some stealth PAC organizations that were making contributions and doing advertising did not have to disclose to whom they were contributing or who was contributing to them. In fact, it is called a 527 organization. Almost all political organizations—party committees, candidate committees—are section 527 organizations.

As a 527, they enjoy Federal tax-exempt status and thus do not pay taxes on contributions. While most 527 organizations also file with the Federal Election Commission because they are engaged in express advocacy activities, there are a few organizations, so-called stealth PACs, that did not have to file with the FEC because they are engaged solely in issue advocacy and not in candidate advocacy. These groups generally have been sham organizations.

So in an attempt to close the loophole so that the groups' donors would have to be disclosed, we passed a law last summer requiring all 527 organizations to file notification of their status with the IRS and to disclose certain expenditures and contributions.

The reason these groups must file with the IRS as opposed to the FEC is the new disclosure requirements are imposed as a condition of their tax-exempt status. Thus, those groups that choose not to file with the IRS could lose their tax-exempt status.

While this law was intended to target stealth PACs, it has had the unintended consequence of imposing burdensome and duplicative reporting requirements on State and local campaign committees that are not involved in Federal election activities. State legislators across the country have been furious about these new requirements because, of course, they are taking in contributions, as a candidate would, and they do not want to have to file with the IRS as well as the FEC and their State and local requirements.

So the amendment I have introduced is an attempt to fix this, what I think is an inequity that was not intended, by simply saying that if a candidate committee, or any committee, is subject to State or local contribution and expenditure reporting requirements relating to selections, nominations, elections, and appointments to such office, and they report under those requirements, and those reports are public, they would not also have to file with the IRS.

It is a simple amendment. It is a technical correction. I think it will help all of our State and local candidates not to have this burdensome duplication. All of their contributions are reported. Their expenditures are reported. There are State laws governing it.

I know this wasn't intended by Congress when we passed this amendment to section 527 of the Internal Revenue Code.

I hope we can fix this so these State and local candidates will not be subject to losing their ability to run their campaign—hopefully without the burdensome overregulation. Many of them don't even have the capability to hire people to make these kinds of extra disclosures, which are not necessary because they are already public.

The bottom line is if someone already publicly discloses their contributions and their expenditures under a law of the State, they should not be required to also file with the IRS.

That is the summation of the amendment. I wouldn't think there would be an objection to it by either side. I think there wouldn't be an objection by either House of Congress.

I submit for the RECORD a letter from the National Conference of State Legislators, which is a bipartisan organization, asking that this be fixed and stating that it has become an unreasonable burden, one that certainly does not in any way help public disclosure but, in fact, is just a duplication of public disclosure that is already required.

Mr. President, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL CONFERENCE OF STATE LEGISLATURES,
March 21, 2001.

Ms. MELISSA MEULLER,
Ways and Means Counsel, Office of Representative Lloyd Doggett, Cannon House Office Building, Washington, DC.

DEAR MELISSA: I wanted to respond to our phone conversation of several weeks ago wherein you asked me to provide you with more information as to how the new Section 527 law (P.L. 106–230) adversely impacts state legislators, paying specific attention to the new tax code requirements.

P.L. 106–230 requires political organizations to provide notice of status to the IRS by July 31, 2000, unless an exception applies. The only exception available to a state legislative campaign is Sec. 527(i)(5)(B) (''reasonably anticipates that it will not have gross receipts of $25,000 or more for any taxable year''). Given the size of Texas House districts, the cost of running a campaign will almost always be more than $25,000. Failure to file the notice of status results in a penalty in the form of a tax liability. If the political organization fails to file the notice of status by the due date, the organization must include contributions received after June 30, 2000, in taxable income.

The following represents an example of how the new law plays out in Texas:

A Texas House member heard about P.L. 106–230 in July 2000, but did not file the notice of status because he didn't think it applied to his campaign. In his opinion, he doesn't have an ''organization,'' just family and friends who help out. Political contributions to his campaign are deposited in a non-interest-bearing checking account. He was not able to reach anyone at the IRS who could tell him with certainty whether he was required to obtain an EIN and file the notice of status.

He held a fundraiser in November 2000 and raised $42,000 in political contributions. In January 2001, he learned that P.L. 106–230 did apply to his situation. He filed the 1120–POL tax return on March 15, 2001. Following the form's instructions, he included $42,000 in total income and deducted a total of $2,000. The ''penalty'' for his failure to file the notice of status is $14,000! If he had filed the notice of status before the due date, his tax liability would be $0.

Beginning March 2002, he must filed Form 1120–POL if his campaign receives $25,000 in contributions, even though his campaign has no taxable income. In other words, he is required to file Form 1120–POL with all zeros. He must also file Form 990–EZ, the annual information return. According to the IRS, the estimated average time needed to complete Form 990–EZ is more than 51 hours! That includes recordkeeping, learning about the law and the form, and preparing the form.

Under Ch. 254, Tex. Elec. Code, candidates and officeholders are required to file reports at least semiannually with the Texas Ethics Commission, itemizing contributions, pledges, loans, expenditures, and providing

certain other information. The threshold for itemization is $50. *See* 254.031, Tex. Elec. Code. Most candidates and officeholders are also required to file these reports electronically.

The purpose of P.L. 106–230 is to ensure full disclosure of political contributions and expenditures. Form 1120–POL does not provide the public with any additional information on contributions and expenditures. Moreover, Form 990–EZ provides only aggregated information. If the public wants detailed information on a Texas House member's contributions and expenditures, the public must still go to the Texas Ethics Commission reports.

I hope you find this information helpful. As I had stated to you in our conversation, the draft legislation proposed by Representative Doggett does not address the concerns of state legislators with P.L. 106–230. I urge you to suggest reworking Representative Doggett's proposed legislation to exempt state legislators from the burdensome and duplicative requirements of P.L. 106–230. Please do not hesitate to contact me if you have any further questions. I may be reached at 202–624–3566, or by e-mail at Susan.Frederick@ncsl.org.

Sincerely,

SUSAN PARNAS FREDERICK,
Committee Director,
NCSL Law and Justice.

Mrs. HUTCHISON. Mr. President, I made the argument. I hope the amendment will be accepted. I understand we will need to clear it through the Finance Committee and make sure they are also not opposed to it.

But I believe if anyone looks at the technical nature of this amendment, they will support it. It would take a terrible burden away from our State legislators and local candidates for mayor or city council.

I certainly hope we can do that in an expedited way.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. 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.

THE BUDGET

Mrs. HUTCHISON. Mr. President, I wanted to speak for a few moments as if in morning business to talk about the budget and what the distinguished Senator from New Mexico is proposing.

I was privileged to be in a briefing to learn what the committee is looking at. It was discussed earlier on the floor that the bill is going to come straight out of committee.

I am pleased that is going to happen because I would like to have just as much say in the budget as would any Member of the Senate. We will have 30 or 50 hours of debate. We will have plenty of time to discuss our priorities. But with this evenly divided Senate, more and more, all of us are going to have the opportunity on the floor to have our input rather than not have it come to the floor and bog down the process.

I am very pleased with what we are hearing. I am very pleased that we are bringing the budget up on an expedited basis because I think we need to move swiftly. Our country is looking at an economic downturn. Many people think it is a recession. I hope it isn't. But, nevertheless, I think action is needed. I think action on behalf of the American people is warranted at this time.

I think setting the budget and determining what our priority expenditures are going to be and looking at giving tax relief to American workers at this time is even more important than it was when we first introduced the idea because many of us believe that having this huge budget surplus sitting in Washington, DC, is certainly not good economic policy and it isn't good fiscal policy.

It is time for us to make sure the money that is sitting in Washington, DC, in excess of what is needed for the running of our Government be put back in the pocketbooks of the people of this country.

I am very pleased we are working on an expedited basis. I am pleased we are going to take up a budget. I am pleased Senator DOMENICI, the leader of the Budget Committee, is pushing right now, right this minute, for an immediate tax relief plan—something that people will see is going to come. They will know for sure that is going to come, and that it will come, hopefully, on an expedited basis.

I am very proud the Budget Committee is moving forward in this fashion. I am so proud of our leadership. I hope we can work with the other side of the aisle so all of us will have equal input in the 30 to 50 hours of debate that we have on the budget resolution so we can establish our priorities; so we can preserve Medicare; so we can have real Medicare reform to include prescription drugs; so we can have the new added expenditures that we know we are going to need to upgrade the quality of life for those serving in our military; and so we can increase spending on public education to make sure every child has a quality public education, which is the foundation for democracy.

I think we will have those added expenditures and we will have tax relief for the American people.

If we can take up this budget resolution a week from Monday, we will do it on an expedited basis.

I am proud of Senator DOMENICI and the leadership of the Budget Committee. I am proud of our leadership and their working with our President to make sure we have tax relief for hard-working Americans.

Thank you, Mr. President.

I yield the floor.

CAMPAIGN REFORM ACT OF 2001—Continued

AMENDMENT NO. 111

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise to discuss this amendment which I am sorry to oppose.

I appreciate the involvement of the Senator from Texas in this issue and on this particular aspect of it because it was the first major breakthrough we were able to make in the area of campaign finance reform requiring full disclosure of 527 activities.

Now that full disclosure has been obtained, we find some fascinating things have gone on in the name of campaign activities, such as buying trucks, giving people very generous salaries, renting office space—very interesting things.

Basically, as I read this amendment, it does not require the State and local political committees to notify and report the requirements imposed in 527.

As I understand the comments of the Senator from Texas, I guess somehow it gives them burdensome paperwork that would be difficult for them to achieve in the case of 527s.

They are making these reports, and all they have to do is make a copy and send it to Washington. So for a 527, it seems to me, it would not be that hard to use a copying machine. In fact, you might want to even go down to Kinko's and get one there.

But more importantly, this is a reversal of full disclosure. Everybody, no matter which side they are on in this debate, says an integral and vital part of the problem is full disclosure. This is obviously a reversal thereof.

Also, staff informs me that this entire bill would be blue-slipped if this amendment were made part of it because it touches the Tax Code. Changes in the Tax Code originate in the House of Representatives and it would have to come out of the Ways and Means Committee.

So I will be opposing this amendment. I appreciate the involvement of the Senator from Texas. But to exempt people from making a copy of their financial disbursements in their campaign activities and sending it on to Washington, where, if Senator COCHRAN'S amendment is going to be agreed to as part of this bill, it would be posted on the Internet and all would be able to see it, is obviously not something that I would really very much favor. I would want Americans to know all this information.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I respond to the Senator from Arizona by saying, first of all, I hope he will work with me to try to have the purpose of my amendment added to this bill. If there is a specific problem, I would like to work with the Senator because I do not think the amendment we had last year, that affected the 527

organizations, was intended to affect State and local candidates who do not participate, in any way, in Federal elections.

I think it is very clear from the amendment. If it isn't clear, I will certainly try to make it clear in the amendment that it would only apply to a State and local candidate who had reporting requirements and whose reporting requirements were covered under State law. Copying the report and sending it to the IRS is, unfortunately, not what happens when you pass a Federal law that affects State and local candidates.

What happens is, you have a form that the IRS approves, which may not be the same as is required in some States. So it is a burdensome, added requirement. Furthermore, it isn't necessary because nothing that they do is participating in the Federal campaigns.

The second issue is an important one. It is not my purpose to blue-slip the bill or kill the bill. In fact, if the bill were to be blue-slipped, I would withdraw the amendment. I do not think it is subject to being blue-slipped.

In fact, the original amendment last year was offered to the Defense authorization bill. It was brought up at the time that this was a revenue measure and, therefore, was unconstitutional to be put on the Defense bill. In fact, we voted on that point of order, and it was determined that this is not a revenue measure.

Senator MCCAIN, along with many of the other cosponsors of the bill today—Senator MCCAIN and Senator FEINGOLD—agreed that this was not a revenue measure. In fact, Mr. MCCAIN argued on the floor at the time:

> This amendment in no way raises any revenue, nor does it change in any way the amount of revenue collected by the Treasury pursuant to the Tax Code. It is simply a clarification in what information must be disclosed by entities seeking to claim status under section 527 of the Tax Code.

So I believe it certainly would not be considered a revenue measure and therefore would not be subject to a blue slip that would kill the bill.

It is not my intention, with this amendment, to harm the bill itself. It is, though, my intention to try to alleviate this burdensome requirement for State and local candidates who would have to have another layer of reporting.

I hope the Senator will work with me to make this acceptable to him because I do not think it will in any way damage the bill and certainly will not damage the reporting that is open to the public because State law would cover all of these candidates in their vote disbursements and contribution reporting requirements.

Thank you, Mr. President.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I say to the Senator from Texas, I thank her for this effort. We do want to work with her. I would like to put my staff to work with hers. And there are several other Senators' staffs who have also been working on this issue. I think we might be able to get something done.

I will make a couple points. One, these organizations do get a Federal tax benefit even though they are only involved in State and local races. That is something we have to address. The other point is, as the Senator from Texas did point out, I argued strenuously that our legislation, which was put on the Defense bill, would not be blue-slipped by the House and should not have been. And I still believe that. I agree with the Senator from Texas that this should not be blue-slipped either.

But after we passed the bill, and they went to conference, the House was insistent upon their position that it would be blue-slipped. So it was withdrawn from the Defense bill because of that adamant position the other body assumed.

I have been discussing this matter with our staffs, and I think there is a way to work it out. I agree with the Senator from Texas, we should not put additional burdens on especially a majority of these relatively small organizations that are engaging in State and local campaigns. So I rather believe we can probably get something worked out and get it modified so it is acceptable to both the Senator from Texas as well as all Senators.

I thank the Senator from Texas. We are going to work on it. I thank her for her engagement on this very important issue.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I respond by saying, I do appreciate that Senator MCCAIN will work with us. Even though certainly a State and local candidate does not pay taxes on the contributions he or she receives, nevertheless, this should not be a report to the IRS when the reporting is covered—a point with which I think the Senator from Arizona agrees.

Secondly, I will say right now that I would like to work with the key people in the House and the key people in the Senate to assure—before we put this amendment on the bill, or the amendment as we can work it out—that it will not be blue-slipped because if this is going to be a game that will be played by someone who is not for the bill, I will not be a part of it.

My views on the bill might differ—and do differ—with the Senator from Arizona, and I will vote my conscience on the bill. But I am not playing a game here to try to kill the bill with a blue slip on an amendment. So I will have it cleared before we make a final determination because that is not my purpose.

My purpose is to give the relief that I think we probably all agree should be given. I think the House and Senate will unanimously want to do it.

We will clear the blue slip issue to everyone's satisfaction before that would go on the bill.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, my colleague from Arizona has described the hesitations that those of us have about this amendment. They are mere hesitations, not opposition. It is a desire to ensure that what the Senator from Texas is trying to achieve, will in effect, be accomplished by the result and nothing more.

Certainly my colleague from Texas can appreciate that unintended consequences of our good intentions sometimes can have effects beyond our imagination.

Mrs. HUTCHISON. I think that is what happened with the original 527 act. That does happen.

Mr. DODD. Hopefully, we can narrow that.

My colleague from Kentucky may want to be heard on this, but I recommend the Senator withdraw the amendment. Obviously, as soon as she is ready to bring it back up for debate, we will accommodate her. If she wants to bring back the amendment as crafted or whatever her version will be, that will certainly be allowable. It would be a good way for us to proceed. I recommend that, if she is so inclined, and we can all work together to try to achieve the result she desires.

Mrs. HUTCHISON. Mr. President, I am happy to withdraw the amendment. I did want to propose it and have the debate. I thought it would actually be acceptable. I think it will be in the end. I am happy to work with the House to assure that there will be no blue slip problem. I think, on the merits, this is not a blue slip issue.

Mr. MCCONNELL. Will the Senator yield?

Mrs. HUTCHISON. I am happy to yield.

Mr. MCCONNELL. I missed part of the debate. Is the Senator saying she is going to withdraw the amendment?

Mrs. HUTCHISON. I was requested to withdraw the amendment so that we might move forward.

Mr. MCCONNELL. I suggest, if it is going to be continued to be considered in the course of this debate, it might be better to simply lay it aside. That keeps it in order. If it is certain that it will not be dealt with in the context of this debate, then withdrawal will be appropriate. I missed the earlier discussion.

Mr. DODD. I say to my colleague, the problem is that if you lay an amendment aside, it takes unanimous consent to continue to lay it aside for other matters to be brought up. Someone could object to that and provoke a delay in the consideration of the bill. We should probably go with withdrawal, with the commitment to the Senator that we will bring it back up.

Mr. MCCONNELL. Mr. President, we have had a great deal of comity during

the course of this debate. The biggest problem Senator DODD and I are going to have is accommodating amendments that Members haven't come over to offer. My concern is, the amendment of the Senator from Texas, having done what we asked her to do, which is come over and lay down her amendment, by withdrawing it, goes back into the herd that may or may not get dealt with at the end. By simply setting it aside, she is in line. It gives an opportunity for discussions to continue with the Senator from Arizona and others who, I gather, think there might be some way to work this out. She is still in line rather than sort of getting sent back to the back of the bus. That is my advice to the Senator from Texas.

Mr. DODD. I appreciate that. The problem is, we can't control what 98 other Senators want to do.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. MCCAIN. Will the Senator yield for a question?

Mrs. HUTCHISON. I am happy to yield.

Mr. MCCAIN. Mr. President, with the staff of the Senator from Texas and our staff, if we work it out, which I am 90 percent sure we will, then there is going to be no debate. We will bring it up and accept it. I don't think it will be too big a problem getting back in the queue on an amendment that is going to be basically accepted. If not, then it is going to be brought up, and we will have the full 3 hours of debate. I suggest the Senator from Texas go ahead and withdraw it. Then we can bring it up after we have an agreement. We can have it done in 30 seconds, since we have already debated the underlying issue.

Mrs. HUTCHISON. If I could make a parliamentary inquiry, if I withdraw the amendment—I don't know if there has been a unanimous consent that has limited amendments—I just want to make sure I don't lose any ability to consider the amendment. I don't want to be in line and cause one person to hold the bill up. Again, I am not in the game. I am just trying to have this amendment be agreed to. I think it will be.

Mr. MCCONNELL. If the Senator will yield, we are in the process of working on a list of amendments which will probably be completed by sometime Monday. Your amendment will certainly be on the list. What we don't know, given the limited amount of time remaining between now and Thursday night, is whether that guarantees its consideration.

The Senator from Arizona is correct; if Senators work it out, there will be no problem. If they don't work it out, I don't want the Senator from Texas to think it is a certainty that we are going to be able to handle all these amendments before we get to final passage.

Mr. MCCAIN. If the Senator will yield, I wish to make it clear, if we are not done by Thursday night, it will be done on Friday; if it is not done on Friday, we will be on it Saturday; if we are not done on Saturday, Sunday; if not Sunday, Monday. We will make time for the amendment of the Senator from Texas. We will not leave this legislation as long as I have the ability to keep us on it. If I don't, then all amendments will go, and so it won't matter whether the amendment came up or not.

AMENDMENT NO. 111, WITHDRAWN

Mrs. HUTCHISON. Mr. President, based on the assertions of the Senator from Arizona, the Senator from Connecticut and what the Senator from Kentucky has said, that we will be a drawing up a list of amendments early next week, I will withdraw the amendment and rely on the good faith of everyone to work on this amendment to try to relieve the inequity without getting into the bill itself or damaging the bill itself.

The PRESIDING OFFICER. Is there objection to the Senator's request to withdraw the amendment? Without objection, the amendment is withdrawn.

Mr. MCCONNELL. I thank the Senator from Texas. I hope she and the Senator from Arizona can work this out to their mutual satisfaction so we can accommodate what I think is a very good idea.

Mr. DODD. May I make a parliamentary inquiry. Is not the pending business the Specter amendment?

The PRESIDING OFFICER. The Senator is correct. The Specter amendment was set aside by unanimous consent.

Mr. DODD. Any motion to bring up an amendment requires unanimous consent to lay that amendment aside, is that not correct?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Kentucky.

Mr. MCCONNELL. I believe the Senator from Illinois is here, and he would like to offer an amendment. Building on the conversation Senator DODD just had with the Chair, I say to the Senator from Illinois, the Specter amendment is the pending amendment. I ask unanimous consent that the Specter amendment be temporarily set aside in order to give the Senator from Illinois an opportunity to send his amendment to the desk.

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

The Senator from Illinois.

AMENDMENT NO. 144

Mr. FITZGERALD. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. Fitzgerald] proposes an amendment numbered 144.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide that limits on contributions to candidates be applied on an election cycle rather than election basis)

On page 37, between lines 14 and 15, insert:

SEC. ___. CONTRIBUTION LIMITS APPLIED ON ELECTION CYCLE BASIS.

(a) INDIVIDUAL LIMITS.—Section 315(a)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(A)) is amended to read as follows:

''(A) to any candidate and the candidate's authorized political committee during the election cycle with respect to any Federal office which, in the aggregate, exceeds $2,000;''.

(b) MULTICANDIDATE POLITICAL COMMITTEES.—Section 315(a)(2)(A) of such Act (2 U.S.C. 441a(a)(2)(A)) is amended to read as follows:

''(A) to any candidate and the candidate's authorized political committees during the election cycle with respect to any Federal office which, in the aggregate, exceed $10,000;''.

(c) ELECTION CYCLE DEFINED.—Section 301 of such Act (2 U.S.C. 431), as amended by section 101, is amended by adding at the end the following:

''(25) ELECTION CYCLE.—The term 'election cycle' means, with respect to a candidate, the period beginning on the day after the date of the previous general election for the specific office or seat that the candidate is seeking and ending on the date of the general election for that office or seat.''

(d) SPECIAL RULES.—Section 315(a) of such Act (2 U.S.C. 441a(a)) is amended by adding at the end the following:

''(9) For purposes of this subsection—

''(A) if there are more than 2 elections in an election cycle for a specific Federal office, the limitations under paragraphs (1)(A) and (2)(A) shall be increased by $1,000 and $5,000, respectively, for the number of elections in excess of 2; and

''(B) if a candidate for President or Vice President is prohibited from receiving contribution with respect to the general election by reason of receiving funds under the Internal Revenue Code of 1986, the limitations under paragraphs (1)(A) and (2)(A) shall be decreased by $1,000 and $5,000.''

(e) CONFORMING AMENDMENTS.—

(1) The second sentence of 315(a)(3) of such Act (2 U.S.C. 441a(a)(3)) is amended to read as follows: ''For purposes of this paragraph, if any contribution is made to a candidate for Federal office during a calendar year in the election cycle for the office and no election is held during that calendar year, the contribution shall be treated as made in the first succeeding calendar year in the cycle in which an election for the office is held.''

(2) Paragraph (6) of section 315(a) of such Act (2 U.S.C. 441a(a)(6)) is amended to read as follows:

''(6) For purposes of paragraph (9), all elections held in any calendar year for the office of President of the United States (except a general election for such office) shall be considered to be one election.''

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after the date of enactment of this Act.

Mr. FITZGERALD. Mr. President, I have an amendment to S. 27 that was actually proposed by my own campaign treasurer and, after I started to look into it, I found out that the FEC had, in fact, made this very same recommendation to President Clinton last year and this year to President Bush.

This is an amendment that will simplify the existing Federal election code

limits and simplify the bookkeeping and recordkeeping requirements of the act without changing any of its substance.

Right now there is a contribution limit of $1,000 per primary and per general election. Any individual can give up to $1,000 for the primary that a candidate is in and another $1,000 for the general election. It is permissible under current law for candidates to actually ask their contributors to give them $2,000 right now, as long as they designate that $1,000 is for the primary and $1,000 is for the general election. And this system has been in place since the act first came into existence in the early 1970s. The problem with the way the act is written is that if a contributor fails to designate which election their contribution is for, and that contributor has already given $1,000, and they give another $1,000, if they do not designate that that contribution is for the succeeding election—say he already gave $1,000 for the primary, and he fails to designate that his additional $1,000 contribution is for the general election, then the candidate must refund that $1,000, unless he gets the contributor to fill out a form saying for which election he or she designates the contribution.

This causes a lot of bookkeeping headaches for your treasurer. I am sure if you check with your own treasurer, Mr. President, he or she would love this amendment. In fact, the treasurers of all 100 Senators would immediately see the wisdom in my amendment.

My amendment would change that per election limit of $1,000 to a per cycle limit of $2,000. So, in other words, you would collect $2,000 from a contributor and not worry about whether the contributor has designated $1,000 for the primary and $1,000 for the general election.

Mr. President, the FEC, in their recommendation to the President—I am going to read what they said about this. They recommended that we change this. It simply would save them a lot of time and staff resources, and it would also save our own campaigns a lot of time and bookkeeping headaches that are simply necessitated by the way the act is phrased. Instead of having a per cycle contribution limit, we have a per election limit, and we have to keep sending these redesignation forms to our contributors.

The FEC, in their letter to the President in March of this year, this month, wrote:

> The Commission recommends that limits on contributions to candidates be placed on an election cycle basis, rather than current per election basis.

Their explanation for their recommendation was as follows:

> The contribution limitations affecting contributions to candidates are structured on a ''per election'' basis, thus necessitating dual bookkeeping or the adoption of some other method to distinguish between primary or general election contributions. The Commission has had to adopt several rules to clarify which contributions are attributable to which election and to assure that contributions are reported for the proper election. Many enforcement cases have been generated where contributors' donations are excessive vis-a-vis a particular election, but not vis-a-vis the $2,000 total that could have been contributed for the cycle. Often, this is due to donors' failure to fully document which election was intended. Sometimes the apparent ''excessives'' for a particular election turn out to be simple reporting errors where the wrong box was checked on the reporting form. Yet, substantial resources must be devoted to examination of each transaction to determine which election is applicable. Further, several enforcement cases have been generated based on the use of general election contributions for primary election expenses or vice versa.
>
> Most of these complications would be eliminated with adoption of a ''per cycle'' contribution limit. Thus, multicandidate committees could give up to $10,000 and all other persons could give up to $2,000 to an authorized committee at any point during the election cycle. The Commission and committees could get out of the business of determining whether contributions are properly attributable to a particular election, and the difficulty of assuring that particular contributions are used for a particular election could be eliminated.
>
> Moreover, public law number 106–58 (the fiscal year 2000 appropriations bill) amended the Federal Election Campaign Act to require authorized candidate committees to report on a campaign-to-date basis, rather than on a calendar year basis, as of the reporting period beginning January 1, 2001. Placing the limits on contributions to candidates on an election cycle basis would complement this change and streamline candidate reporting.
>
> It would be advisable to clarify that if a candidate participates in more than two elections (e.g., in a post-primary runoff as well as a primary in a general), the campaign cycle limit would be $3,000. In addition, because Presidential candidates might opt to take public funding for the general election, but not the primary, and thereby be precluded from accepting general election contributions, $1,000/$5,000 ''per election'' contribution limits should be retained for Presidential candidates.
>
> A campaign cycle contribution limit would allow contributors to give more than $1,000 toward a particular primary or general election, but this would be balanced by the tendency of campaigns to plan their fundraising and manage their resources so as not to be left without fundraising capability at a crucial time. Moreover, adoption of this recommendation would eliminate the current requirement that candidates who lose the primary election refund or redesignate any contributions made for the general election after the primary is over.

Mr. President, we have drafted an amendment to implement this recommendation of the Federal Election Commission. The FEC general counsel's office, I have been told, is OK with the amendment as drafted. I will continue to be in touch with them over the weekend and over the next few days to see if we need to make any technical modifications at all to implement their intentions.

The bottom line is that this amendment does not change at all the substance of the Federal election laws. It simply makes life a whole lot easier for candidates, especially for their financial departments, and in particular their campaign treasurers. This whole business of sending people letters and asking them to designate whether their contribution is for the primary or the general and if they don't return that designation, you have to refund their contribution—all of that, which is necessitated by the inadequate wording of the current law as it stands—is something we could avoid. It serves no public policy purpose that I can identify or that the FEC can identify.

This would simplify things for candidates, their campaigns, and for the FEC. Presumably, it would free up some of the FEC's staff to focus on more serious matters that could violate the spirit of the election laws.

Mr. President, on that basis, I thank you for this opportunity to introduce my amendment. I have shared it with both the Republican and Democratic sides. I would like to have unanimous support for this amendment. I can assure any Senator who votes against this amendment that their campaign treasurers will not be happy with them. This will make their lives easier. With that, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Mr. President, may I have 5 minutes.

Mr. DODD. I yield 5 minutes to my colleague from Arizona.

Mr. MCCAIN. Mr. President, I thank Senator FITZGERALD. I wonder if the title of this is the ''Fitzgerald Campaign Treasurers Protection Act.''

Mr. FITZGERALD. That should be the name of this amendment.

Mr. MCCAIN. Or ''The Treasurers Relief Act.''

Mr. FITZGERALD. Yes. The treasurers will love this amendment, and it would cut down on postage expenses and a whole lot of headaches. I urge its unanimous adoption.

Mr. MCCAIN. First, I thank Senator FITZGERALD because I also have heard from people who have to keep track of this paperwork. It is voluminous. It is difficult. It is not only an expenditure of money to make sure that all of these reports are correct, but it is an enormous expenditure of time as well.

It seems to me Senator FITZGERALD has an excellent idea. If I understood Senator FITZGERALD, there may be some technical corrections that could be added to the amendment as a result of recommendations by the FEC in order to make sure this is in keeping with the intent of the amendment, I ask my friend.

Mr. FITZGERALD. Yes, we have been in contact with the general counsel's office of the FEC. They just had the last few minutes for review. They have told me they are OK with the amendment, but I want to give them more time and have them scrub it over the weekend to make sure.

In my own mind, I do have a couple questions on which I want to be satisfied. In particular, I have questions about how our amendment affects the requirement that you have to segregate money you have taken in the

primary and general. I want to talk to the FEC about that and see whether my amendment fully comports with their intentions. I want an opportunity to make a technical correction later if it is required.

Mr. MCCAIN. Reclaiming my time, with the agreement of the managers, I want to approve of this legislation pending technical corrections that could be made which would not, obviously, change it but would be merely technical in nature to make sure the intent of the legislation is in keeping with the fact the FEC is the expert on this matter.

I thank the Senator from Illinois. I strongly support this amendment.

I point out, it may be helpful as we conduct this debate over ''hard money'' because some people say you can contribute $1,000 a year; well, that really means $2,000 a cycle and the aggregates which are $20,000—what are they?

What we are talking about is how much can you contribute to an election, which is every 2 years. It is valuable for us to have this information. I wish we were talking in those terms now. It would be clearer to people as to exactly how much hard money could be given in the proposals I am sure inevitably we are going to engage in as to raising of hard money.

We would have a clear indication what that means to a candidate in an election. I mention to my friend from Kentucky, we also ought to take into consideration as we debate this issue of hard money—and I see my friend from New York on the floor, too—how much it costs when we are spending this money; how much it costs for a minute of prime time on New York City television on ''Monday Night Football,'' how much it costs for a 30-second commercial on ''Friends.'' We all know in order to legitimize a candidacy, you need to be on television.

I am going to try to inject this in this debate as we go forward, as to how much money candidates are able to spend. It is an important part; that we not only consider how much they can raise but how much it costs to run a campaign nowadays.

I thank my friend from Illinois. I strongly support the amendment. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Connecticut.

Mr. DODD. Mr. President, I, too, commend our colleague from Illinois. Last evening, a very diligent member of his staff caught me about 9 o'clock with this proposal. I read it going back to my office. It looked to me like a good idea then and it sounds like a good idea this morning. The suggestion that the Senator from Arizona has made and that the Senator from Illinois, in fact, has endorsed—that we take a day or so to run the trap, so to speak, on this to make sure there are not any unintended problems with this—is a wise suggestion. I endorse that.

My colleague from Kentucky can clarify this, but this may be the last amendment we consider so it could actually be the pending business when we come back in session.

This is a very sound idea. I know of a case that is related to this kind of circumstances. This goes back now more than 10 or 15 years ago, where a candidate held a series of fundraising events. The events were $100 events or $200 events. An individual actually contributed through these five or six events, without keeping a good track of how much he had actually contributed to the particular candidate. He exceeded the dollar amount by, I think, $50 or $75.

At any rate, the candidate then refunded the excessive portion of the contributions over $1,000 limit. It might have been the individual had contributed $1,200 or $1,050. Whatever the number was, it was relatively minor. The candidate was then fined by the FEC because he accepted excessive contributions. Notwithstanding the fact that the excessive portion had been timely refunded, the fact that the candidate accepted the contributions in excess of the ''per election'' $1,000 limit triggered a fine.

The candidate was informed by the FEC that if he had gotten a hold of the contributor and said, Didn't you mean the extra $50 was supposed to go to the primary election, or, Didn't you intend for your wife to contribute the $50, there would have been no fine in connection with the overage. The affirmative act of refunding the excessive portion of the contribution had no relevancy in terms of the allegation.

This amendment goes to part of that situation, and it is in everyone's interest, including the FEC, candidate and the contributor, to allow for a more efficient and effective method of streamlining this process than lending oneself to the possibility of an added bookkeeping problem.

It seems to me like a very sound and commonsense amendment. I am hopeful the FEC will agree with that. We will take a look at that over the weekend and keep the Senator and his staff informed as we ask these questions. Maybe we can do it together, with the staffs, so they can be fully informed as to the FEC's response to this.

I am very confident this amendment, or some technical modification of it, can be unanimously adopted. I hope it can be unanimously adopted by the Chamber.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I commend the Senator from Illinois for his excellent amendment. We look forward to its adoption on Monday. I am unaware of any additional amendments to be laid down on our side. Does the Senator from Connecticut have any on his side?

Mr. DODD. I have no additional amendments. My friend and colleague from New York has requested 5 minutes to speak, not on an amendment but on the bill.

Mr. MCCONNELL. I suggest I put us into morning business.

I ask unanimous consent that there be a period for the transaction of morning business——

Mr. SCHUMER. Will the Senator yield? I ask I be given 5 minutes at the beginning of morning business because I have to catch a plane. Otherwise, I will speak on this bill and ask for 5 minutes now, if that is OK with my colleague from West Virginia as well. He has been patiently waiting. Whichever way you want to do it is OK with me.

Mr. DODD. I yield 5 minutes to my colleague from New York.

Mr. SCHUMER. Mr. President, I thank the Senator for yielding.

I wish to alert my colleagues to another potential problem we face with this legislation as it evolves. I think the debate has been excellent. I compliment both the Senator from Kentucky and the Senator from Connecticut for a great job in handling this well, as well as Senator MCCAIN and Senator FEINGOLD for the job they have done in moving this forward. Those of us who advocate reform are very heartened by what has happened this week. It seems that no killer amendments have been adopted. Lots of changes have been made—good changes but no killer amendments.

Next week, of course, we know we face two known challenges and now there is a third one to which I want to alert my colleagues. The first, of course, is severability. We know that is coming. The second is the Hagel amendment. We know that is coming. The third relates to where this debate has evolved.

Right now it seems the consensus around eliminating soft money is congealing, but, in exchange, people say we should raise the hard money limits, raise the limits an individual can give from $1,000 per election, per cycle, to $2,000 or $3,000—there were proposals from the Senator from California and the Senator from Tennessee respectively on that—but also to raise the aggregate limits, the $20,000 that somebody can give to a party, the $25,000 of hard money that can be given.

I alert my colleagues to a potential problem, particularly if we raise these limits and do nothing else; and that is, what is the so-called 441(a)(d) money. That is money, of course, that the Federal parties are allowed to give to different candidates.

Right now it is limited. It is limited based on the population and the voting population of the State. For instance, in my State of New York, I think the limit is about $1.7 million and the party can give $1.7 million. It is probably considerably less in Connecticut or West Virginia or Arizona. It is larger in California.

The exact number is 2 cents multiplied by the voting agency population of the State.

What has happened, my colleagues, is this: There is a case that has already

been argued before the United States Supreme Court. It is called FEC v. the Colorado Republican Federal Campaign Committee. I happen to be an amicus on this case, as are many of my colleagues, including Senator FEINGOLD, among others. In the case, it has been argued that the limits on the 441(a)(d) money should be entirely lifted, that a party can give unlimited money to a Senate or a House candidate.

That, in my judgment, in itself, could obliterate the whole intent of McCain-Feingold, and it would be exacerbated dramatically if we raised the limits—not so much the $1,000 going to $2,000 but the aggregate limits: Take the proposal of my friend from Tennessee, that would triple the limits, I believe. That means every year if a person gives $60,000 to a party, that party, if it so wishes, can give the $60,000 back to that person's State directly to the Senate campaign.

We may call that hard money, but that money is as soft a hard money as there ever was because the difference between hard money and soft money, particularly now with recent Supreme Court decisions that have eliminated limits on party soft money, are now gone. So $60,000, to me, is as soft as money gets. You can call it hard because under the old law it is hard, but it is soft.

If we don't do something to reinstitute in whatever way possible the 441(a)(d) limits, and particularly, if we raise the aggregate hard money limits—not the $1,000 but the aggregate limits—we will have tremendous trouble and we may find that the whole reform we have sought today is for naught. If you can't give the money directly to a candidate or you can give the money not to the party in one way, and can give it this other way under 441(a)(d) with no limit, we have real trouble.

I say to my colleagues, with the help of Senators MCCAIN and FEINGOLD we are working on a proposal to see if we can deal with this issue.

Mr. DODD. I would like to engage in this discussion. My colleague is making a very good point.

Only here could we be sitting around saying that a total contribution amount of $25,000 per person annually is too low. If you take a husband and wife jointly that total amount becomes $50,000 annually, with the potential of each individual to cap his or her annual limit at $25,000 each. The most modest suggestion in other proposals, other than what is in S. 27, is to virtually double that annual amount. We are now talking about a family giving $100,000 in contributions. People are now suggesting that amount is too low. I find that stunning. What percentage of the American public are in a position to donate $100,000 to candidates a year? Or even under the current law at $25,000 annually for individuals—not that many individuals can afford to participate at that financial level. That amount exceeds the average income of a family of this country.

We start talking about campaigns and moaning as politicians that we can't live in a situation where people are limited to giving us $25,000 a year. I find it stunning this is even a part of this debate. We should be focused on eliminating soft money, and yet here we are about to drive a Mack truck through the hard money, as if people understand the distinction between soft and hard money. Money is money. I want to underscore the point my colleague is making.

Mr. SCHUMER. I thank my friend from Connecticut who made the point extremely well.

You can call this hard if you want, but it is as soft as soft money can be. Even in this Colorado case, most of the people who have watched the case have said the Supreme Court, given the past, will get rid of these limits, and then money just cascades in. There are no limits whatever.

I think if the 441(a)(d) limits are eliminated and we raise the hard money aggregate limits, there are a lot of candidates who will not bother to raise the $1,000 and $2,000 because they can do it in these big chunks. We ought to be very careful about this.

As I mentioned, I am trying to craft language that deals with this problem, but the Senator from Connecticut makes an excellent point. Until we have that kind of language in place, to even think of raising hard money aggregate limits would be a serious mistake.

Mr. DODD. Will the Senator yield?

Mr. SCHUMER. I am happy to yield.

Mr. DODD. I made a miscalculation, I apologize. I underestimated their generosity. I said $100,000, if you again combined a husband and wife, each with a $100,000 annual contribution cap. The new joint annual limit becomes $200,000. I forgot the limit is per calendar year here, but an election cycle means two years, so we are talking $200,000 per election cycle for a couple. I apologize to the Americans who want to contribute $200,000. I was depriving them of an initial $100,000. An election cycle is a 2-year time period.

Mr. SCHUMER. I guess that would mean for us that could be $600,000—yes, $600,000 because we run every 6 years. To get behind a Presidential candidate early on, it could be $400,000.

This is absurdity. This is a mockery of what we are trying to do. I hope we will be able, together, to fix this.

Mr. DODD. I thank my friend from New York. For purposes of edification, I know many of my colleagues and staffs are familiar with this, but perhaps other people may be interested in this discussion. Today, of course, we have limitations. Under current law, a candidate can receive $1,000 per election, or $1,000 for the election and $1,000 for the primary, so $2,000 is what most people do. That is per election, per individual. You then can contribute to PACs if you so desire, $5,000 per calendar year, and if you do it as a couple, of course, it is $5,000 for the individual, and $10,000 to the PAC. You can give $5,000 per calendar year to the State and local parties, you can give $20,000 a calendar year to the national parties with aggregate limits per calendar year of $25,000.

That is what current law is. Every suggestion, including the underlying bill, raises that. S. 27 raises the aggregate amount. Senator HAGEL, our friend from Nebraska, raises it to $75,000 per calendar year. Senator THOMPSON of Tennessee raised it to $75,000 and Senator FEINSTEIN has it to $50,000 per calendar year.

It is important for people to know it is per calendar year per individual. Normally, in the real world in politics, with a husband and wife, they each write checks, so take each of those numbers and double them. All Members know this. I am not stating something that is bizarre to my colleagues. That is how you do this. You ask the husband and wife, so you get double those amounts.

So we are talking, in one of the more modest proposals, Senator FEINSTEIN, that is $100,000 per calendar year, over 2 years it is doubling.

As I said a moment ago, only in this world could we be talking about the hardships being imposed on us as candidates by limiting people to $100,000 to $200,000 in hard money contributions to our election or reelection efforts.

The underlying purpose of McCain-Feingold is to try and reduce the amount of money in politics. Their focus is on soft money. I applaud that. I support that.

What Senator FEINGOLD said the other day is worth repeating: We need to stop assuming that there is a guarantee, almost by natural law, an assumption of exponential growth in the cost of campaigns; that that is nothing we can do anything about.

I reject that idea. I realize there will be increases in costs, but as I mentioned the other day, a statewide campaign from a few hundred thousand dollars to multimillion dollars average cost of Senator races in this country, does not have to be a self-fulfilling prophecy.

What Senator MCCAIN and Senator FEINGOLD are attempting to do, as are those of us who support what they are trying to do, is see if we can't slow this down, put some brakes on before this just becomes an absurdity where only a tiny fraction of Americans could only hope to seek a seat in the Senate or the House of Representatives.

Back in the founding days of this country, we had limitations on those who could hold public office. Only white males who owned property in the 13 original colonies could hold public office. We have eliminated all of those conditions, thank God, years ago. De jure, there are no limitations on who can sit in this body except by age and citizenship, and some other problems you can't have had—you can't be a felon and run. But aside from that, we don't put on limitations. But what has

happened de facto, if not de jure, is we have created a barrier for most Americans to ever think about having a seat in the House or Senate because, de facto, the cost of getting here is prohibitive. Either you have to have the money yourself, or you have to have access to the kind of dollars that would allow you to be a candidate in a statewide Senate race in the year 2001.

What Senator MCCAIN and Senator FEINGOLD and those of us who are supporting them are trying to do is see if we can't change this assumption, this assumption that there is nothing or very little we can do about this, and we are just going to continue to raise the amount of money we can raise from individuals and groups and go to political action committees, to national parties, and State parties. Instead, we say: Enough is enough; 25 years of this exponential growth—we ought to be able to do something to slow this down. And that is what we are trying to do.

S. 27 allows for increases. McCain-Feingold allows for doubling contributions, if a few instances, one being a calendar year from $5,000 to $10,000. We have the same amount as currently permitted going to national parties, and we have an aggregate limit increasing from $25,000 to $30,000 per year.

How many people in this country can write a check for $30,000 for Federal officeholders? And I am told that is too low. Too low? Too low?—$30,000 a calendar year, to write checks for politicians, is too low?

You would be laughed out of my State, the most affluent State on a per capita basis, if you stood and said this is too little. And that is, in effect, what we are saying. I don't think it is too little. We would do ourselves, this institution, and the political process a world of good by adopting the McCain-Feingold approach and living with it and learning how to live with the spirit, as well as the law, of S. 27.

The adoption of the Torricelli amendment the other day, which I think could save millions of dollars for candidates by insisting that these television stations not charge in excess of the lowest unit rate charge, will contribute significantly to our slowing down the rising cost of campaigns. And some of the other provisions that have been introduced to allow for a more expeditious and efficient way of reporting will help as well.

Before we close out the debate on this subject, I wanted to say after the first week of debate, this has been one of the more enlightening debates I have been a part of in the time I have been in the Senate. We have had very few quorum calls. We have had terrific participation by Members concerned about this issue in the form of offering their ideas and thoughts by amendment. It has been one of the better moments in the Senate in the last number of years, in my view. So I commend my colleagues for that.

I hope next week will be as enlightening and as helpful as we move forward. The hope is the ultimate adoption of the McCain-Feingold legislation—as is, with some of the improvements I know my colleagues will be offering.

I prefer we come along next week having made the positive changes we have made over this past week and ending up doing what some of these proposals suggest since the ideas are coming from both sides of the isle. But anybody who stands up and suggest to me that the reality—don't try to play games by what you write—this $50,000 per person per calendar year—cannot expect to smuggle the $50,000 through as the reality. The reality is it generally is per individual and spouse, which means as a practical matter, it is usually $100,000 per family. As a result, in an election cycle of 2-years, it is $200,000. If someone thinks they are going to smuggle that past this Member as a modest request, they have another consideration to make.

It is outrageous, excessive—there is nothing modest about it. It is what contributes to the feeling that so many Americans have about the political process in this country today. I look forward to the coming debate next week. It could get testy if we think these numbers are going to fly through without significant debate. Some of us Members think there are already ample limitations on contributions for individuals and ample room for people to make significant contributions in the political process.

Senator WELLSTONE made the point last week that it is less than one-half of 1 percent of the American public who make contributions of $1,000. Mr. President, 99 percent of the American public cannot even think about that level of contribution. I know for a fact most candidates will not bother with that 99 percent of the American public and ask for their financial help.

If you can get the $1,000, $2,000 and $3,000 contributions, then that is the pond you are going to fish in. You are not going to go out and raise money in $50 and $20 and $100 contributions from average citizens.

I think there is something terribly dangerous about excluding average people from financially participating in the political life of America. That is what we are doing. That is the reality of it. There is not a single candidate who will bother with these people except to create some political event but not as a fundraiser. You will not be raising money from average Americans. You will be going after the big-dollar givers, and there are only a handful in this country who can make those contributions. The idea that we have to double and triple the size of that contribution limit is shameful.

I look forward to the debate next week. Hopefully the majority of my colleagues will reject those unnecessary increases in hard money individual contributions.

With that, I yield the floor. I did not see my friend from West Virginia behind me. Mr. President, I yield the floor.

MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent the Senate now proceed in morning business.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

The Senator from West Virginia.

NO BUDGET MARKUP

Mr. BYRD. Mr. President, yesterday the Senate Budget Committee held its last hearing on the President's budget plan prior to the Senate consideration of the budget resolution. As a new member of the Budget Committee, I would like to take a moment to commend Chairman DOMENICI and ranking member CONRAD for a series of thought-provoking hearings on the future challenges facing our Social Security and Medicare programs, on our efforts to improve the education of our children, and to address our Nation's infrastructure deficit and national security needs.

During the hearing yesterday, I inquired of—we often say ''our good friend,'' my good friend Senator DOMENICI. When I say ''my good friend,'' I mean just that; my good friend, Senator DOMENICI—about the prospects for the Budget Committee marking up the budget resolution prior to the April 1 reporting deadline contained in the Budget Act.

Let me say at the beginning of my remarks, again, I am a new member of the Budget Committee. Of course I was around 27 years ago when we created the Budget Committee, and I took a very considerable interest in the preparation of the Budget Act in 1974. I spent a great deal of time on it. So although I come as a new member of the committee, I am not wholly unaware of the fact that I have been around as long as the committee has and perhaps a little longer—longer than the Act itself.

One thing I try to remember is not to take myself too seriously. Sometimes it is pretty hard to avoid taking one's self too seriously. I try studiously to avoid that.

But I do take seriously the work of that committee. We have a great chairman. Senator DOMENICI is a very diligent Senator.

The Bible says: ''Seest thou a man diligent in his business? He shall stand before kings.''

Senator DOMENICI is diligent in his business. I have no doubt that he has stood before kings in his tenure as a Senator.

I admire him on top of all these things. I think he is a congenial person. I like him. It doesn't make any difference how this situation comes out—what the outcome of the budget action may or may not be. It isn't going to intervene in my admiration and my affection for Senator DOMENICI,

the Senator from New Mexico. We happen on this question to be a little bit at loggerheads with respect to our viewpoints. But who am I to say I am all right and he is all wrong?

I say the same thing with regard to my leader on this side, Mr. CONRAD. He is the ranking member of the Budget committee. I am not. I am just one of the new members. But my interest comes from elsewhere than just the fact that I am a new member on that committee.

I am not trying to rock the boat, or get out in front of the committee. I am here because I am a U.S. Senator. I love the Senate. I have been in the Senate more than half of my life. I respect its rules. I love its traditions, its folklore, its history. But I am exceedingly concerned about the way we are doing things in the Senate in these times.

I am only here for a little while, as we all are. But while I am here, I want to uphold the traditions and the rules of the Senate, because men who were far greater than I am wrote this Constitution. On July 16, 1787, they reached a compromise, which is often referred to in high school as ''The Great Compromise.'' It was out of that Great Compromise that this institution, the Senate, came into being. It was that compromise of July 16, 1787, that made possible my coming here as one of the two Senators who represent the State of West Virginia. It wasn't West Virginia when those forebears wrote this Constitution that I hold in my hand. It wasn't a State of the Union at that time. My State, which I love and share in that love along with Senator JAY ROCKEFELLER, was borne out of the crucible of the Civil War. It became a State, and is the only State to have been born during the great war between the States.

But because those forebears, whose names were signed to this Constitution, arrived at that Great Compromise, we have this Senate. Otherwise, the Presiding Officer would not be here as a Senator from the State of Rhode Island. All the people who work here and our wonderful staff wouldn't be here. This ornate Chamber probably would not be here. There wouldn't be two Houses in the legislative branch.

So once in a while we have to stop and think about these things.

How did I come to be here? What do I mean by ''be here''? What is this institution? Why do we have a Senate? Why not just have a House of Representatives?

The answers to those questions go back into the centuries.

Why do we have a legislative branch? Is ours a Republic? Is ours a democracy? What is the difference?

Look at Hamilton's essay denominated No. 10 among the Federalist Papers. Look at No. 10. Look at No. 14 and one will get a clear understanding of the difference between a pure democracy and a Republic. Ours is a Republic.

What does that mean? That means that the people across the land participate in their government through elected representatives.

Think of that. In a pure democracy, the people of my hometown of Sophia could very well have a pure democracy. There are only about 1,183 people in that town. They could all meet. They could make their own laws. They could execute their own laws. They could have a pure democracy.

But this is a nation spread from sea to shining sea with 280 million people. They could not all gather in one place at one time and act for themselves. So they elect us. We are the directly elected representatives of the people.

The President of the United States is not directly elected by the people. He is directly elected by the electors which are chosen in each State by the people. But we Senators represent and speak for the people. And every 2 years, or every 6 years, whichever it may be, Members of the other body and Members of this body have to go home and stand for reelection.

So we represent the people. I represent, along with my colleague, JAY ROCKEFELLER, 1.8 million people. But our votes—our votes—West Virginia's votes in this Senate are as important and are the very equal of the votes of the Senators from the great State of California. If it were a country by itself, California would probably be about No. 7 or No. 8 among all the countries of the world—a great State, a huge State, with a tremendous population that would dwarf the size of the population of my own mountain State of West Virginia.

But because of this Constitution, this Senate is a forum of the States, and West Virginia has just as much voice as does California, or New York, or Texas, or Florida, or Illinois, or Pennsylvania—States whose populations greatly outnumber that of West Virginia. So this institution is the forum of the States. At the same time, it is made up of Members who are elected by, and who represent, the people of the United States.

Now this is a long way of saying these things which are not new to any of the people who are listening. But once in a while we need to be reminded.

Why do I take the floor today to talk about the budget? And what does all this that I have said got to do with the budget? What does it have to do with what we are doing in the Budget Committee? That is the problem. We do not pause and remember why we are here, and whom we represent here. We represent the people. We represent the States.

I am not the ranking member of this Budget Committee. I am not the chairman of it. But I am a member of it. I did not seek to become a member until this year. All these years since the act has been on the law books of this country, I never sought to be on the Budget Committee. But I saw that the Budget Committee, more and more and more, was becoming the major wheel in the constitutional system of this country—more and more things are being decided in that committee—and, as one who helped to write the legislation, I must say that it was not intended to become that. The Budget Committee was not intended to have all the power it has today. It never was intended to be used as it is being used today.

So I have become increasingly concerned about the fact that the Budget Committee of the Senate—this is no reflection on its members or anything of that nature, it is just a fact that what that Budget Committee does this year, will have a major impact on the work of all the other committees, and on the work of the Senate throughout this year.

So that brings me now to what I want to say today.

I was disappointed to learn that Senator DOMENICI was not planning to have a committee markup. Now, he and I had discussed this privately on a couple of occasions. But apparently he reached that decision and so indicated during the last session the committee had, which was yesterday. He indicated that, given the 11–11 split on the committee, it would not be productive—in his way of looking at things—to go through the markup process. And following the hearing yesterday, I came down to the floor to express my disappointment that the chairman was not planning a markup, and—no reflection on him, nothing personal in what I say—I spoke on the floor. He indicated to me, by written note earlier yesterday, that he would be responding to what I had to say.

And everything is just fine between the chairman and myself. I have to remember that I am 83 years of age. I do not have a long life ahead of me, and one of these days I have to meet someone who is much more powerful than Senator DOMENICI or Senator LOTT or President Bush or anybody else. I will have to give an accounting for my work here, for my stewardship in this life. So I want to be able to leave this Senate with the good will of every Senator. I hope I have that. I am sure I do as far as Senator DOMENICI is concerned.

So he notified me that he would be speaking. Last evening I had to go somewhere. I do not often accept invitations to dinner. I like to have dinner with my wife, to whom I have been married almost 64 years, and with my little dog Billy when I can do so, so I do not accept many invitations.

One could spend all of his or her time in this town as a Senator by running here and there and thither and yonder and thither and letting the work on his desk pile up. But I found out a long time ago that there was not much to be had, not much that was important that went on at these cocktail parties, and so on, around this town. I could speak quite at length on that subject, but I will try to avoid getting off on to that, except to say that I could not come up at that point to the floor and participate or listen to Senator DOMENICI and all he had to say.

Therefore, this morning I said to Senator DOMENICI: I haven't seen the RECORD yet. I want to see what is in the RECORD. I understand you made a fine talk, and I heard just a little bit of it, but I couldn't come up. So I may have something to say today after I look at the RECORD.

So he said: That's fine.

And here I am.

We had many excellent, knowledgeable witnesses at our hearings, and our members engaged in spirited, incisive, and deep, probing questioning. When the Senate takes up the budget resolution, I believe the Senate should have the benefit of the committee's views.

Now, the Senate, in 1816, began to formulate the major committees. They have not always been around. There were committees in the very first week of the Senate's meetings. There were temporary committees, ad hoc committees, whatever, appointed to deal with this or that or something else. But in 1816, the major committees really began to take shape. Among those early committees, of course, were the committees that dealt with foreign affairs and the finances of the Government. It was not until 1867 that the Appropriations Committee came into being as a separate committee. The work of the Appropriations Committee was done by the Finance Committee. And in 1867, if I am not mistaken, the Appropriations Committee came into being.

By virtue of my seniority on that committee, I, at length—after 30 years, I believe it was, on the committee—I became, lo and behold, the chairman. So I take these things pretty seriously, having been chairman of the Appropriations Committee. And knowing what impact the Budget Committee of the Senate is having and what some of its decisions are having on the operations of the Senate, I decided I wanted to be on that committee. So again I say, here I am.

I also believe that when the Senate takes up the budget resolution, it should have the benefit of the committee's views.

Why do we have committees? They are the little legislatures, you might say, in the institution here. The members of the committees have a very special understanding of the work over which the respective committee or committees have jurisdiction. The views of those committee members are very important. In many instances, I have been guided by my decisions on matters, on votes and so on, by what the members of the committee having jurisdiction over the subject had to say. They are the specialists. They give their time, their talents, dealing with that particular subject matter, whatever it may be.

Members of the Senate need to know what the views are of the members of the committee with respect to the legislation before the Senate.

As I say, I am not saying something that is teaching anybody anything, but it may be that some of our people out there who are watching through those electronic goggles up by the Presiding Officer's desk, it may be that what I am saying will mean a little something to those people, that they will have a better understanding of what we are talking about. They need to be informed. Woodrow Wilson said the informing function of the legislative branch is as important as the legislative function. We need to be informed.

It is more difficult to keep informed on subject matters of today than it was when I came to the Congress 49 years ago this year. There are a lot more things about which to be informed. We didn't have a lot of the laws on the books then that we have today. We didn't have as many agencies in Government then as we have today. We didn't have the Interstate Highway System that we have today. We didn't have the Appalachian Regional Commission or the Appalachian regional highways then that we have today. We didn't have the Clean Air Act; we have it today. We didn't have the Clean Water Act then, but we have it today. We have much more today to be informed about than we had in those days. That is why I am concerned about what is happening with respect to the budget which will be coming up in the Congress shortly.

That is a long way around to tell you, but you need to know that these are important matters that affect you, you the people, we the people. It is the impact on you. It isn't that I am a new member of the Budget Committee and I ought to have all this information and I am quibbling over this and quibbling over that. No, I am not quibbling at all. This is serious business. It is your business.

I believe the public would greatly benefit by having a markup in the committee. Having been the appropriations chairman, let me say what a markup is. The chairman, with his staff, develops, based on the budget the President sends up to the Congress, based on the hearings that have been conducted in the Appropriations Committee, and draws up an appropriations bill. It may be different from the appropriations bill that came over from the House of Representatives. Not by the Constitution but by custom, appropriations bills generally originate in the House of Representatives, unlike tax bills, which, according to the Constitution, must originate in the House of Representatives.

So I, as chairman, and my staff director, Mr. English, who has been the staff director on the Democratic side for a good many years, and others, sit down and look at this bill and say, this is it. Then I always made it a point to call Senator Hatfield, who then was a Member of the Senate from Oregon, who was the ranking member at that time. We said: This is the plan. We have this amount of money allocated, and here is the way it will be allocated.

That is the markup. Then the whole committee sits down and looks at that. Republicans and Democrats alike sit down together and look at this bill. That is called marking up the bill. We may change it. The whole committee may not like an item. We may have to strike it, or they may want to add an item. In any event, that is the legislative process 101, as it pertains to appropriations.

Yesterday I expressed my dismay also that the administration has delayed from April 3 to April 9 the delivery date for details of the President's budget. The Senate is being asked to consider a $2 trillion tax cut that is estimated to consume 80 percent of the non-Social Security, non-Medicare surplus over the next 10 years. Yet the details on over $20 billion of program cuts for just one fiscal year apparently will not be available to the Senate when it is scheduled to debate the budget resolution on the week of April 2.

Last evening Senator DOMENICI sent me a letter, as I say, and came down to the floor to respond to my concerns. I thank him for responding quickly, but I am disappointed by his message. In his remarks he noted that in 1993, the first year of the Clinton administration, the details of the President's budget were sent to the Congress on April 8 and the Democratic leadership completed the budget resolution for President Clinton's budget prior to delivery of those details.

Senator DOMENICI said that the schedule for consideration of the budget resolution this year is in accord with the schedule in 1993 and that the schedule for consideration of the budget resolution of 1993 should serve as a role model for how to proceed this year.

Mr. President, Senator DOMENICI is absolutely correct in his description of the facts, but he missed my point. As I say, I have alerted Senator DOMENICI's office to the fact that I am going to say these things. I am not going to say anything to hurt his feelings or anything like that. He has been around here; he is a pro. He understands. He missed my point.

We have a 50/50 Senate. The Republican leaders should not be setting up a process that rams the President's budget through the Senate. We should be debating the budget, and we should be trying to reach an agreement on a budget. I don't mean we should displace the business before the Senate right now to do that. But this thing is coming; it is a train that is coming right down the track. That Senate process should start in the Senate Budget Committee with a markup.

As I say, I am not taking myself all that seriously as somebody trying to tell the Budget Committee how to do its work. That is not it. I am not looking at that. That is not it. I am concerned that the impact this process will have on the Senate, on its membership—the final outcome of this budget action—and on the country is a far-reaching impact.

As Senator DOMENICI pointed out in his remarks last night, in 1993 the Senate Budget Committee had a markup—get that—the Senate Budget Committee had a markup on March 11 and debated and approved the budget resolution, which was filed on March 12. The markup was held in 1993, just as there has been a markup in every other year since the Budget Committee was established. Yet apparently the distinguished chairman, Senator DOMENICI, does not want to have a markup this year. He has very plainly, forthrightly, and honestly said so. He doesn't make any bones about it, and I admire him for that.

In his remarks last evening, the chairman mentioned the first Clinton budget document, entitled ''A Vision of Change For America.'' Here it is—''A Vision of Change For America.'' It is dated February 17, 1993. This morning, after briefly reviewing that document, I find that several sections have applications to the issues we face today. That 1993 document noted—lend me your ears, friends, ''Romans''; lend me your ears. Here is what the 1993 document said:

For more than a decade, the Federal Government has been living well beyond its means—spending more than it takes in, and borrowing the difference. The annual deficits have been huge.

Deficit reduction is not an end in itself. It is a means to the end of higher productivity, rising living standards and the creation of high wage jobs. In short, it is about securing a better economic future for ourselves and, even more importantly, our children. Huge structural deficits are harmful for a simple reason: when the economy is not in recession, each dollar the Federal Government borrows to finance consumption spending absorbs private savings that would otherwise be used to increase productive capacity. Large, sustained budget deficits mean that we must either reduce our investment at home or borrow the money overseas.

This 1993 document went on to say:

The drain on our savings has caused anemic domestic investment, especially in comparison with most advanced industrial countries. It has retarded growth in productivity and living standards. Meanwhile, borrowing from the rest of the world to maintain investment at even today's depressed levels has increased interest payments to foreign leaders. In effect, we have signed over some of the fruits of today's productivity—enhancing investments to the children of Europe and Japan, rather than preserving them for our own [children].

''A Vision of Change For America'' laid out a plan for addressing the deficits that were created by the excessive tax cuts of 1981. It was a 5-year plan, not a 10-year plan, and it put us on a course to eliminate the colossal deficits of the 1980s and early 1990s. Page 115 of that document included the following:

The plan promises rising standards of living, productivity and national savings. It stimulates growth and provides insurance that the current slow recovery will be lasting and strong.

There are not many predictions one can believe in around here, but that was one we all saw come to fruition.

Continuing my quotation:

It invests in education, training and health of our people. It encourages the private sector to modernize and acquire the tools and technology to compete in the global economy. And it confronts our deficit head on.

That is what this book said in 1993.

It confronts our deficits head on, with a serious, fair plan to bring it under control and generate economic growth.

So that plan worked. It worked. Instead of the colossal deficits which confronted the Senate at that time, today we have—according to the projections which may or may not come true—colossal surpluses. How many on the Republican side voted for that plan? Zero. Not a single vote in either body—not one. Not one. My good friend from New Mexico says that ought to be a role model—that budget—that budget plan, as outlined in the book titled ''A Vision of Change For America.'' Not one. Not one. Not one voted for that.

The first question that was ever asked, I believe, in the history of mankind was, Where art thou? God walked in the Garden of Eden, when the shades of the day were falling and when the cool of the evening was on the forehead of Paradise. God walked in the garden. He was looking for Adam and Eve. He said: Adam, where art thou? That was the first question: Adam, where art thou?

In thinking about the votes that were cast on the plan, that marvelous plan which my good friend, Mr. DOMENICI, called to our attention on yesterday and which he said was a role model, one could have rightly asked from this side of the aisle: Where art thou? Where art thou? Not one of our friends over here on my right who belong to a great political party, the Republican Party—by the way, I get lots of votes from Republicans in West Virginia. I am proud of them. But not one, not one answered: Here am I. Not one.

That was the role model, Mr. DOMENICI said. They did not follow that role model when it came to votes on that occasion.

That is why I take the time of the Senate to review these passages, because we are being asked to take up a budget resolution on April 2 without the benefit of a Budget Committee markup and without the benefit of a detailed budget from the President.

As has been pointed out, this will not be the first occasion when we did not have a detailed description of the President's budget, but there are significant differences in that time and our time.

We are also told by the Republican leaders that the core of the President's budget, a $2 trillion tax cut, may be brought to the floor as a reconciliation bill for which debate is limited to, at most, 20 hours. Now get that. They say that these moneys are the people's money. They are your money. We are talking about a $2 trillion tax cut. That is the President's proposal, as I have read about it in the press—a $2 trillion tax cut. That is a lot of money. We are not used to counting money in sums of that size down in West Virginia.

How much is $1 trillion? Have you ever stopped to think? We talk about it as though it were just a few dollars. I have three $1 bills in my hands.

By the way, when I married my wife 64 years ago, on the next day after we married, I gave her my pocketbook. I had been working as a meat cutter in a coal company store. My salary was $70 a month—$70 a month. She was a coal miner's daughter, and I grew up in a coal miner's home. We never had anything as far as refrigerators or vacuum cleaners. As a matter of fact, some of those inventions did not come along very much in advance of the year we married.

I said to my wife: Here's my wallet. We were walking down the railroad tracks. That is the only place we had. We did not have any fine streets, shaded avenues, boulevards beautiful in their makeup. We had to walk down the railroad tracks.

I gave her my pocketbook, and I said—now this was 64 years ago. I gave her my pocketbook. I said: You keep the money. I will work and make it—I won't make much, but whatever I make, you will have. When I want a dollar or two, I will come to you and ask for it. And I have done that for 64 years.

This morning she said: Do you need any money?

I said: No, I have $3.75, and I am taking my lunch so I don't have to go down to the Senators' dining room and spend 30 or 40 minutes waiting on somebody to help me with food and then have to spend $8, $10, or $12 to pay for it. I just take my little lunch, and there is my $3 I have for the day. You can ask her; she will verify everything I have said.

Why do I say that? We are talking about $2 trillion. How long would it take you to count $1 trillion at the rate of $1 per second? How long would it take you to count $1 trillion at the rate of $1 per second? Thirty-two thousand years. A trillion means a little more if I look at it in that way.

What I am saying is that we are told by the Republican leaders that the core of the President's budget, a $2 trillion tax cut—that is your money, and they say we ought to give it back. But it is also your debt, it is also your schools that are falling down; the windows are broken, the plumbing out of shape; it is your schools; those crowded classrooms out there are your classrooms. It is your children. It is your parents who need health care, who need a prescription drug plan. Yes, it is your money, but in our scheme of things, we are elected by you to be the stewards of your money.

It is your highways on which you travel. It is the safety of your highways that you have to depend upon when your wives take the children to the doctor or to the child care center, or you have to go to the hospital, or

you have to go to the store, or you go to church, or you have to drive to work. It is your safety on your highways for which we are responsible. You cannot build the highways yourself. West Virginia cannot build a national system of highways, but the Federal system is what the people were talking about—those framers—when they wrote this Constitution—the Federal system.

It is your money. It is a $2 trillion tax cut. What a whale of an amount of money. It may be brought to the floor, we hear, as a reconciliation bill for which debate is limited to, at most, 20 hours—20 hours of debate, that is all. Yet it is your money. It is this budget with its colossal $2 trillion tax cut that may return us to the deficit ditch that the 1993 plan helped us to claw our way out of after 12 years of huge deficits; that 1993 plan which my friend, the Senator from New Mexico, referred to yesterday as a model. That is the plan that helped us to scratch and crawl and dig our way out of that deficit ditch. It is a role model. Where were you? Where art thou? Where were you? the people might ask. The 1993 plan.

Last week, all of the Democratic members of the Budget Committee wrote to Senator DOMENICI and urged him to schedule a markup.

I joined with my colleagues and urged Chairman DOMENICI not to take the unprecedented step of failing to mark up a budget resolution. If we don't mark it up, it will send a dangerous message to the Senate about the prospects for working on a bipartisan basis in this evenly divided body.

President Bush, upon several occasions during the campaign, talked about the bickering, the infighting, the bitter partisanship that was occurring in Washington. He said he wanted to stop it. He wanted to end it. He wanted to do something about it. He is right. And the people want to end it. That is why they sent 50 of us to sit on this side and 50 to sit on that side in this Senate. That is the only time that has ever happened—50–50. It has happened 37–37 upon an occasion, several decades ago, but never 50–50, which is a tie vote here.

If there is ever a time when we ought to have partisanship, it isn't now. We need to work in a bipartisan manner. The President wants that. I have great respect for this President. I was inspired by his inaugural address. He didn't bow and scrape to the special interest groups. He referred to the Scriptures. Thank God we have a President who referred to the Scriptures in his inaugural speech. He talked about Good Samaritans in that speech.

I will be very much opposed to his $1.6 trillion tax cut, which will amount to over $2 trillion. I will be very opposed to that tax cut. I may vote for a tax cut, but it won't be that one. That is not to say I am disrespectful of him. I just think he is wrong. On other occasions I may think he is right about a matter, but this, I think, is a colossal mistake.

I think we are foolish, foolish, to talk of a $2 trillion tax cut based on projections of surpluses 10 years away, 9 years away, 8 years, whatever, which may never—and probably won't—materialize.

That is taking a very important step, and it is going to impact on you, the people. So why shouldn't we have a debate? Why shouldn't we have a markup in this bill? We may report out a better measure than even the chairman has in mind.

Why have we seen fit in our constitutional system to have committees? Why? If we are going to have committees, why don't we have markups on bills and let Republicans and Democrats hammer it out, hammer out the measure on the anvil of free debate? Why does any chairman want to say to the committee, I am not going to have a markup, period?

Some people might think that is dictatorial, tyrannical, autocratic, arbitrary. We have had great hearings. We have had witnesses who have traveled here from all points of the compass. They have answered our questions. We have had splendid hearings—you people have attended the hearings—but we are not going to have a markup in this committee.

Why? Because we are operating on a 50/50 basis. It is even-stephen in this committee. If I had a majority of one or two in the committee, yes, we would have a markup then, but we don't have a majority. The people have decided that. We don't have a majority. So whatever you say, I will listen, but we are not having a markup. Might as well not have meetings. A committee chairman may as well just say: We are not going to have any meetings. We will have a meeting in committee when I decide to and we won't have a meeting in committee when I decide we won't.

That is the way it used to be. Do you believe that? It used to be that way in considerable measure.

When I came to the House of Representatives 49 years ago, committee chairmen could simply bottle up legislation in their committees and not even have a meeting. I can remember a Member of the House whom I respected a great deal and admired; he was a former judge in the 16th District of Virginia. His name was Howard Smith. He represented the Eighth Congressional District of Virginia.

Let me say: You know what, you know what. Howard Smith, this former judge, was chairman of the Rules Committee in the House. I have the book here, Congressional Directory, 1953, March. When matters came to his committee, he just would go on back down to the farm and tend to his farming and leave the legislation bottled up in his committee.

I remember reading about it in the papers. The chairman didn't have a meeting. Where was he? He was down on his farm. So the chairmen sometimes just bottled up things in their committees.

In effect, that is what is happening here. Markup of the Budget Resolution is being ''bottled up.'' Our cries and pleas and prayers are going to be of no avail because we are not going to have a markup in that committee. Well, why did I attend most of the hearings?

So it is in a different form but it is the same old thing as when those chairmen used to say, we will have a hearing or we may not have a hearing, or we won't even have a meeting, and the whole session passed and there would be no meeting of the committee on many important matters. That is the way it used to be.

So what happened? This is not National History Month but I am just repeating a little bit of history today. We have heard that history repeats itself. That is what we see in front of us. History is repeating itself.

Here is what happened in the writing of the rules around here—I am not sure I ever read much concerning the House rules. I was there 6 years, but I didn't get so much embedded in the study of them. The rules today won't allow chairmen to do that.

Let me read, as an example, from rule XXVI of the Standing Rules of the Senate. Here it is. I used to know the rules much better than I know them now.

Rule 26, section 10(B)—I haven't read this lately. This is a different print. This is 1999. That was the last century, 1999. So I haven't read this one. But this is what I think is pertinent to our discussion. ''It shall be the duty.'' 10(B).

> It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the Senate, any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote. In any event, the report of any committee upon a measure which has been approved by a committee shall be filed within seven calendar days.

And so on and so on. I don't think that is the pertinent part.

I will ask the Parliamentarian to give me a copy of the rules and the pertinent provision which I am talking about; 26, paragraph 3. Here it is. Each standing committee—aha, here it is.

> Each standing committee (except the Committee on Appropriations) shall fix regular weekly, biweekly, or monthly meeting days for the transaction of business before the committee and additional meetings may be called by the chairman as he may deem necessary. If at least three members of any such committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and the hour of that special

meeting. The committee shall meet on that day and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour. If the chairman of any such committee is not present at any regular, additional, or special meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting.

That provision applies to the Budget as to any other committee except the Appropriations Committee. So in the rules there is provision for members of a committee, if the majority of the members so wish, to insist upon and to require and to have a meeting of the committee.

Now, there are two problems with this provision. One is that you have to have a majority. We have a 50/50 breakdown. In other words, in the committee we have 11–11. I haven't tested the waters to see if someone on the Republican side—with, I assume a majority, probably unanimous group of Senators on my side—would join to insist that we have a meeting of that committee, the Budget Committee, to mark up the bill. It might very well be that we would get a majority. That is the first problem.

The second problem is as big or bigger. Once the committee meets at the request and insistence of a majority of the committee, if the chairman is not there, the ranking member—which means of the same party—would act as chairman. So far, so good. But the real fly in the ointment would come in the fact that that chairman can call the meeting to order and put the committee out immediately. He has fulfilled his—the request of the majority of the committee. In other words, he doesn't have to sit there and have a long hearing or meeting. He can just call it to order and adjourn.

So why do I call that to the attention of the Senate? Not as a possible—not to indicate that there is a possible avenue which would constitute a threat to the chairman. I do not do that at all. But just to remind Senators that it is there.

When George Mallory, that great Britisher, was asked why he wanted to climb Mount Everest, he said ''because it's there.'' So, today, I have taken the time to point out to my colleagues, some of whom may have not read this in quite a while, myself included—that it is there.

Why is it there? It is there because it needed to be there. Why did it need to be there? Because there were some chairmen in the Congress, both Houses, who just refused to have their committees meet. And if the civil rights bills or whatever were introduced, they went to the committee. That was the burying ground. They never came out of that door.

So Congress said, and the people said, and the press said: We have had enough. We are going to require—we are going to put something in here by which a majority of the committee can be sure that that committee does meet. As I say, the chairman may gavel it in and gavel it out, but he has to do this before the people. Used to be these things did not have to be out in the sunlight, but you have to be in the sunshine now, so the people say. So if he wants to gavel the committee in and gavel it out, OK, he can do that. He is elected for 2 years. Probably—it is unlikely he will be expelled from the body for doing that, but there comes a time when he does have to stand before the bar of the people. If he wants to be high-handed, heavyhanded, or whatever, the people will make a judgment.

So that is why we have in the rules a way to force a committee chairman to meet. We are not talking about that here, for Chairman DOMENICI; he is very excellent about having hearings and so on. But there is just a certain remnant of the evil that existed when chairmen could bottle up matters in their committees, not even have meetings.

We have been having meetings, but we face a very serious matter of having soon to be confronted with a budget resolution which will not have been marked up in the committee, and which will have only details which will have only been provided by the chairman.

I come to a close now just to say again that all I say is meant to be within the spirit of goodwill, but also to indicate my concern about what is happening in this Senate and the way it is happening.

I thank the Chair and all Senators who have been waiting.

Let me thank, again, my own chairman, the ranking member of the Budget Committee, for the excellent work he has done in that committee.

I made it clear at the beginning, may I say to my ranking member, that I am not here posing as top man on my committee. I couldn't be, and I wouldn't want to be. The ranking member has done a very good job.

But as a member of that committee, and as one who has been around here now for 49 years in this institution, I am afraid something is going on that gets to the root of this institution and will hamper the representation of the people by virtue of the fact that our hands, figuratively speaking, are going to be tied, and that we are, to an extent, being gagged to the point where it is going to be done the chairman's way. The way it is going to be done, he has been very forthright about and very frank about. It is just going to come to the Senate without the benefit of amendment. That in my opinion is not for the Senate or for the good of the Nation. So, I respectfully ask my chairman, Senator DOMENICI, let us follow your own advice, let us use the 1993 Reconciliation Act as a role model and have a markup.

I thank all Senators for listening. I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I thank the senior Senator from West Virginia for making us aware of the situation which we are coming into. I speak as a committee chairman who is deeply concerned about the process and how we are going to be meaningful in our participation to handle some of the very serious issues of this country. I thank him very much for his help.

Mr. BYRD. Mr. President, if the Senator will yield, I thank him, not for what he said but I thank him for being a Senator who is independent in his thinking, who has the courage of his own convictions, and who is unafraid to state them. I thank him for his service not only to his State and the people who sent him here but also on behalf of the Senators from other States who respect that kind of integrity.

Mr. JEFFORDS. I thank the Senator.

SNOWE-JEFFORDS PROVISIONS

Mr. JEFFORDS. Mr. President, I rise today to more fully discuss the Snowe-Jeffords provisions of the Bipartisan Campaign Reform Act. Accountability and transparency are two of the most important principles in a democracy. The Snowe-Jeffords provisions will strengthen our campaign finance laws and democracy by ensuring the financial sponsors of sham issue ads are accountable to the voters through increased disclosure.

I am concerned that the intent and effect of these provisions have been distorted by some of those who oppose campaign finance reform. I am here today to set the record straight.

I have been proud to work with my good friend the senior Senator from Maine to develop these provisions that our citizens demand and that abide by the First Amendment. Senator SNOWE has shown great leadership and dedication in developing a legislative solution that will fully and fairly address the proliferation of these sham issue ads.

Let me begin with a discussion of what the Snowe-Jeffords provisions would do. First, they require disclosure of certain information if an individual spends more than 10,000 dollars in a year on electioneering communications which are run in the 30 days before a primary, or 60 days before a general election. Second, Snowe-Jeffords prohibits the direct or indirect use of union or corporate treasury monies to fund electioneering communications run during these time periods. For my colleagues and those watching on C–SPAN, an electioneering communication is any broadcast, cable, or satellite communication which references a clearly identified federal candidate within the time period explained above.

Now let me explain what the Snowe-Jeffords provisions will not do:

The Snowe-Jeffords provisions will not prohibit groups like the National Right to Life Committee or the Sierra Club from disseminating electioneering communications;

It will not prohibit such groups from accepting corporate or labor funds;

It will not require such groups to create a PAC or another separate entity;

It will not bar or require disclosure of communications by print media, direct mail, or other non-broadcast media;

It will not require the invasive disclosure of all donors, and

Finally, it will not affect the ability of any organization to urge grassroots contacts with lawmakers on upcoming votes.

The last point bears repeating. The Snowe-Jeffords provisions do not stop the ability of any organization to urge their members and the public through grassroots communications to contact their lawmakers on upcoming issues or votes. That is one of the biggest distortions of the Snowe-Jeffords provisions. Any organization can, and should be able to, use their grassroots communications to urge citizens to contact their lawmakers. Under the Snowe-Jeffords provisions any organization still can undertake this most important task.

My colleagues may wonder what led Senator SNOWE and I to work so hard for the inclusion of these provisions in the McCain-Feingold campaign finance reform bill. Since the 1996 election cycle we have both seen, and experienced first hand, the explosion in the amount of money spent on these so-called issue ads. From the 135–150 million dollars spent in 1996, spending on these so-called issue ads has ballooned to over 500 million dollars during the last election cycle.

It is not the increase in the amount spent on these so-called issue ads alone that concerns us. Studies have shown that in the final two months of an election, 95 percent of television issue ads mentioned a candidate, 94 percent made a case for or against a candidate, and finally 84 percent of these ads had an attack component. Does anyone think these statistics are just a coincidence? An overwhelming majority of the public recognizes this problem. They see an ad identifying, 90 percent, or showing a candidate, 83 percent, or an ad being shown in the last few weeks before an election, 66 percent, as ads that are trying to influence their vote for or against a particular candidate.

Some of my colleagues are of the opinion that this increase in money spent on sham issue ads is fine. They believe that more money in the system will better inform the electorate about the candidates. Unfortunately, these sham issue ads are corrupting our election system and are not better informing the voters about the candidates.

The public can differentiate between electioneering communications and other types of communications done to purely inform the public on an issue. A recent study done by the Brigham Young University Center for the Study of Elections and Democracy shows this, and the effect these ads are having on the public.

As you can plainly see from this chart, I have beside me the public views electioneering communications as trying to persuade them to vote against a candidate. These ads—80 percent—evoke as strong of a reaction in the viewing public as the party advertisements—81 percent—and are even stronger than the candidate's own ads—67 percent. This chart also shows that the public knows when it is viewing a pure issue ad as compared to the other types of ads tested. Seventy percent of the public recognizes that.

This next chart, chart No. 2, also demonstrates how the public views these ads, again showing what is the real purpose behind these electioneering communications. Here, like the first chart, you can see that the public is able to differentiate between ads run to help or hurt a candidate versus a pure issue ad meant to inform the public. What is interesting, or frightening, about this chart is that the electioneering communications generate a higher response from the viewing public—86 percent—than even the candidate—82 percent—or party ads—84 percent.

My third chart shows the degree to which the public felt an ad was intended to influence their vote, with 1 being not at all and 7 being clearly intended to influence their vote.

This chart again shows that the public is able to differentiate between the communications they receive. Like before, there is a stark difference in public perception between those ads which are seen as trying to influence a vote, election issue ads, party ads, and candidate ads, versus those seen as portraying a purely informational purpose, pure issue ads. The chart also shows that the public views the intent of these electioneering communications to be to influence their vote as strongly as a party ad—6.3 to 6.3; about even—and even more strongly—6.3 to 5.8—than the candidate's own advertisement. The chart also shows the stark difference in the public's mind between the intent of electioneering communications—6.3—and pure issue ads—3.7.

While the public correctly perceives that electioneering communications are meant to influence their vote, the public is confused about the origin of these communications. As this chart shows, chart No. 4, an overwhelming majority—75 percent—of the public believe that these communications are being paid for by the party or the candidate themselves. The voters deserve to know who is trying to influence their vote, and the Snowe-Jeffords provisions will give them that information.

My final chart, chart No. 5, shows that the public craves the information that the Snowe-Jeffords provisions would provide them. Eighty percent of the public believes that it is important or very important that they know who pays for or sponsors a political ad.

I ask our opponents, do they not believe that the public deserves to know who is trying to influence their vote? The public both wants and deserves that information, and Senator SNOWE and I provide it to them with our provisions.

I think this is an incredibly important part of the bill. I strongly urge all of my patriots to study the Snowe-Jeffords provisions to make sure they fully understand that all we are requiring is disclosure. We want to make sure people know from where the information to influence them is coming.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I ask unanimous consent to proceed in morning business.

The PRESIDING OFFICER. We are in morning business.

Mr. DORGAN. I ask unanimous consent to proceed for as much time as I may consume in morning business.

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

THE ECONOMY OF OUR COUNTRY

Mr. DORGAN. Mr. President, I have listened with some interest today to some of the discussion on the floor of the Senate, first about campaign finance reform, and then to Senator Byrd, and others.

I come to the floor to talk about the economic circumstances this country finds itself in for the moment. I want to visit about a number of issues that relate to our economy.

Mr. President, I came across one of my favorite books last evening while going through a pile of old books that had been stacked for some long while. The book is written by a man named Fulghum. Most people in this country have read this book or seen the book. It is entitled ''All I Really Need to Know I Learned in Kindergarten.'' It is a wonderful little book.

In ''All I Really Need to Know I Learned in Kindergarten,'' he describes: ''Put things back where you got them.'' ''Don't hurt others.'' ''Play fair.'' ''Clean up your own mess.'' ''Don't hit people.'' ''Wash your hands.'' ''Flush.''

There is a whole list of things you learned in kindergarten that represent enduring truths throughout life.

I started thinking about this in the context of the grappling that we do in this country with our economy. We forget the most basic of things—almost kindergarten-like lessons—about our economy so very quickly.

Let me describe just a few of them.

We have been blessed, of course, with a long period of economic expansion, a period in which we have seen almost unprecedented economic growth: new jobs, better income, and more opportunity for most American families. The stock market began to increase in value and rolled to increasing new heights. People felt good about the stock market. They invested in the

Dow Jones, in the Nasdaq, and would see their net worth increase daily or weekly or monthly.

We saw college dropouts who were still fighting their acne problems, and hadn't yet learned to shave, making million-dollar deals in technology companies, and then selling them and starting new technology companies. It was a go-go economy with remarkable and almost unimaginable new things that were happening. We had higher economic growth and lower inflation.

Of course, the one constant in all of this was a Federal Reserve Board. The Federal Reserve Board sat down behind its thick doors, and in its concrete building, and continued to ring its hands and fret about inflation, despite the fact that inflation was receding rather than increasing.

So that is what kind of economy we had. It has been quite an economy.

Then about 10 months ago, the Federal Reserve Board, and its chairman, Alan Greenspan, decided they once again would increase interest rates—then 50 basis points—because our economy was growing too rapidly. They had great fear that an economy that was growing too much would produce inflationary pressures.

What they did not understand—and have not understood for some long while—is the workers in this country are more productive. Productivity was on the march, on the increase. You can have lower unemployment and higher economic growth if you have higher productivity.

But, nonetheless, 10 months ago, the Federal Reserve Board took its last step to increase interest rates because they felt America was growing too fast. It was the last, I believe, in six steps over about a year to substantially increase interest rates and slow down the American economy.

At about the same time, we began the see some energy problems in this country—price spikes in natural gas, propane, and home heating fuel. We began to see the dislocation of energy restructuring, especially electricity restructuring in California. And now we see—in recent days—rolling blackouts in the State of California. So we have significant energy problems.

Part of that resulted from the euphoria of having the price of oil drop to $10 a barrel, which resulted in very few people deciding they wanted to look for additional oil and natural gas, and the drying up of new drilling rigs. Therefore, because the price of oil dropped so low, and we had so few new people looking for oil and natural gas, we now find a dislocation—increased demand for natural gas especially and oil, and reduced supply.

Now we have new exploration because oil went to well over $30 a barrel at one point, and we have new people looking for oil and natural gas. I suspect 8 months, 12 months, 2 years from now we will have new supplies on line, and we will have some additional balance. But with a Federal Reserve Board determined to slow down the economy with high interest rates, and a significant energy problem that has visited this country and provided great injury, and still does today for many Americans who fought through a bitterly cold first 2 months of the winter and discovered their natural gas prices to heat their homes had been jacked up, in some cases double and triple, it has been a tough time.

At the same time, the bubble began to burst on the stock market. The Nasdaq began falling. The Dow began falling. The economy began to slow down. We had, and still have, a form of liquidity crisis. We have good businesses that are building out to try to provide competition in communications and other areas that can't find the kind of capital they need to continue doing that business. This serious liquidity crisis accompanies the slowdown and the bursted bubble on the stock market.

At the same time we have a trade deficit that is growing very dramatically. This trade deficit is the highest in history of anywhere on Earth. Personal debt continues to go up in this country. As I indicated, economic growth is slowing.

Amidst all of this, we have, it seems to me, probably just forgotten some of the fundamentals. Going back to ''All I Really Need To Know I Learned In Kindergarten,'' some of the fundamentals we should never have forgotten. Mr. Greenspan should never have forgotten that increased productivity allows less unemployment. Increased productivity allows higher growth. Don't be afraid of the American workers being more productive and earning more money and being employed at a higher rate if their productivity is up. All we really need to know, we should have learned in the primer course on that subject. Yet the Federal Reserve Board consistently has insisted that is an equation that doesn't work. They have forgotten the fundamentals.

In our market for securities and investors, we have forgotten the fundamentals. This is not the first time. You can go back to bubbles of speculation throughout history. One of the most interesting ones for me was to read about the bubble of speculation in ''Tulipmania'' four or five centuries ago in which there was a time when they paid $25,000 for a tulip bulb because tulip bulbs became the subject of massive speculation. We have had a lot of speculation bubbles in recent centuries. This was just the last.

Is it surprising that it doesn't work out when you purchase stock that is selling for 200 times its earnings or when you purchase the stock at a wildly inflated price of a company that has never made a profit and doesn't look as if it is going to make a profit? Is it surprising that that doesn't work out at some point? I don't think so. Yet many of us, probably all of us, temporarily forgot those lessons when the Nasdaq and the markets continued to go up and up.

Will Rogers once said his dad gave him some advice. He said his daddy said that he should buy stock, then hold it until it goes up, and then sell it. And if it doesn't go up, don't buy it. At least that is what he said his dad said. He said that doesn't work out so well.

The lesson from all of this that we probably should have learned long ago is that some of these prices were never justifiable; that is, with respect to the market.

What about energy? Perhaps we should understand with respect to this energy crisis that it is not enough just to applaud when the price of a barrel of oil goes to $10 because there will be a consequence later. It is not enough when you find yourself short of energy to just go find new energy because that is only part of the solution.

Opening up ANWR, as some of my colleagues suggest we should do, and as I oppose, is not a substitute for an energy policy. I don't believe we ought to open ANWR. But some say: Let's just address this energy policy by simply finding new supplies. Well, let's find new supplies. Let's incentivize the finding of new supplies of oil and natural gas, and let's use clean coal technology to produce our coal in an environmentally friendly way.

Let's also do other things. Let's understand that conservation is very important. If you are sitting in a 6,000 pound gas hog and complaining about the price of gas, we have to be concerned about the issue of conservation in this country as well. We need to produce new energy. We need to conserve more, both with appliances and vehicles and other ways. Additionally, we need to incentivize new sources of renewable energy: wind energy, biomass, ethanol, and more. I know the oil industry doesn't like it, but that is precisely why I do. When the oil industry believes it is in its self-interest to impede the development of other sources of energy, I say that is exactly why we ought to develop other sources of energy. Yes, we need the oil industry. We need natural gas. But we also ought to develop wind power. The new generation of wind turbines are very effective and efficient. Wind, biomass, ethanol, all can contribute to this country's energy supply, and we ought to understand that.

Again, all we need to do is to make sensible decisions. The sensible decision is not to just rely on additional production. That won't solve America's energy problem. We introduced a piece of legislation yesterday—Senator BINGAMAN, myself, and others on the Energy Committee, along with my colleague Senator DASCHLE, the Democratic leader—which is a comprehensive energy policy. It moves us in the right direction in a range of areas, one that is thoughtful and will lead this country out of the dilemma that currently exists with the imbalance between supply and demand for energy. Our economy cannot survive, progress and succeed the way we want it to unless we have assured supplies of energy.

I talked about the stock market. I talked about the economy. Energy is also a very important element of these issues. We have to respond to them, and we have to deal with them.

At the same time we are confronting the other issues, we are confronting the challenge of international trade. I mention the challenge of international trade only because, while all of the other elements of our fiscal policy seemed to have improved dramatically over the most recent 8 years, the one area that continued to decline was trade. By decline, I mean our trade deficit continued to grow year after year. We have the highest deficit in human history. It is not rocket science to fix this. Again, all we really need to know we learned in kindergarten. Everyone needs to play fair. Our current merchandise trade deficit is a huge problem at over $440 billion just this last year. The problem is that when we have trading partners, whether it is Europe, China, Japan, Mexico, or Canada, we say to them, we will open our markets to you, but in exchange, you must open your markets to us. We have never had the nerve or the will to do that.

Let me give some examples of what we have done in trade. We just negotiated a deal with China. We said to China, after a long phase-in, we will give you this deal. You have a huge surplus with us or we have a huge deficit with you, and after a phase-in, we will give you this deal. You have roughly 1.2 billion people who are looking for new products. However we negotiated a deal that when we sell American vehicles to China, they can impose a 25-percent tariff. But if the Chinese sell automobiles to the United States, we will impose a 2.5-percent tariff. In other words, we will make a deal with you. You can charge a tariff that is 10 times higher than the United States on automobiles. That is with a country with which we already have a huge deficit, an over $80 billion last year. I scratch my head and look at that and think, on whose side were our trade negotiators? They certainly weren't for America. At least, they forgot for whom they were negotiating. That is one example here are a few others.

The average agricultural tariff in the United States is 12 percent. The global average is 26 percent. The average tariff in the European Union is 30 percent. We have a long series of trade agreements, and big disputes, with the European Union. How is it that our trade negotiators let our European counterparts take advantage of our farmers?

The average Japanese tariff is 58 percent. Every pound of T-bone steak that goes to Tokyo has right now a nearly 40-percent tariff on it. That is after the beef agreement with Japan—unforgivable. Japan has a $70 billion trade surplus with the United States but they won't cut a deal for our ranchers.

After our beef agreement, almost every pound of beef going into Japan has a huge tariff on it. Yet this country seems to lack the will, the strength, or the nerve to do much about it.

Every time we get involved in a trade negotiation, we lose in a very short period of time and agree to trade concessions that continue to ratchet up the trade deficit. I hear all my colleagues say: These trade agreements are really important so we can sell around the world. Yes, they are important. Every time we have a new trade agreement, we have a higher trade deficit. Does that add up?

We have a trade agreement with Mexico. We had a surplus; we turned it into a deficit. We have a trade agreement with Canada. We had a deficit; we nearly doubled it. We have a trade agreement with China. We didn't have a vote on that, but we just had a bilateral agreement with China.

I will make a wager with my colleagues that in a year and a half, when we evaluate our relationship with China, our deficit will have increased and we will be getting fewer agricultural products into China. Incidentally, after the trade agreement with China, in December, a load of barley was shipped to China from the U.S. and it is still waiting to enter. China stopped the shipment and apparently isn't going to let it get in. And China will give no reason for it. It is reasonable to ask: Who is looking after our interests?

You could put on a blindfold and listen and you could not tell the difference between George Bush, Bill Clinton, George W. Bush, Ronald Reagan, or Richard Nixon. It is all the same mantra on trade: This country is ill served by the trade agreements we have had. I support expanded trade and expanded opportunity for American products abroad. That is not what is happening in these trade agreements.

Now we come to a backdrop of an economy with energy issues and issues with respect to the market, trade, and other things I have discussed, and we have a new President who wants to cut taxes. In his campaign for the Presidency, when he was campaigning against Mr. Forbes in the primaries, he said he wanted to cut taxes by $1.3 trillion over 10 years. That was nearly 2 years ago that he made that announcement. That $1.3 trillion is scored by those who know it all works out that we will offer $2 trillion in real costs. So we have a President who, a couple years ago, said he wants a very large tax cut, and that there are surpluses as far as the eye can see. He and virtually all others from all political parties say they expect surpluses every year for the next 10 years, so the American people ought to receive some of those surpluses back in the form of tax relief.

I agree. I think it is time for a tax cut for a number of reasons. No. 1, I think our economy is weaker than most people believe. We are headed toward some pretty troublesome circumstances. Our fiscal policy ought to be stimulative. It is time for a tax cut that will help stimulate this economy and help provide additional economic growth.

But I do not believe we ought to lock in a tax cut for 10 years that is so large that it could pose a danger of putting us right back into very large, significant budget deficits once again. It took well over a decade to get out of that problem. This country should not want to be back in the same set of circumstances.

First of all, I don't think anyone here really believes that we know what is going to happen 2 years, 5 years, or 10 years from now. Nobody believes that we know there will be surpluses. We have never had surpluses for 10 straight years. We have never had those surpluses. Nobody knows what is going to happen 6 months from now in the economy. Yet we have people here who are prepared to say we are going to lock in a very large tax cut in a way that will put us in jeopardy of going back into Federal budget deficits 2 years, 5 years, or 10 years from now. I don't think that is wise. We should only lock in a tax cut for the first 2 years, and do the right kind of tax cut so that it is fair to everybody and in a way that stimulates our economy.

The first 2-year phase—make that portion of it permanent. Make the first phase stimulative, and at the end of 2 years, if we still have surpluses and the economic outlook is good, do a second phase. That is a much more conservative and a much more thoughtful way to address these issues.

I hope as we have these discussions in the budget debate, and in the subsequent tax debate that will come following that, we will be able to think through exactly what kind of projections we have for the future and exactly what we think is going to happen and, as a result of that, what kind of tax cuts we should enact.

There are a number of priorities for this country. Tax cuts are one at this point, especially because, A, we have a surplus and, B, we have an economy that is weakening. There are other priorities as well, one of which is to pay down the Federal debt. If you run it up in tough times, pay it down during better times. To those who say we are paying down the debt, I say when the budget document gets here, we will go to the page number I say and look at gross debt. It is going to increase, not decrease. Tell me why you think we are paying it down. Gross debt will increase, not decrease. That is why a significant part of the surplus that exists, in my judgment, should go to reducing the Federal debt.

Second, there are other things for us to do. Yes, a tax cut is a priority. So, too, is paying down the Federal debt. But there are other things we should do. We need to improve our schools in this country. That is something that is important to our future. We need to try to be helpful to senior citizens—to all Americans, but especially senior citizens—to pay the cost of prescription drugs. We ought to do that in the Medicare program and in a way that is affordable and effective.

So those are the other needs and priorities that we ought to consider. Finally, let me say that without disparaging any of the economic thinkers, either in the administration, or in Congress, or the Federal Reserve Board, no one knows what is happening in the future. We are all united by that profound lack of understanding. No one knows what the future holds for this economy. The most important element, by far, for this economy is the confidence of the American people. There are some who think we are so sophisticated that the control room on a ship of state has all kinds of gauges and knobs and dials and levers, and if you just go down there and adjust them all right, pull the right lever, adjust the right knob, move the right gauge, whether it is M–1B or tax cuts or spending or any number of devices, somehow the ship of state will sail forward at maximum speed. That is not the case at all. That has very little to do with the speed at which this ship moves forward.

What has everything to do with it is the confidence of the American people. This economy rests on the confidence of the American people. If the people aren't confident, the economy is going to contract and there isn't anything anybody can do much about it. People make judgments about their future, about buying a house, buying a car, buying other things—making decisions about their life that affect the economy. They make decisions based on their view of what will happen in the future. If they are optimistic, they decide one thing. They may buy a new home, a second car, or a vacation home. They may make a decision to buy new clothing. That confidence creates a wave of improvement in any economy. That economy rests on a mattress of consumer confidence, and it always has.

When people are not confident about the future, they delay decisions, postpone decisions, or simply decide they will not make purchases. So they behave differently and they create a contraction in the economy. That is the important thing for all of us to understand. This is all about confidence, about the American people's perception about the future and their confidence in the future.

I want to talk for a few more moments about this tax cut. When we do a tax cut, as I indicated, it ought to be stimulative and fair. Let me talk about this issue of ''the top 1 percent'' because there has been so much discussion about that. I open my mail and people write to me, and some support this and some support that; it is all over the mark. As some journalists write, some of my colleagues call it ''class warfare'' and so on.

Let me describe the 1-percent issue. The top 1 percent have done very well, far better than anybody else in the country. That is good for them. When you add up the individual income taxes and the payroll taxes paid by the American individual taxpayers, it is about a trillion dollars in individual income taxes and about $650 billion in payroll taxes. The top 1 percent bear about 21 percent of that burden. President Bush, in his proposal, says he would like to give the top 1 percent about 43 percent of the proposed tax cut. I think that is unfair. When I raise that and somebody says that is class warfare, I say it is not about class warfare; it is about class favoritism. Why have a tax policy that plays favorites, that says: you pay 21 percent of the total taxes, but you ought to get 43 percent of the tax cut? That is about class favoritism. What I say is, let's take care of the 99 percent first, look at their burden; let's look at what they have done, and their struggles. Then we should evaluate what kind of a fair tax cut can be helpful to working families, which can reflect their tax burden—yes, including the payroll tax because three quarters of the American people pay a higher payroll tax than they do in income taxes. That is very important to understand. That is where we get these differences in numbers.

I hear people get on the floor and say these are fuzzy numbers and you are jockeying around these numbers. Look, there is only one set of truths, only one. We know what the tax burden is the American people bear, and we know what the proposals are to relieve that burden—and there will be more, I am sure. The proposals that say the payroll taxes people pay don't count are proposals that shortchange working families who pay a significant amount of payroll taxes and are told when it comes to handing part of the surplus back to them, their tax burden didn't count.

That is not fair. It is not class warfare to describe that as unfair. It is class favoritism to decide the top 1 percent should get nearly double what they would normally deserve if we had a proportional tax cut related to their tax burden.

I know there are differences in how we see the economy that probably relate to our attitudes about this. There are people in this Chamber who firmly believe the economy works based on this so-called trickle down theory. That is the notion that there are some people who run this country who know about allocation of capital, and they are the ones who make the country go; they are the ones who run the big businesses and they hire the people, and if you give them something to work with, it all trickles down to the bottom, and everybody is better off.

I had an old farmer write me a letter some years ago. He said: I've been reading about this trickle down stuff for 20 years, and I ain't even damp yet.

The old trickle down does not always trickle down.

Others believe there is a percolate-up theory of economics: The engine works best when everybody has a little something with which to work, when American families have something with which to work. After all, you can have the best business in the world, but if nobody has the income to buy your product, your business ''ain't'' going to do very well.

Hubert Humphrey used to talk about the trickle down theory. It is an old story everybody has heard, I am sure. He said: It's sort of like when you give a horse some hay and hope later the sparrows will have something to eat. It is kind of a description of believing that somehow everybody will get something ultimately.

As we look at this tax issue, which I think is going to be one of the significant issues in Congress this year, we ought to be pretty hardheaded on two fronts: One, how do we do this in a way that helps this economy because this economy is in tougher shape than some know; and No. 2, how do we provide a tax cut that reflects the understanding we now have a surplus and ought to give some of it back in a way that also saves some for debt reduction, but in a way when we give it back it is fair to all the families in this country, it is fair to everybody.

There is an old song by Ray Charles that has a lyric:

> Them that gets is them that's got, and I ain't got nothing lately.

That is an apt discussion, it seems to me, of the way some people look at tax cuts. When they are proposed, they say: Gee, let's take a look at the top; they pay a lot of income tax. We will give them a large tax cut and the rest we will try to figure out. But we will trickle down, and somehow if we give enough at the top, it will trickle down and everybody will be better off.

It seems to me when we talk about taxes, we need to talk about the total tax burden people face, which is income taxes and payroll taxes, and give a tax cut that reflects the burden for working families. That is not the case in the proposal that has come from the President.

I think it is very unwise not to be somewhat conservative, and I am, frankly, surprised that those who call themselves the most conservative Members of Congress are often saying: Look, we are not conservative on this; what we want to do is provide a very large tax cut, and we are going to do that on surpluses that do not yet exist, but surpluses we expect we will have in 6 years, 7 years, 8 years, 9 years, 10 years.

That is not very prudent, in my judgment. It was an awful struggle to get rid of these Federal budget deficits, but they are gone. The last thing we want to do is get put right back into the deficit ditch.

We have a lot of interests and a lot of opinions about all of these things. I come from a farm State, and the Presiding Officer is from a farm State. I mentioned other things we want to do: provide a tax cut, pay down the debt, and reach other priorities that are necessary, such as improving our schools.

I did not mention one that is most important to me, and that is doing what is necessary to preserve a network of family farmers in this country.

Again, there is a difference of opinion about that. Some say if farmers are worth saving, let the market system save them. If the market system does not provide a price that saves family farmers, tough luck. So what, America will get its food. Food comes from a shelf, and it comes from inside a package. Farmers are like the little old diner: They are kind of a nostalgic thing, like the little old diner left behind when the interstate came through. It is fun to look back and see that vacant diner and think of what was, but we have an interstate now, we don't need to stop there.

That is how some feel. It is total nonsense. Farmers produce more than grain. They produce a community, they produce a culture, they produce something so valuable for this country, and yet we are losing on this score.

We have a farm program that does not work. We have family farmers struggling to hang on by their fingertips because commodity prices have collapsed. Our farmers put a couple hundred bushels of grain in the truck and drive to the elevator and the elevator operator says: This grain you produced doesn't have much value. Almost half the world is hungry, and probably a quarter of the world is on a diet. We have instability in places of hunger, and our farmers are told: Your food does not have value.

What a strange set of priorities. If there is any one thing this country can do to promote a better world and promote more stability in the world it is take that which we produce in such abundance—food—and move it to parts of the world where it is needed for survival. What a wonderful thing for us to do and do it in a way that gives those who produce it a decent return.

We are able to do that with arms. It is interesting, we are the largest arms merchant in the world. The United States is the largest arms merchant in the world. We sell more weapons of war than any other country. If we can do that with armaments, we ought to be able to do that with food.

Most of us in this Chamber have been to refugee camps and places in the world where people are dying. I held a young girl who reached out of her bed. I was the only one she had. I was only going to be there a minute or two. She was dying of hunger, malnutrition. I can go anywhere in the world and see this. It is happening every day.

My late friend Harry Chapin, who was killed in 1981, used to say the reason people dying from hunger is not a front-page story is because the winds of hunger blow every minute, every hour, every day; 45,000 people; 45,000 people a day, most of them children. It is not a headline because it happens all the time, and we produce food in such wonderful quantity and are told it has no value. We can do a lot better than that.

I did not mean to speak at length—I will do so later—about agricultural policy, but in terms of our priorities as a country, as we think through all of these issues—taxes, trade, reducing the debt, and other priorities—and talk about prescription drugs and Medicare, about improving our schools and a farm policy that works for family farmers—all of these things represent values. It is about values: Who are we, what are we doing here, and what kind of future do we want?

In conclusion, when I talk about the economy, some say the economy is what it is and what it will be; the market system establishes the economy. The market system is a wonderful allocator of goods and services, but it is not perfect. In some cases it is perverted. It needs a referee, a certain structure. It needs rules and guidelines.

My thoughts are, our economy is what we decide we want to make it. If we want to make an economy in which family farmers can make a decent living, then that is the economy we can have. Europe has it. Good for them. I am not criticizing them. Good for them. This economy is what we make it. The tax policy is what we make it.

We need to think our way through this. I do not intend to be partisan. We have a new President. I like him. I want to work with him, but I say to him: You have given us a plan—that is good—but it is not the only plan. It is not the only idea. What we ought to do is get the best of what everyone has to offer. When people write to me and say support the President, I say this is not about the President, it is not about me; it is about this country's future: What are the best ideas to ensure this country's economic future? What are the best ideas we can get from Republicans and Democrats to ensure economic growth and opportunity for all Americans?

Mr. President, I yield the floor, and 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. MURKOWSKI. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. MURKOWSKI. Mr. President, let me first thank the clerks who have been kind enough to notify me I might come over at this time. I am most appreciative of that courtesy. I will try to keep my remarks short. I recognize it is Friday afternoon and Members are anxious to be on their way.

THE ENERGY BILL

Mr. MURKOWSKI. The purpose of addressing my colleagues today is to talk a little bit about the energy bill. As most Members know, a bipartisan bill was introduced by Senator BREAUX and myself some time ago. It was a very comprehensive energy bill. It covered all aspects of renewables, alternatives, conservation, and also went into what we think is very important, and that is the issue of supply because what we have in this country—and it is certainly evident in California and moving out to New York and other areas—is we have increased consumption. In other words, we increased demand but we have not increased the supply.

This particular bill attempts to not only, in the sense of renewables, encourage alternatives and conservation, but it addresses how we can go back to our conventional sources of energy and try to do a more efficient job of ensuring that they, too, continue to contribute to our needs.

That sounds simplistic in one sense, but in another it should be recognized we have not been able to build a new coal-fired plant in the United States since the mid-1990s. It is not that we do not have the coal or the method of transporting the coal; it is simply a matter of permitting and the difficulties associated with meeting air quality and the costs associated with the particular type of construction required to meet the new emission standards.

We have not built a new nuclear plant in this country in over 25 years. Nobody in their right mind would even approach the subject because of, first, permitting, but probably even more pertinent is the difficulty of what we do with the high level radioactive wastes. We have been working out in Nevada for the last decade building a repository that is still 6 to 8 years away, even though it is basically complete today. The permitting is taking that long. It is at Yucca Mountain. We have expended over $7 billion.

My point is simple. As we address our conventional sources, we find we have eliminated them for one reason or another simply because we have not had the conviction to overcome the objections by some groups that do not want to see nuclear and they do not want to see coal. It is pretty hard to identify what their contribution is to the recognition that we are short of supply.

You can go on into hydro, which is renewable, but nevertheless there are those who propose to take down hydro dams in our rivers. Out west, if you take down the dams, you close the rivers to navigation. Then where do you put the tonnage that goes on the rivers? You put it on the highways.

We have also seen a tremendous increase in natural gas consumption because that is the one area that our electric producing entities can permit. Nevertheless, we have seen gas prices go from $2.16 per thousand cubic feet last year to somewhere in the area of $5.40 or $8.40 or whatever—it has doubled; it has tripled. The realization now is we are pulling down our recoverable gas reserves faster than we are finding new ones.

I am not suggesting we don't have more gas in this country, but we have pretty much identified natural gas

as the preferred fuel. Now we are finding ourselves faced with higher prices associated with that.

I have kept oil for the last provision in our dependence because I think it reflects on a little different portion of energy. America moves on oil. We do not move necessarily on natural gas. Our industry depends on natural gas, our power generating on natural gas, our homes by natural gas, but you don't fly out of Washington, DC, on hot air. You fly out on kerosene in your jet airplane, your bus, your ship. Unfortunately, we have little relief in sight from the standpoint of our dependence being replaced by any other technology.

We talk about fuel cells; we talk about wind, solar panels. We have expended about $6 billion over the last 5 years developing alternative energy. While that development has made some progress, the unfortunate part is it still only reflects about 4 percent of our overall general mix in energy sources.

What we have attempted to do in our bill, Senator BREAUX and myself, is to concentrate to a large degree on increasing the supply by using technology to develop more efficiently, more effectively, with smaller footprints.

We have also had a bill that has been introduced. I would classify this at least initially as a partisan bill introduced by my good friend Senator BINGAMAN, with whom I share responsibility on Energy, as chairman of the committee—he is the ranking member—and Senator DASCHLE. They introduced a partisan bill. The rationale behind many of our initiatives is similar. In the area of tax initiatives, they are nearly identical. Both have marginal wells, energy efficiency, renewable, accelerating depreciation, infrastructure, other nontax provisions, electric reliability, and Price Anderson issues that address liability on nuclear plants, and alternative fuels.

However, there are some significant differences. I would like to point those out at this time.

There is very little in this bill about existing older coal-fired plants that generate a significant portion of the energy in this country in the form of electricity.

There is nothing substantial for nuclear. I have indicated that nuclear energy provides about 20 percent of the power in this Nation. It is clean. It has no emissions.

As a consequence, more and more utilities are looking at American nuclear. But clearly we have to address the waste issue.

There is no expedited procedure in the Democratic bill for hydro relicensing, which we think is a necessity, because in the interest of safety and efficiency hydro dams need to be relicensed in an expeditious manner.

Lastly, they have not included opening up ANWR—that small sliver of Alaska that we believe has the potential to decrease, if you will, substantially our dependence on imported oil. It will not replace it. I want to make sure everybody recognizes that. It is not the answer to California's energy problem. It never was and never will be. But it certainly is the answer to California's dependence on oil because all the oil that is produced in Alaska is consumed in California, or the State of Washington. Oregon has no refineries. So a portion of the oil from Washington's and California's refineries go to Oregon.

My point is a simple one. As Alaska's oil production declines, California, Washington, and Oregon will continue to need oil.

The question is, Where are they going to get the oil? They are going to bring it in from overseas in foreign vessels, maybe from the rain forests of Colombia or other areas where there is no environmental consideration given for the development of the field, or compatibility of the environment, or compatibility of the landmass where they develop oil, or for the technology that we mandate in developing our own oil fields.

My point is, you might not like oil fields. Prudhoe Bay is the best in the world, bar none. The combination of the environmental oversight by the Federal Government and the EPA and the State of Alaska is second to none. Any spill of an ounce or more has to be reported. Any foreign substance—even throwing out coffee from a cup—requires reporting. That may sound outlandish, but that is the rule. That is the law, and that is the enforcement.

As we look at the decline in production from Alaska and recognize where it is going, and factoring in the reality that our oil under the Jones Act, which mandates that the carriage of goods between two American ports must be in U.S. flag vessels that are crewed by union members, that are in ships built in U.S. yards, which provides jobs for Americans as opposed to foreign ships that are coming in that aren't built to U.S. standards and don't have the same requirements of Coast Guard inspections, and so forth.

There is a significant issue for Washington, Oregon, and California.

The merits of opening ANWR speak for themselves. Can you do it safely? Clearly we can. We have the experience. Is the area at risk? Well, those who are opposed to it would have you believe that ANWR is at risk. But they do not point out the reality that ANWR is the size of the State of South Carolina. It is roughly 19 million acres. In that 19 million acres, we have set aside 8.5 million acres in the wilderness in perpetuity and another 9 million acres has been set aside in the refuge, leaving up at the top for Congress and only Congress to determine what is the so-called 1002 area consisting of 1.5 million acres.

That is what is at risk—1.5 million acres out of 19 million acres. And industry says if oil is found there in the range that it believes exist—somewhere between 5.6 billion barrels and 16 billion barrels—the footprint would be about 1,000, or 2,000 acres.

That is about half the size of the Dulles International Airport, to give you some idea of the magnitude.

Is that permissible? We think it is. Do we have the technology? We think we do.

If the oil is there in that abundance—10 million barrels a day—it would equal Prudhoe Bay. Prudhoe Bay has produced for 27 years about 20 to 25 percent of the total crude oil produced in the United States. Now it is beginning to decline. It has, nevertheless, exceeded its production prediction which was 10 billion barrels. It has produced over 13 billion barrels.

My point is that ANWR and that particular field that is believed to be there would be the largest oil field found in the world in the last 40 years. Some people say it is only a 6-month supply. That is assuming all the rest of the oil production stops. It is a ridiculous argument. It is similar to us saying that Alaska is going to withhold development of ANWR, and therefore you are not going to have a 6-month supply of oil. It is a ridiculous argument. It needs to be tossed aside. It is amazing that the media believes it is going to take 10 years to develop. It is not going to be 10 years. We can develop that in 3 years. We already have an 800-mile pipeline. It utilizes half the capacity. We need an extension of about 26 miles of pipeline, which takes us from the field on State land on the edge of ANWR, and we can begin to produce oil.

The difficulty I have with the Democratic bill is ANWR is not in it. I think as we look at trying to find relief, we have to look at home, and we have to recognize that we can do it safely. I have already indicated prominent justification for that.

The other issue is what is going on with the economy. The economy in this country is in the dumps. How much of it is the cost, if you will, of increased energy? Look at Fortune 500 fourth-quarter earnings. They all indicate that they were substantially affected by the increased costs of energy. It affected their bottom line. It affected their employment. It affected their inventory.

Again, it is an economic factor, and it is a significant one as we look at the contribution that this could make in our own economy. It is a significant creator of jobs.

There are virtually thousands and thousands of jobs associated with opening up this oil field. We don't make pipe in Alaska. We don't make valves. We don't have the welders. It is estimated that about 750,000 jobs are associated with this effort.

I want to make sure everybody understands the significance of what it means to the economy.

Finally, the national security interests of this country: when do we compromise our national security? At what

point do we become so dependent on oil imports that we compromise that?

I was asked that question. I said, well, remember in 1973 and 1974 when we had the oil embargo. We had gas lines around the block. People were indignant, and they were blaming government. We said we will never approach 50-percent dependence.

So we created the Strategic Petroleum Reserve with a 90-day supply. We never reached that goal. We reached about a 56-day supply. When we pulled our oil out under the previous administration—about 30 million barrels—we suddenly found that we didn't have the refining capacity to refine the oil. We had to replace what we were importing by opening SPR.

My point is we have restrictions in our energy situation. And it is not limited to supply. It is partially limited to the capacity we have because we haven't built a new refinery in this country in 25 years. We shut down nearly 100 in the last decade.

Here we find ourselves in a situation where we fought a war in 1991. We lost 147 lives. We had 437 Americans wounded. How quickly we forget. Who was that war against? It was against Iraq and Saddam Hussein. We are now importing nearly 700,000 barrels a day from Iraq. Yet we have flown 234,000 individual sorties over Iraq enforcing the no-fly zone. We have been very fortunate. We have not lost any men or women. But they are shot at, believe me. It is a very dangerous situation.

So here we become dependent, if you will, in a few years, to a degree, on oil from an aggressor, a tyrant. It is kind of interesting to proceed a little further with this evaluation of our national security interests. Because, as we look to Saddam Hussein, what we do is we take his oil, we refine it, put it in our airplanes and go bomb him. Maybe it is not that simple, but I think there is justification for at least that kind of a premise being rationalized.

What does he do with the money he gets? He pays his Republican Guards to keep him alive. And then he develops a missile capability, a delivery capability, a significant biological capability. And at whom does he aim it? At one of our closest allies, Israel. I don't know what that does to your digestion, Mr. President, but it bothers mine.

Is it in our country's national security interest to continue to depend more and more on imported oil? I do not think so. We can reduce that dramatically. Currently we are 56-percent dependent on imported oil. If Congress authorized the opening of ANWR tomorrow, we would send a signal to OPEC that we mean business about reducing our dependence. That would send a strong signal. I think they would increase production and the price would drop.

However, we cannot seem to come to grips with this problem because of the environmental opposition based on emotion, not sound science, based on membership, pressure on members, the realization that the environmental community needs a cause, the realization the environmental community will not address its responsibility to increase supply, if you will.

Why is that increase necessary? We are simply using more energy as we know and learn how to conserve more. We are an electronic society. We move on e-mails. We move on computers. We are expanding. The requirements associated with our structural society—including air-conditioning—suggest we are going to continue to use more.

They say we can conserve our way out. We can no more conserve our way out than we can drill our way out. We need all the sources of energy. We need the technology. And a significant portion, as far as oil is concerned, is ANWR.

So that is why, as we look at the four issues—safety, yes, it can be done safely; the effect on the economy; the national security; and, most of all, the attitude of the people in Alaska—75 percent support it. We have Native people, Eskimos who are here in Washington, calling on Members saying: Hey, this is a personal issue. We live there. We live in the village of Kaktovik, which is in ANWR. We have a school there. We have a radar site there. There are 227 people who live there. We have a right to life and disposition on our own land and a right of expression.

So when the environmentalists say, it is an untouched Serengeti, they are misleading the public. Most of ANWR is untouched and will always remain untouched. But this little segment where the people live is the area where the oil would be drilled.

So we are disappointed with the Democratic bill because it does not include ANWR.

I have a couple more things to say, and then I will try to wind this up.

In the Democratic bill, in our opinion, there are extremely broad research and development authorizations on the issue of climate change provisions which might be dealt with better in a separate entity. We are all concerned about global warming and concerned about climate change. But the idea of drifting towards a Kyoto accord, I think most Members have indicated by that vote last year of 98–0 that the proposal before the Senate was simply unacceptable. The reason is, it would allow the developing nations to catch up with the developed nations instead of the developed nations using our technology to assist the developing nations in reducing their emissions.

Finally, the Democratic proposal has an inconsistency in one sense. It does not address, as I have indicated, looking for oil at home; namely, ANWR, even though the residents of my State support it, but it does propose lease sale 181 in the gulf right off Florida. The Democratic proposal states that we should take the lead in meeting the energy needs using indigenous resources.

What I am saying is the Democratic proposal opposes ANWR, which the State of Alaska clearly supports, but wants to force lease sale 181, which Florida opposes—the Governor of Florida and the people of Florida—which is a bit of an inconsistency. Perhaps there will be an explanation on it.

They want to shut ANWR permanently, but, by the same token, they want to accelerate the export of Alaskan natural gas. That is kind of an interesting comparison because there is a difference of how we propose to develop Alaska's gas. They propose a section 29 tax incentive for production of natural gas from Alaska.

It is interesting to reflect on what section 29 means. Section 29 is designed as an incentive for development of unconventional sources of energy, not conventional sources.

What am I talking about? For example, overlaying Prudhoe Bay, we have what we call the West Sack Field. It is larger than Prudhoe Bay, but the oil is immersed in the sands, and the sands are in permafrost, and the technology of recovery is simply not in existence. The oil is there.

So in our bill we have a proposed subsidy for developing that technology. We have, in our bill, under section 9, an incentive for developing biomass technology, coalbed methane technology. But surprisingly enough—and I do not mean to kick a gift horse in the mouth or the teeth or the behind or wherever—they propose this section 29 in Alaska's potential natural gas development.

Under our proposal, the Alaska natural gas project would not be available for any type of section 29 subsidy. There is a reason for that. In our case, the gas has been found. We found 36 trillion cubic feet of gas associated with oil development in Prudhoe Bay. The geologists will not even get a recognition for finding a gas well. The emphasis was on an oil well.

So we found this gas. We discovered it. Furthermore, we have produced it. We produced it by pulling it out and reinjecting it into the oil wells to get greater recovery. So the gas is still there. But to suggest that Exxon, British Petroleum, and Phillips are looking for an incentive—a tax incentive under section 29—I do not mean to speak out of school, but we are just amazed they would include a subsidy to big oil for a project that is already proven, already found. The technology is available. All we need is the transportation to get it out.

So, once again, we see Members of Congress trying to determine what is in the best interests of Alaska without talking to Alaskans or understanding our point of view or giving us the courtesy.

Finally, for the record, we have had long debates on this issue of whether or not we could open ANWR safely. We have had long debates on the issue of our national security interests, of the numbers of lives we have lost over oil.

I remember Mark Hatfield, a very senior Member of this body, from the State of Oregon, saying: I would vote for ANWR any day in the world if it meant not sending another American soldier overseas to fight a war in a foreign country over oil.

Well, the final word—and this is from Representative RALPH HALL, a Democrat from Texas, who said Tuesday in a speech before the U.S. Chamber of Commerce—and I quote:

I would drill in a cemetery if it kept my grandkids out of body bags.

Mr. President, I yield the floor.

RESTORING A NATIONAL COMMITMENT TO MISSILE DEFENSE

Mr. INHOFE. Mr. President, in his recent address to Congress, President George W. Bush made it clear that, unlike his immediate predecessor, he strongly endorses the deployment of an effective missile defense system capable of protecting the United States, its allies and its forward deployed forces from the growing threat of missile attack. As someone who has long viewed the deployment of missile defense as an urgent national priority, I look forward to working with President Bush to achieve this vital national security goal for America.

March 23 marks the 18th anniversary of President Ronald Reagan's historic speech announcing his determination to see America build a defense against ballistic missiles. It is gratifying to know that Reagan's vision remains alive today. As Reagan said in 1983:

What if free people could live secure in the knowledge that their security did not rest upon the threat of instant U.S. retaliation to deter a Soviet attack, that we could intercept and destroy strategic ballistic missiles before they reached our own soil or that of our allies?

I know this is a formidable technical task, one that may not be accomplished before the end of this century. . . . It will take years, probably decades of effort on many fronts. There will be failures and setbacks, just as there will be successes and breakthroughs . . . as we pursue a program to begin to achieve our ultimate goal of eliminating the threat posed by strategic nuclear missiles.

Now, 18 years later, at the dawn of the new century, a renewed Presidential focus on missile defense is appropriate and necessary. The threat posed by ballistic missiles and weapons of mass destruction is very real and growing. And as we have seen over time, the technology to begin to meet this threat is available, if we will make the effort to aggressively develop it. Today, President Bush promises to do just that.

Unfortunately, the Clinton administration squandered most of the last 8 years, failing to build a proper foundation for the kind of robust missile defense development and deployment which the growing threat demands. Wedded to the outdated 1972 ABM Treaty, to the superstitions of arms control and to greatly reduced defense budgets, Clinton was consistently hostile to the deployment of effective missile defense. Here is a quick year-by-year review of some of the highlights of the Clinton administration's dismal record on missile defense.

1993: cut $2.5 billion from the Bush missile defense budget request for fiscal year 1994; halted all cooperation with Russia on a joint global missile defense program; terminated the Reagan-Bush Strategic Defense Initiative program; downgraded National Missile Defense to a research and development program only; cut 5-year missile defense funding by 54 percent from $39 billion to $18 billion; reaffirmed commitment to ABM Treaty, saying any defense must be ''treaty-compliant.''

1994: State Department official called the ABM treaty ''sacred text,'' saying ''arms control has more to offer our national security than do more weapons systems. We look first to arms control and second . . . to defenses;'' declared Theater High Altitude Area Defense (THAAD) non-treaty compliant; placed self-imposed limits on THAAD testing to keep it ''treaty-compliant.''

1995: Placed self-imposed limits on Navy Upper Tier system to keep it ''treaty compliant;'' politicized National Intelligence Estimate (NIE) to downplay growing missile threat; vetoed Defense Authorization bill requiring missile defense deployment by 2003.

1996: Cut funding and slowed development of THAAD and Navy Theater-Wide systems, in defiance of the law—the Defense Authorization bill—requiring accelerated development; announced fraudulent ''3-plus-3'' program for national missile defense: three years to develop, plus three years to deploy. (Later changed to ''5 plus 3,'' then ''7 plus 3,'' then dropped the ''plus 3''); reaffirmed ABM Treaty as the ''cornerstone of strategic stability;'' opposed and helped kill legislation calling for NMD deployment by 2003.

1997: signed ABM Treaty agreements with Russia which, if ratified by the Senate, would: (1) reaffirm the validity of the ABM Treaty banning effective national missile defense; (2) sharply limit the effectiveness of theater defense systems; and (3) ban space-based missile defenses.

Clinton never submitted these for ratification, knowing they would fail to get the needed 67 votes for ratification.

1998: opposed and helped kill legislation calling for NMD deployment ''as soon as technologically possible;'' disputed the Rumsfield Commission's assessment of the growing missile threat, arguing that there was no need to accelerate missile defense deployment; on August 24, Joint Chiefs Chairman Henry Shelton wrote to me affirming his assurance that U.S. intelligence would detect at least three years' warning of any new rogue state ICBM threat; on August 31, one week later, North Korea surprised U.S. intelligence by testing a three-stage Taepo-Dong I missile with intercontinental range, demonstrating critical staging technology and rudimentary ICBM capability.

1999: delayed by at least two years the Space Based Infrared System (SBIRS) satellites designed to detect and track missile launches necessary to coordinate with any effective national missile defense system; emasculated the Missile Defense Act of 1999—passed by veto-proof majorities in both houses—calling for deployment ''as soon as technologically possible.'' In signing the bill into law, Clinton outrageously interpreted it to mean that no deployment decision had been made and that therefore he would make no change in his go-slow missile defense policy.

2000: cut funding for the Airborne Laser (ABL) program by 52 percent over 5-year period, but the cuts were later reversed by Congress; allowed Russia to veto U.S. missile defense plans by making NMD dependent on Russia's agreement to modify the ABM Treaty, but Russia would never agree; postponed the administration's long-awaited NMD deployment decision from June to September and then decided to defer any decision indefinitely to the next administration, insuring that the entire eight years of the Clinton presidency would pass without a commitment to deploy national missile defense.

The net result of this abysmal record is that America continues to remain completely vulnerable to missile attack, despite growing threats. In the 8 years of the Clinton administration, there was never a commitment to deploy national missile defense. Instead, there was a misguided ideological dedication to preserving the ABM Treaty, whose very purpose was to prohibit effective missile defense. In essence, the Clinton vision was exactly opposite of the Reagan vision.

Today, the threat grows. Proliferation of missile and weapons technology around the world proceeds at an accelerated pace. Under Clinton, weapons inspectors were kicked out of Iraq; Russia greatly increased its military assistance to China; China was caught stealing U.S. nuclear secrets; U.S. companies were given a green light to help improve the accuracy and reliability of China's nuclear missiles; China transferred missile and weapons technology to North Korea, Iran, Iraq and others; China threatened to absorb Taiwan; and China threatened to attack the United States with nuclear missiles.

The Rumsfeld Commission determined that new ICBM threats could emerge in the future ''with little or no warning.'' The Cox Commission determined that Clinton covered up or presided over some of the most serious security breaches in U.S. history, affecting critical national secrets about virtually every weapon in our nuclear arsenal and numerous military-related high technologies.

The case for missile defense is more compelling today than it has ever been.

With a new President determined to set a new course, or rather to set us back to the course first articulated by President Reagan, there is reason for hope and optimism.

I urge President Bush to move quickly in forging a national commitment to the deployment of a robust global missile defense system capable of defending all 50 States, our allies and our forward deployed troops around the world. We should appropriate the necessary budgets. We should exploit all options and technologies. We should seriously consider an initial deployment at sea, using our proven Aegis ships and complementing it with important ground and spaced based systems.

In consultation with our allies, and while maintaining our nuclear deterrent, we should break free of the constraints of the outdated ABM Treaty and begin to fashion a security regime based, as Reagan said, on our ability ''to save lives rather to avenge them.'' This is the legacy America deserves, consistent with Reagan's vision of courage, morality and security—a vision I know is shared by President George W. Bush.

SCORECARD OF HATRED

Mr. LEVIN. Mr. President, in just the last few weeks, two California high schools a few miles apart, suffered the same terrible fate when troubled students opened fire on both classmates and teachers. These remind of us of the many acts of gun violence committed by young people in American schools since the attack at Columbine High School almost 2 years ago. In last week's Time magazine, an article called ''Scorecard of Hatred,'' lists in detail the many varied plans of copycat attacks since Columbine, including those planned by teenagers who, thankfully, failed in their attempts. Each of the more than 20 different attempts by young people to ''pull a Columbine,'' the phrase that some teenagers now use to describe these acts of violence, is disturbing in its own right. As a whole, these acts are beginning to become an epidemic.

I often wonder why these acts of school violence are so uniquely American. The warning signs most commonly associated with teens who engage in school shootings—disturbing patterns of behavior, depression, increased fascination with violence, sometimes inappropriate living conditions—are no doubt experienced by teens in other countries. Yet, even though the gun shots at Columbine were witnessed by teens across the world, teens in other countries are not routinely committing terrible acts of school violence.

Last May, on the 1-year anniversary of the Columbine shootings, there was one act of copycat violence in Ottawa in the province of Ontario, Canada. According to an article in the Ottawa Citizen, a 15-year-old boy, who was teased mercilessly by his classmates, became obsessed with the Columbine school massacre and the violent perpetrators of the tragic event. He posted pictures of the young men in his lockers and began counting down the days until the anniversary. But when the moment came, and the young boy in Canada attempted to carry out his copycat crime, instead of brandishing an arsenal of firearms, he brandished a kitchen knife. Instead of 15 dead and countless more injured, 5 people were stabbed, none with any life-threatening injuries.

In Littleton, CO and Ottawa, Canada, the circumstances were similar, but the outcomes were substantially different. It seems that the one crucial difference in this and other such incidences is not religion or music, entertainment, or peer influence, it is access to guns. In most of these school shootings in the United States, our young people have relatively easy access to guns. Here are some of the examples used in the Time magazine article: two 8th graders in California were found with a military-sniper rifle, a handgun, and 1500 rounds of ammunition; a 15-year-old in Georgia gained access his stepfather's rifle; a 7th grader from Oklahoma took his father's semiautomatic handgun; a 6-year-old in Michigan discovered a semiautomatic handgun; a 17-year-old in California amassed an arsenal of 15 guns as well as knives and ammunition; a 13-year-old in Florida picked up a semiautomatic handgun.

Mr. President, the lists goes on and on. We must do something to limit our youth's easy access to guns and end the epidemic of gun violence in our Nation's schools and community places.

Mr. President, I ask unanimous consent to print in the RECORD the Time magazine article, Scorecard of Hatred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Time magazine, Mar. 19, 2001]

SCORECARD OF HATRED

(By Amanda Bowen)

MAY 13, 1999—FOILED

Port Huron, Mich.

Their plan, police said, was to outdo Columbine perpetrators Eric Harris and Dylan Klebold by arming themselves, forcing the principal of Holland Woods Middle School to call an assembly and then killing teachers, classmates and themselves. Jedaiah (David) Zinzo and Justin Schnepp, both 14, made a list of 154 targets, stole a building plan from the school custodian's office and plotted to use one gun to steal more. Classmates caught wind of the plot and reported it to the assistant principal. Zinzo and Schnepp were sentenced to four years' probation.

MAY 19, 1999—FOILED

Anaheim, Calif.

When police searched the homes of two eighth-graders at South Junior High, they found two bombs, bombmaking materials, a military-surplus rifle, a Ruger Blackhawk .45-cal. handgun, 1,500 rounds of ammunition and Nazi paraphernalia. They were tipped off by a student who heard that the boys, whose names were not released, were threatening to blow up the school.

MAY 20, 1999

Conyers, Ga.

Thomas Solomon Jr., 15, aimed low with his stepfather's .22 rifle and wounded six fellow students at Heritage High School.

Warning Signs.—Solomon told classmates he would ''blow up this classroom'' and had no reason to live. He was being treated for depression and was teased by a popular sports player whom Solomon believed was the object of his girlfriend's affections.

AUG. 24, 1999—FOILED

Northeast Florida

Two teenagers were charged with conspiracy to commit second-degree murder after a teacher saw drawings, one of which depicted a bloody knife, a shotgun and an assault weapon. The teens allegedly described themselves as Satan worshippers and claimed they were planning to leave a deadlier trail than the one at Columbine. Charges were dropped for lack of evidence, and the boys were released from house arrest.

OCT. 28, 1999—FOILED

Cleveland, Ohio

Adam Gruber, 14, and John Borowski, Benjamin Balducci and Andy Napier, all 15, were white students planning a rampage at their mostly black school. It was to end, one of the boys' friends said, in a suicidal shoot-out with police, with one survivor to ''bask in the glory.'' Officials were tipped off to the plot by another student's mother.

OCT. 24, 2000

Glendale, Ariz.

Sean Botkin dressed in camouflage, went to his old school, entered a math class and with a 9-mm handgun held hostage 32 former classmates and a teacher, police say. After an hour, the 14-year-old was persuaded to surrender.

WARNING SIGNS.—Botkin said in a television interview last month that he was picked on, hated school, had a troubled family life and couldn't recall ever being truly happy. ''Using a gun would get the attention more than just walking into school and saying, 'I need help' or something,'' he said.

JAN. 10, 2001

Oxnard, Calif.

Richard Lopez, 17, had a history of mental illness, and police apparently believe he ''had his mind made up to be killed by a police officer'' when he marched onto the grounds of his old school, Hueneme High, took a girl hostage and held a gun to her head. Within five minutes of SWAT officers' arriving, he was shot dead. Lopez's sister said her brother had wanted to commit suicide, but his Catholic faith forbade it.

WARNING SIGNS.—Family members said Lopez had been in and out of juvenile facilities and attempted suicide three times. ''He needed help, and I cried out for it,'' his grandmother said.

JAN. 29, 2001—FOILED

Cupertino, Calif.

The Columbine gunmen were ''the only thing that's real,'' according to De Anza College sophomore Al Joseph DeGuzman, 19. He allegedly planned to attack the school with guns and explosive devices. The day before, however, he apparently photographed himself with his arsenal and took the film for developing. The drugstore clerk alerted police.

FEB. 5, 2001—FOILED

Hoyt, Kans.

Police were alerted to Richard B. Bradley Jr., 18, Jason L. Moss, 17, and James R. Lopez, 16, by an anonymous hot-line tip. A search of their homes revealed bombmaking material, school floor plans, a rifle, ammunition and white supremacist drawings, police

said. They also reportedly found three black trench coats similar to those worn by the Columbine gunmen.

FEB. 7, 2001—FOILED

Fort Collins, Colo.

Just 66 miles from Littleton, Chad Meiniger, 15, and Alexander Vukodinovich and Scott Parent, both 14, were allegedly hatching an elaborate plan to ''redo Columbine.'' Police were tipped off by two female classmates of the boys, who said they had overheard them plotting. Officers say they found a weapons cache, ammunition and sketches of the school.

NOV. 19, 1999

Deming, N.M.

Victor Cordova Jr., 12, fired one shot into the lobby of Deming Middle School and hit Araceli Tena, 13, in the back of the head. She died the next day.

WARNING SIGNS.—Cordova reportedly boasted the day before the shooting that he would ''make history blasting this school,'' but no adults were told. Since losing his mother to cancer, Cordova was reportedly suicidal.

DEC. 6, 1999

Fort Gibson, Okla.

Seventh-grader Seth Trickey was a religious, straight-A student. But then, police say, he came to school, stood under a tree, pulled out his father's 9-mm semiautomatic handgun and fired at least 15 rounds into a group of classmates. Four were wounded.

WARNING SIGNS.—A juvenile court heard that Trickey was receiving psychological counseling and was deeply influenced by the Columbine shootings. Psychologists said he was obsessed by the military, in particular General George S. Patton, and the shootings may have been Trickey's way of proving he could hold his own in battle.

FEB. 29, 2000

Mount Morris Township, Mich.

A six-year-old boy, whose identity has not been released, left the crack house where he lived and went to school at Theo J. Buell Elementary. He called out to fellow first-grader Kayla Rolland, left, ''I don't like you!'' ''So?'' she said. The boy swung around and shot her with the loaded .32 semiautomatic handgun he had taken from home. Kayla died soon afterward.

WARNING SIGNS.—The boy was reportedly made to stay after school nearly every day for violent behavior, attacking other children and cursing. His hellish home life—mother a drug addict, father in prison—had been the subject of complaints to police, but there was no response. On the day of the shooting, another student reported the boy was carrying a knife. It was confiscated, but he was not searched for other weapons.

MAY 18, 2000—FOILED

Millbrae, Calif.

A 17-year-old senior at Mills High school, whose name has not been released, was arrested after another student reported being threatened with a gun. Police said they found an arsenal of 15 guns and rifles, knives and ammunition at the boy's home, all apparently belonging to his father. In the eight months before his arrest, the boy had allegedly threatened seven other friends with guns and bragged he was going to ''do a Columbine'' at school. The victims said they were too scared to report the threats.

MAY 26, 2000

Lake Worth, Fla.

Nathaniel Brazill, 13, was sent home for throwing water balloons. Police say he returned with a .25-cal. semiautomatic handgun, went into an English class and shot and killed teacher Barry Grunow, 35.

WARNING SIGNS.—Brazill had apparently shown others the gun and talked about hit lists. In his bedroom, police say they found a letter he had written saying, ''I think I might commit suicide.''

FEB. 11, 2001—FOILED

Palm Harbor, Fla.

Scott McClain, a 14-year-old eighth-grader, reportedly wrote a detailed e-mail to at least one friend describing his plans to make a bomb and possibly target a specific teacher at Palm Harbor Middle School. The friend's mother alerted sheriff's deputies, who said they found a partly assembled bomb in McClain's bedroom that would have had a ''kill radius'' of 15 ft.

FEB. 14, 2001—FOILED

Elmira, N.Y.

Jeremy Getman, an 18-year-old senior, passed a disturbing note to a friend, who alerted authorities. A police officer found Getman in Southside High School's cafeteria, reportedly with a .22-cal. Ruger semiautomatic and a duffel bag containing 18 bombs and a sawed-off shotgun. An additional eight bombs were allegedly found in his home.

MARCH 5, 2001

Santee, Calif.

Charles Andrew Williams, 15, allegedly opened fire from a bathroom at Santana High, killing two and wounding 13.

WARNING SIGNS.—Williams was bullied, a pot smoker, trying to fit in. He told at least a dozen people, including one adult that there would be a shoot-out. When he later said he was joking, they believed him.

MARCH 7, 2001

Williamsport, Pa.

Elizabeth Catherine Bush, 14, was threatened and teased mercilessly at her old school in Jersey Shore and transferred last spring to Bishop Neumann, a small Roman Catholic school. There she allegedly took her father's revolver into the cafeteria and shot Kimberly Marchese in the shoulder.

WARNING SIGNS.—Bush was reportedly still being teased and was depressed. As she fired the gun, she allegedly said, ''No one thought I would go through with this.'' It is unclear whether she had told anyone of her intentions.

MARCH 7, 2001—FOILED

Twentynine Palms, Calif.

Cori Aragon, left, with her mother, was one of 16 students at Monument High School in the Mojave Desert to discover that their names were allegedly on the hit list of two 17-year-old boys arrested on suspicion of conspiracy to commit murder and civil rights violations. Tipped off by a female student who overheard the boys' plans, police said they found a rifle in one home, the list in the other. The boys' names were not released. This was the most serious case to follow the Santee shootings. But 14 other California children were either arrested or under observation for making threats. Around the U.S., dozens more copycat threats were reported.

OFFERING OF AMENDMENTS TO SENATE RULES

Mr. MCCONNELL. Mr. President, pursuant to the Senate Rules, I am giving notice that I plan to offer amendments to the Senate rules that would (a) require Senators to report allegations of corruption to the Select Committee on Ethics, and (b) make the Senate rules applicable to an individual after he or she is officially and legally certified as the winner of the Senate election in his or her state.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, March 22, 2001, the Federal debt stood at $5,732,049,780,656.46, Five trillion, seven hundred thirty-two billion, forty-nine million, seven hundred eighty thousand, six hundred fifty-six dollars and forty-six cents.

One year ago, March 22, 2000, the Federal debt stood at $5,727,734,000,000, Five trillion, seven hundred twenty-seven billion, seven hundred thirty-four million.

Five years ago, March 22, 1996, the Federal debt stood at $5,062,405,000,000, Five trillion, sixty-two billion, four hundred five million.

Ten years ago, March 22, 1991, the Federal debt stood at $3,449,090,000,000, Three trillion, four hundred forty-nine billion, ninety million.

Twenty-five years ago, March 22, 1976, the Federal debt stood at $599,264,000,000, Five hundred ninety-nine billion, two hundred sixty-four million, which reflects a debt increase of more than $5 trillion—$5,132,785,780,656.46, Five trillion, one hundred thirty-two billion, seven hundred eighty-five million, seven hundred eighty thousand, six hundred fifty-six dollars and forty-six cents, during the past 25 years.

ADDITIONAL STATEMENT

SCHOOL VIOLENCE

• Mr. HUTCHINSON. Mr. President, tomorrow, March 24, is the third anniversary of the tragic episode of school violence which occurred at Westside Middle School in Jonesboro, AR. I want the families and friends of Natalie Brooks, Paige Ann Herring, Stephanie Johnson, Brittheny Varner, and Shannon Wright to know that I will never forget their terrible loss and that my heart continues to ache for and with them. They are, and will continue to be, in my thoughts and prayers as I proceed with my efforts to make our schools the safe havens of learning that they should and must be.•

HONORING GODFREY ''BUDGE'' SPERLING

• Mr. LIEBERMAN. I rise today to congratulate Godfrey ''Budge'' Sperling, a man who has spent the last 35 years satisfying the appetites of reporters hungry for both a good meal and a good story. On more than 3,100 mornings, Budge has invited members of the Washington press corps to join him for breakfast and conversation with political news makers. He has hosted everyone from Members of Congress to presidential nominees to sitting presidents, as well as luminaries

such as the Dalai Lama. Along the way, the Sperling Breakfasts have become more than an informal gathering of journalists and news makers, they have become a prominent part of Washington's political culture. In fact, they have become a brand name.

Today, I would like to take a few moments to pay tribute to this institution by sharing with my colleagues a little bit about its founder. Budge Sperling was born in Long Beach, California, in 1915, but grew up in Urbana, Illinois. In 1937 he graduated from the University of Illinois with a degree in Journalism. He continued his studies at the University of Oklahoma, receiving a law degree in 1940.

In 1946, after serving for five years in the United States Air Force during World War II, Budge joined the staff of the Christian Science Monitor, working his way through a variety of national bureaus until he and his breakfast became a brand name. Throughout a career that has spanned over 50 years, Budge has served as Chief of the Monitor's Midwest Bureau, New York Bureau, and Washington Bureau. He currently serves as the Monitor's Senior Washington Columnist.

The Sperling breakfasts began, ironically, over lunch. On February 8, 1966, Budge decided to invite some of his colleagues to join him for a midday meal at the National Press Club with Charles H. Percy, the eventual senator from Illinois, whom he had met on the campaign trail. After the successful meeting, Budge was urged by his fellow reporters to host another gathering. Budge invited New York Mayor John Lindsay, but was unable to book a room at the National Press Club for lunch. He decided to have the meeting over breakfast instead, and a tradition was born.

Since that time, the Sperling Breakfast, or ''Breakfast with Godfrey,'' as it has been known, has served as the source of many news stories. One of the most well-known breakfasts occurred when Budge invited Senator Robert F. Kennedy to speak the day after the New Hampshire primary in 1968. While Kennedy was addressing the assembled reporters, news of the Tet offensive in Vietnam broke and Kennedy, who had repeatedly denied presidential aspirations, struggled visibly to reconcile this new information with his denials. As Budge recently recalled that morning he said, ''we felt we'd seen history in the making.''

This is only one example of the many memorable breakfasts Budge has hosted. And while not every one of the thousands of breakfasts has resulted in headlines the following day, one thing is certain: Budge has his finger on the pulse of who and what are making news in Washington.

At the beginning of each and every Sperling Breakfast, Budge begins by announcing. ''The only ground rule here is that we're on the record.'' With that one rule in mind, I am pleased to stand here today and state in the RECORD my congratulations and appreciation to Godfrey ''Budge'' Sperling for all he has done to help inform the American people about their government.●

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. HELMS for the Committeee on Foreign Relations.

Marc Isaiah Grossman, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Under Secretary of State (Political Affairs).

Richard Lee Armitage, of Virginia, to be Deputy Secretary of State.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. LIEBERMAN (for himself and Mr. FEINGOLD):

S. 603. A bill to provide for full voting representation in the Congress for the citizens of the District of Columbia to amend the Internal Revenue Code of 1986 to provide that individuals who are residents of the District of Columbia shall be exempt from Federal income taxation until such full voting representation takes effect, and for other purposes; to the Committee on Finance.

By Mr. COCHRAN (for himself, Mr. KENNEDY, and Mr. WARNER):

S. 604. A bill to amend title III of the Elementary and Secondary Education Act of 1965 to provide for digital education partnerships; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON:

S. 605. A bill to amend the Internal Revenue Code of 1986 to encourage a strong community-based banking system; to the Committee on Finance.

By Mr. CRAPO (for himself, Mr. ALLARD, and Mr. CRAIG):

S. 606. A bill to provide additional authority to the Office of Ombudsman of the Environmental Protection Agency; to the Committee on Environment and Public Works.

By Mr. ALLARD (for himself and Mr. GRAMM):

S. 607. A bill to amend the National Housing Act to require partial rebates of FHA mortgage insurance premiums to certain mortgagors upon payment of their FHA-insured mortgages; to the Committee on Banking, Housing, and Urban Affairs.

ADDITIONAL COSPONSORS

S. 136

At the request of Mr. GRAMM, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 136, a bill to amend the Omnibus Trade and Competitiveness Act of 1988 to extend trade negotiating and trade agreement implementing authority.

S. 145

At the request of Mr. THURMOND, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 225

At the request of Mr. WARNER, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 225, a bill to amend the Internal Revenue Code of 1986 to provide incentives to public elementary and secondary school teachers by providing a tax credit for teaching expenses, professional development expenses, and student education loans.

S. 258

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

S. 277

At the request of Mr. KENNEDY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 277, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 291

At the request of Mr. THOMPSON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 291, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes in lieu of State and local income taxes and to allow the State and local income tax deduction against the alternative minimum tax.

S. 413

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 413, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 452

At the request of Mr. MURKOWSKI, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 452, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the medicare program to ensure that the Secretary does not target inadvertent billing errors.

S. 549

At the request of Mr. CRAPO, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 549, a bill to ensure the availability of spectrum to amateur radio operators.

S. 596

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 596, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the production and use of efficient energy sources, and for other purposes.

S. 597

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 597, a bill to provide for a comprehensive and balanced national energy policy.

S. CON. RES. 17

At the request of Mr. SARBANES, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Con. Res. 17, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

S. RES. 63

At the request of Mr. CAMPBELL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 63, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself and Mr. FEINGOLD):

S. 603. A bill to provide for full voting representation in the Congress for the citizens of the District of Columbia to amend the Internal Revenue Code of 1986 to provide that individuals who are residents of the District of Columbia shall be exempt from Federal income taxation until such full voting representation takes effect, and for other purposes; to the Committee on Finance.

Mr. LIEBERMAN. Mr. President, I rise today to join with my colleague Senator RUSS FEINGOLD and with my longtime friend Congresswoman ELEANOR HOLMES NORTON in the House of Representatives, in sending the message that, as the United States Supreme Court has said, ''No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live.'' Here we are, in the year 2001—225 years after the birth of our nation—and the residents of the District of Columbia, despite paying their full freight of federal taxes, are still deprived of this fundamental right. The bill we introduce today, the ''No Taxation Without Representation Act of 2001,'' drawing on the famous cry of the Boston Tea Party, is a reminder that full representation is a building block of the covenant of our democracy, a birthright of every American citizen.

The voting problems in the 2000 Presidential election make the symbolism of this bill even more powerful. Not since the civil rights struggle of the early 1960's have we been so keenly aware of the importance of a vote. All taxpaying citizens of the United States, except the residents of Washington, D.C., can vote for representatives to advocate for and protect the interests of their constituents in both the House and Senate. As American citizens, we do not regard this opportunity as a privilege; we regard it as a right. Many Americans are not aware and, I believe, would be shocked to know that the residents of the District of Columbia have no such right. Although they regularly elect ''shadow'' Senators and a ''shadow'' Representative, these people are not recognized as members of Congress. The sole voice in Congress for D.C. is Delegate ELEANOR HOLMES NORTON in the House of Representatives.

Now I have known Congresswoman NORTON for many years, and I know her to be able and persistent. The residents of Washington, D.C. are lucky to have such a strong and talented advocate on their side. But as a delegate, she has the right to vote only in committee; she does not have the right to vote on the congressional floor. So unlike every other American, Washingtonians have no congressional representatives to call who can vote for or against pending legislation that may become the law of the land, their land.

Ever since the American Revolution, the power to tax and the right to vote have been inextricably linked. D.C. residents pay federal taxes, but have no vote in Congress. I am introducing this bill today in order to condemn this unfair situation. If enacted, this bill would exempt D.C. residents from paying federal income tax so long as they are not fully represented on Capitol Hill. There is a rationale for such an exemption from tax. Residents of United States territories such as Puerto Rico, Guam, and the United States Virgin Islands which, like D.C., have delegate representation in Congress are not required to pay any federal income tax. But let me be clear. My goal in sponsoring this legislation is not to provide a windfall to the people of Washington, D.C. Allowing the residents of D.C. to live tax-free will not solve this problem. This bill is a matter of principle, not tax policy. And the principle is the right to full enfranchisement.

As our nation's capital, Washington, D.C. belongs to each and every American. We should all take pride in this beautiful city and show its citizens the respect they deserve. That is why I have long supported legislation providing much-needed financial and political empowerment for D.C. I was an original cosponsor of the D.C. Economic Recovery Act of 1997, which would have offered tax incentives for people to live and invest in here in D.C. We succeeded in getting two provisions of that bill enacted, a tax credit for first-time home-buyers and elimination of capital gains tax for economic development investments in D.C. I was also an original cosponsor of legislation to grant D.C. statehood both times it was introduced. And it is because I still believe that the people of Washington, D.C. deserve full participation in our democracy that I am sponsoring the No Taxation Without Representation Act of 2001 today.

My hope is that by introducing this bill, we can bring national attention to the injustice that the residents of Washington, D.C. have for too long endured. I hope it will help rally the necessary support here in Congress to grant D.C. full congressional voting rights. All American citizens deserve the right to elect representatives to speak and to vote on their behalf in Congress. It is time that the American citizens living within the borders of Washington, D.C. are given their due. I urge my colleagues to join me in supporting this legislation, and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 603

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 ''No Taxation Without Representation Act of 2001''.

SEC. 2. FINDINGS.

Congress finds as follows:

(1) The residents of the District of Columbia are the only Americans who pay Federal income taxes but are denied voting representation in the House of Representatives and the Senate.

(2) The principle of one person, one vote requires that residents who have met every element of American citizenship should have every benefit of American citizenship, including voting representation in the House and the Senate.

(3) The residents of the District of Columbia are twice denied equal representation, because they do not have voting representation as other taxpaying Americans do and are nevertheless required to pay Federal income taxes unlike the Americans who live in the territories.

(4) Despite the denial of voting representation, Americans in the Nation's capital are second among the residents of all States in per capita income taxes paid to the Federal Government.

(5) Unequal voting representation in our representative democracy is inconsistent with the founding principles of the Nation and the strongly held principles of the American people today.

SEC. 3. REPRESENTATION IN CONGRESS FOR DISTRICT OF COLUMBIA.

Notwithstanding any other provision of law, the community of American citizens

who are residents of the District constituting the seat of government of the United States shall have full voting representation in the Congress.

SEC. 4. EXEMPTION FROM TAX FOR INDIVIDUALS WHO ARE RESIDENTS OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 138 the following new section:

''SEC. 138A. RESIDENTS OF THE DISTRICT OF COLUMBIA.

''(a) EXEMPTION FOR RESIDENTS DURING YEARS WITHOUT FULL VOTING REPRESENTATION IN CONGRESS.—This section shall apply with respect to any taxable year during which residents of the District of Columbia are not represented in the House of Representatives and Senate by individuals who are elected by the voters of the District and who have the same voting rights in the House of Representatives and Senate as Members who represent States.

''(b) RESIDENTS FOR ENTIRE TAXABLE YEAR.—An individual who is a bona fide resident of the District of Columbia during the entire taxable year shall be exempt from taxation under this chapter for such taxable year.

''(c) TAXABLE YEAR OF CHANGE OF RESIDENCE FROM DISTRICT OF COLUMBIA.—

''(1) IN GENERAL.—In the case of an individual who has been a bona fide resident of the District of Columbia for a period of at least 2 years before the date on which such individual changes his residence from the District of Columbia, income which is attributable to that part of such period of District of Columbia residence before such date shall not be included in gross income and shall be exempt from taxation under this chapter.

''(2) DEDUCTIONS, ETC. ALLOCABLE TO EXCLUDED AMOUNTS NOT ALLOWABLE.—An individual shall not be allowed—

''(A) as a deduction from gross income any deductions (other than the deduction under section 151, relating to personal exemptions), or

''(B) any credit,

properly allocable or chargeable against amounts excluded from gross income under this subsection.

''(d) DETERMINATION OF RESIDENCY.—

''(1) IN GENERAL.—For purposes of this section, the determination of whether an individual is a bona fide resident of the District of Columbia shall be made under regulations prescribed by the Secretary.

''(2) INDIVIDUALS REGISTERED TO VOTE IN OTHER JURISDICTIONS.—No individual may be treated as a bona fide resident of the District of Columbia for purposes of this section with respect to a taxable year if at any time during the year the individual is registered to vote in any other jurisdiction.''.

(b) NO WAGE WITHHOLDING.—Paragraph (8) of section 3401(a) of such Code is amended by adding at the end the following new subparagraph:

''(E) for services for an employer performed by an employee if it is reasonable to believe that during the entire calendar year the employee will be a bona fide resident of the District of Columbia unless section 138A is not in effect throughout such calendar year; or''.

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 138 the following new item:

''Sec. 138A. Residents of the District of Columbia.''

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(2) WITHHOLDING.—The amendment made by subsection (b) shall apply to remuneration paid after the date of the enactment of this Act.

By Mr. COCHRAN (for himself, Mr. KENNEDY, and Mr. WARNER):

S. 604. A bill to amend title III or the Elementary and Secondary Education Act of 1965 to provide for digital education partnerships; to the Committee on Health, Education, Labor, and Pensions.

Mr. COCHRAN. Mr. President, today I am proud to introduce the Ready To Learn, Ready To Teach Act. I am pleased to be joined by my colleagues, Senators KENNEDY and WARNER.

In 1992, Senator KENNEDY and I introduced the Ready To Learn Television Act. The premise was to utilize the time children spend watching television to prepare them for the first year of school. Data told us that nearly every preschool child in America was watching up to 30 hours of television per week. While there were some educational television shows, there was not a consistent effort to provide truly meaningful programming.

Ready to Learn was signed by President Bush in October, 1992. The new law supported the coordination of existing Public Broadcasting shows like Sesame Street and Mister Rogers' Neighborhood. By 1994, more local public television stations began airing a consistent block of preschool educational programs and PBS began developing supplemental materials to help parents prepare their children for school.

Today, new research from the University of Alabama and the University of Kansas tells us that Ready to Learn is having a positive impact on children and their parents. The University of Alabama study found that Ready to Learn families read books together more often and for longer periods than non participants. And—this is a fact that surprises many—Ready to Learn children watch 40 percent less television and are more likely to choose educational programs when they do watch.

Using the best research tested information available, Ready To Learn supports the development of educational, commercial-free television shows for young children. Between the Lions, is the first television series to offer educationally valid reading instruction which has been endorsed by the professional organizations that represent librarians, teachers and school principals. Its partners also include: the Center for the Book at the Library of Congress; the National Center for Family Literacy; the National Coalition for Literacy and the Home Instruction Program for Preschool Youngsters. This broad-based support is unprecedented for a children's television show. It is well deserved affirmation of the Ready to Learn mission.

A recent study from the University of Kansas showed that children who watched Between the Lions a few hours per week, increased their knowledge of letter-sound correspondence by 64 percent compared to a 25 percent increase by those who did not watch it. Continuing research suggests that classroom, teacher led use of the video and online resources will be beneficial to kindergarten and first grade students and is desired by teachers.

Thirty seven million children have played to, sung with, and learned from Ready To Learn Television shows. The parents and other care givers of more than 6 million children have participated in the local workshops and other services provided by 133 public broadcasting stations.

In my state, the Mississippi Educational Television Network Ready to Learn director, Cassandra Washington Love, has received high praise for the effective assistance she provides to families. One grandfather said, ''It made my grandchildren happy to know that they could get free books. My wife and I were also happy because we were not able to buy them any books. Thanks to that TV station.''

The second element of the Ready To Learn, Ready To Teach Act concerns teacher professional development. MATHLINE is a proven professional development model for teachers of mathematics. In 1994, Congress authorized the ''Telecommunications Demonstration Project for Mathematics,'' which has supported a project called MATHLINE.

MATHLINE is a blend of technology and teacher ''best practices.'' MATHLINE demonstrations established some of the first internet-like online communications between teachers. The flexibility of video tape allows MATHLINE participants to adjust training schedules and cut out the expense and time of travel.

This bill graduates MATHLINE to TeacherLine, a more comprehensive professional development tool for teachers of preschool through twelfth grade. TeacherLine will also support state of the art, digitally produced content for classroom use.

Digital broadcasting will dramatically increase the services local public broadcasting stations can offer schools. One of the most exciting is the ability to broadcast multiple video channels and data information simultaneously. This will make possible for instructional materials to be distributed on full time, continuous channels, on demand, when teachers and students need it.

In my opinion we should reauthorize the programs that are successful models and lead to educational improvement.

The Ready To Learn, Ready To Teach Act takes the best of educational technology programming; improves those proven to work, and places renewed confidence in one of education's most trusted and successful partners.

I hope Senators will support this important education legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 604

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 ''Ready to Learn, Ready to Teach Act of 2001''.

SEC. 2. REVISION OF PART C OF TITLE III.

Part C of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6921 et seq.) is amended to read as follows:

''PART C—READY-TO-LEARN DIGITAL TELEVISION

''SEC. 3301. FINDINGS.

''Congress makes the following findings:

''(1) In 1994, Congress and the Department collaborated to make a long-term, meaningful and public investment in the principle that high quality preschool television programming will help children be ready to learn by the time the children entered first grade.

''(2) The Ready to Learn Television Program through the Public Broadcasting Service (PBS) and local public television stations has proven to be an extremely cost-effective national response to improving early childhood cognitive development and helping parents, caregivers, and professional child care providers learn how to use television as a means to help children learn and develop social skills and values.

''(3) Independent research shows that parents who participate in Ready to Learn workshops are more selective of the programs that they choose for their children, limit the number of hours of television viewing of their children, and use the television programs as a catalyst for learning.

''(4) The Ready to Learn (RTL) Television Program is supporting and creating commercial-free broadcast programs for young children that are of the highest possible educational quality.

''(5) Through the Nation's 350 local public television stations, these programs and other programming elements reach tens of millions of children, their parents, and caregivers without regard to their economic circumstances, location, or access to cable. Public television is a partner with Federal policy to make television an instrument of preschool children's education and early development.

''(6) The Ready to Learn Television Program supports thousands of local workshops organized and run by local public television stations, child care service providers, Head Start Centers, Even Start family literacy centers and schools. These workshops have trained 630,587 parents and professionals who, in turn, serve and support over 6,312,000 children across the Nation.

''(7) The Ready to Learn Television Program has published and distributed a periodic magazine entitled 'PBS Families' that contains developmentally appropriate material to strengthen reading skills and enhance family literacy.

''(8) Ready to Learn Television stations also have distributed millions of age-appropriate books in their communities. Each station receives a minimum of 300 books each month for free local distribution. Some stations are now distributing more than 1,000 books per month. Nationwide, more than 653,494 books have been distributed in low-income and disadvantaged neighborhoods free of charge.

''(9) Demand for Ready To Learn Television Program outreach and training has increased from 10 Public Broadcasting Service stations to 133 stations in 5 years. This growth has put a strain on available resources resulting in an inability to meet the demand for the service and to reach all the children who would benefit from the service.

''(10) Federal policy played a crucial role in the evolution of analog television by funding the television program entitled 'Sesame Street' in the 1960's. Federal policy should continue to play an equally crucial role for children in the digital television age.

''SEC. 3302. READY-TO-LEARN.

''(a) IN GENERAL.—The Secretary is authorized to award grants to eligible entities described in section 3303(b) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate the achievement of the National Education Goals.

''(b) AVAILABILITY.—In making such grants, the Secretary shall ensure that eligible entities make programming widely available, with support materials as appropriate, to young children, their parents, child care workers, and Head Start providers to increase the effective use of such programming.

''SEC. 3303. EDUCATIONAL PROGRAMMING.

''(a) AWARDS.—The Secretary shall award grants under section 3302 to eligible entities to—

''(1) facilitate the development directly, or through contracts with producers of children and family educational television programming, of—

''(A) educational programming for preschool and elementary school children; and

''(B) accompanying support materials and services that promote the effective use of such programming;

''(2) facilitate the development of programming and digital content especially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet, containing Ready to Learn-based children's programming and resources for parents and caregivers; and

''(3) enable eligible entities to contract with entities (such as public telecommunications entities) so that programs developed under this section are disseminated and distributed—

(A) to the widest possible audience appropriate to be served by the programming; and

(B) by the most appropriate distribution technologies.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a), an entity shall be—

''(1) a public telecommunications entity that is able to demonstrate a capacity for the development and national distribution of educational and instructional television programming of high quality for preschool and elementary school children;

''(2) able to demonstrate a capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality for preschool and elementary school children; and

''(3) able to demonstrate a capacity to localize programming and materials to meet specific State and local needs and provide educational outreach at the local level.

''(c) CULTURAL EXPERIENCES.—Programming developed under this section shall reflect the recognition of rural/urban cultural and ethnic diversity of the Nation's children and the needs of both boys and girls in preparing young children for success in school.

''SEC. 3304. DUTIES OF SECRETARY.

''The Secretary is authorized—

''(1) to award grants to eligible entities described in section 3303(b), local public television stations, or such public television stations that are part of a consortium with 1 or more State educational agencies, local educational agencies, local schools, institutions of higher education, or community-based organizations of demonstrated effectiveness, for the purpose of—

''(A) addressing the learning needs of young children in limited English proficient households, and developing appropriate educational and television programming to foster the school readiness of such children;

''(B) developing programming and support materials to increase family literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

''(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness;

''(D) developing and disseminating education and training materials, including—

''(i) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children's social and cognitive skill development and positive adult-child interactions;

''(ii) teacher training and professional development to ensure qualified caregivers; and

''(iii) support materials to promote the effective use of materials developed under subparagraph (B) among parents, Head Start providers, in-home and center-based daycare providers, early childhood development personnel, elementary school teachers, public libraries, and after-school program personnel caring for preschool and elementary school children; and

''(E) distributing books to low-income individuals to leverage high-quality television programming;

''(2) to establish within the Department a clearinghouse to compile and provide information, referrals, and model program materials and programming obtained or developed under this part to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this part; and

''(3) to coordinate activities assisted under this part with the Secretary of Health and Human Services in order to—

''(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

''(B) provide information to recipients of funds under Federal programs that have major training components for early childhood development, including programs under the Head Start Act and Even Start, and State training activities funded under the Child Care Development Block Grant Act of 1990, regarding the availability and utilization of materials developed under paragraph (1)(D) to enhance parent and child care provider skills in early childhood development and education.

''SEC. 3305. APPLICATIONS.

''Each entity desiring a grant under section 3302 or 3304 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''SEC. 3306. REPORTS AND EVALUATION.

''(a) ANNUAL REPORT TO SECRETARY.—An eligible entity receiving funds under section 3302 shall prepare and submit to the Secretary an annual report which contains such

information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under section 3302, including—

''(1) the programming that has been developed directly or indirectly by the eligible entity, and the target population of the programs developed;

''(2) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

''(3) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

''(4) the initiatives undertaken by the eligible entity to develop public-private partnerships to secure non-Federal support for the development, distribution, and broadcast of educational and instructional programming.

''(b) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report which includes—

''(1) a summary of activities assisted under section 3303(a); and

''(2) a description of the training materials made available under section 3304(1)(D), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such section.

''SEC. 3307. ADMINISTRATIVE COSTS.

''With respect to the implementation of section 3303, eligible entities receiving a grant from the Secretary may use not more than 5 percent of the amounts received under such section for the normal and customary expenses of administering the grant.

''SEC. 3308. DEFINITION.

''For the purposes of this part, the term 'distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

''SEC. 3309. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $50,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years.

''(b) FUNDING RULE.—Not less than 60 percent of the amounts appropriated under subsection (a) for each fiscal year shall be used to carry out section 3303.''.

SEC. 3. REVISION OF PART D OF TITLE III.

Part D of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6951 et seq.) is amended to read as follows:

''PART D—THE TEACHERLINE PROGRAM

''SEC. 3401. FINDINGS.

''Congress makes the following findings:

''(1) Since 1995, the Telecommunications Demonstration Project for Mathematics (as established under this part pursuant to the Improving America's Schools Act of 1994) (in this section referred to as 'MATHLINE') has allowed the Public Broadcasting Service to pioneer and refine a new model of teacher professional development for kindergarten through grade 12 teachers. MATHLINE uses video modeling of standards-based lessons, combined with professionally facilitated online learning communities of teachers, to help mathematics teachers from elementary school through secondary school adopt and implement standards-based practices in their classrooms. This approach allows teachers to update their skills on their own schedules through video, while providing online interaction with peers and master teachers to reinforce that learning. This integrated, self-paced approach breaks down the isolation of classroom teaching while making standards-based best practices available to all participants.

''(2) MATHLINE was developed specifically to disseminate the first national voluntary standards for teaching and learning as developed by the National Council of Teachers of Mathematics (NCTM). During 3 years of actual deployment, more than 5,800 teachers have participated for at least a full year in the demonstration. These teachers, in turn, have taught more than 1,500,000 students cumulatively.

''(3) Independent evaluations indicate that teaching improves and students benefit as a result of the MATHLINE program.

''(4) The MATHLINE program is ready to be expanded to reach many more teachers in more subject areas under the broader title of Teacherline. The Teacherline Program will link the digitized public broadcasting infrastructure with education networks by working with the program's digital membership, and Federal and State agencies, to expand and build upon the successful MATHLINE model and take advantage of greatly expanded access to the Internet and technology in schools, including digital television. Tens of thousands of teachers will have access to the Teacherline Program to advance their teaching skills and their ability to integrate technology into teaching and learning. The Teacherline Program also will leverage the Public Broadcasting Service's historic relationships with higher education to improve preservice teacher training.

''(5) The congressionally appointed Web-based Education Commission recently issued a comprehensive report on Internet learning that called for powerful new Internet resources, especially broadband access, to be made widely and equitably available and affordable for all learners.

''(6) The Web-based Education Commission also called for continuous and relevant training and support for educators and administrators at all levels.

''(7) The National Research Council recently issued a report entitled 'Adding It Up: Helping Children Learn Mathematics' that concluded that professional development in mathematics needs to be sustained over years in order to be effective.

''(8) Furthermore, the Glenn Commission, appointed by the Secretary of Education to consider ways of improving preparation and professional growth for mathematics and science teachers concluded that teacher training 'depends upon sustained, high-quality professional development'. The Commission recommended the establishment of an ongoing system to improve the quality of mathematics and science teaching in grades K–12.

''(9) Over the past several years tremendous progress has been made in wiring classrooms, equipping the classrooms with multimedia computers, and connecting the classrooms to the Internet.

''(10) There is a great need for aggregating high quality, curriculum-based digital content for teachers and students to easily access and use in order to meet State and local standards for student performance.

''(11) The congressionally appointed Web-based Education Commission called for the development of high quality public-private online educational content that meets the highest standards of educational excellence.

''(12) Most local public television stations and State networks provide high-quality video programs, and teacher professional development, as a part of their mission to serve local schools. Programs distributed by public broadcast stations are used by more classroom teachers than any other because of their high quality and relevance to the curriculum.

''(13) Digital broadcasting can dramatically increase and improve the types of services public broadcasting stations can offer kindergarten through grade 12 schools.

''(14) Digital broadcasting can contribute to the improvement of schools and student performance as follows:

''(A) Broadcast of multiple video channels and data information simultaneously.

''(B) Data can be transmitted along with the video content enabling students to interact, access additional information, communicate with featured experts, and contribute their own knowledge to the subject.

''(C) Both the video and data can be stored on servers and made available on demand to teachers and students.

''(15) Interactive digital education content will be an important component of Federal support for States in setting high standards and increasing student performance.

''SEC. 3402. PROJECT AUTHORIZED.

''(a) The Secretary is authorized to make grants to a nonprofit telecommunications entity, or partnership of such entities, for the purpose of carrying out a national telecommunications-based program to improve teaching in core curriculum areas. The program shall be designed to assist elementary school and secondary school teachers in preparing all students for achieving State and local content standards in core curriculum areas.

''(b) The Secretary is also authorized to award grants to eligible entities described in section 3404(b) to develop, produce, and distribute innovative educational and instructional video programming that is designed for use by kindergarten through grade 12 schools and based on State and local standards. In making the grants, the Secretary shall ensure that eligible entities enter into multiyear content development collaborative arrangements with State educational agencies, local educational agencies, institutions of higher education, businesses, or other agencies and organizations.

''SEC. 3403. APPLICATION REQUIRED.

''(a) Each nonprofit telecommunications entity, or partnership of such entities, desiring a grant under section 3402(a) shall submit an application to the Secretary. Each such application shall—

''(1) demonstrate that the applicant will use the public broadcasting infrastructure and school digital networks, where available, to deliver video and data in an integrated service to train teachers in the use of standards-based curricula materials and learning technologies;

''(2) ensure that the project for which assistance is sought will be conducted in cooperation with appropriate State educational agencies, local educational agencies, national, State or local nonprofit public telecommunications entities, and national education professional associations that have developed content standards in the subject areas;

''(3) ensure that a significant portion of the benefits available for elementary schools and secondary schools from the project for which assistance is sought will be available to schools of local educational agencies which have a high percentage of children counted for the purpose of part A of title I; and

''(4) contain such additional assurances as the Secretary may reasonably require.

''(b) In approving applications under section 3402(a), the Secretary shall ensure that the program authorized by section 3402(a) is

conducted at elementary school and secondary school sites across the Nation.

''(c) Each eligible entity desiring a grant under section 3402(b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''SEC. 3404. REPORTS AND EVALUATION.

''An eligible entity receiving funds under section 3402(a) shall prepare and submit to the Secretary an annual report which contains such information as the Secretary may require. At a minimum, the report shall described the program activities undertaken with funds received under section 3402(a), including—

''(1) the core curriculum areas for which program activities have been undertaken and the number of teachers using the program in each core curriculum area; and

''(2) the States in which teachers using the program are located.

''SEC. 3405. EDUCATIONAL PROGRAMMING.

''(a) AWARDS.—The Secretary shall award grants under section 3402(b) to eligible entities to—

''(1) facilitate the development of educational programming that shall—

''(A) include student assessment tools to give feedback on student performance;

''(B) include built-in teacher utilization and support components to ensure that teachers understand and can easily use the content of the programming with group instruction or for individual student use;

''(C) be created for, or adaptable to, State and local content standards; and

''(D) be capable of distribution through digital broadcasting and school digital networks.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under section 3402(b), an entity shall be a local public telecommunications entity as defined by section 397(12) of the Communications Act of 1934 that is able to demonstrate a capacity for the development and distribution of educational and instructional television programming of high quality.

''(c) COMPETITIVE BASIS.—Grants under section 3402(b) shall be awarded on a competitive basis as determined by the Secretary.

''(d) DURATION.—Each grant under section 3402(b) shall be awarded for a period of 3 years in order to allow time for the creation of a substantial body of significant content.

''SEC. 3406. MATCHING REQUIREMENT.

''Each eligible entity desiring a grant under section 3402(b) shall contribute to the activities assisted under section 3402(b) non-Federal matching funds equal to not less than 100 percent of the amount of the grant. Matching funds may include funds provided for the transition to digital broadcasting, as well as in-kind contributions.

''SEC. 3407. ADMINISTRATIVE COSTS.

''With respect to the implementation of section 3402(b), entities receiving a grant from the Secretary may use not more than 5 percent of the amounts received under the grant for the normal and customary expenses of administering the grant.

''SEC. 3408. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part, $45,000,000 for the fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years. However, for any fiscal year in which appropriations for section 3402 exceeds the amount appropriated under such section for the preceding fiscal year, the Secretary shall only award the amount of such excess minus at least $500,000 to applicants under section 3402(b).''.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator COCHRAN in sponsoring the Ready to Learn, Ready to Teach Act of 2001. I commend him for his leadership in improving early learning opportunities for children and families, so that more children come to school ready to learn.

In the early 1990s, Dr. Ernest Boyer, the distinguished former leader of the Carnegie Foundation, gave compelling testimony to the Senate Labor Committee about the appallingly high number of children who enter school without the skills to prepare them for learning. Their lack of preparation presented enormous obstacles to their ability to learn effectively in school, and seriously impaired their long-term achievement.

In response, Congress enacted the Ready to Learn program in 1992, and 2 years later its promise was so great that we extended it for five years. Because of the Department of Education and the Corporation for Public Broadcasting, the Ready to Learn initiative became an innovative and effective program. By linking the power of television to the world of books, many more children have been enabled to become good readers much more quickly.

Many children who enter school without the necessary basic skills are soon placed in a remedial program, which is costly for school systems. It is even more costly, however, for the students who face a bleaker future.

Today, by the time they enter school, the average child will have watched 4,000 hours of television. That is roughly the equivalent of 4 years of school.

For far too many youngsters, this is wasted time—time consuming ''empty calories'' for the brain. Instead, that time could be spent reading, writing, and learning. Through Ready to Learn television programming, children can obtain substantial educational benefits that turn TV time into learning time.

As a result of Ready to Learn television, millions of children and families have access to high-quality television produced by public television stations across the country. Tens of thousands of parents and child-care providers have learned how to be better role models, to reinforce learning, and to be more active participants in children's learning from programs funded through Ready to Learn.

For many low-income families, the workshops, books, and television shows funded through this program are a vital factor in preparing children to read. These programs help parents and child-care providers teach children the basics, preparing them to enter school ready to learn and ready to succeed.

Ready to Learn provides 6.5 hours of non-violent educational programming a day. These hours include some of the best programs available to children, including Arthur, Barney & Friends, Mister Rogers' Neighborhood, The Puzzle Place, Reading Rainbow, and Sesame Street.

A recent study by the University of Alabama found that Ready to Learn works. Parents who participate in Ready to Learn workshops are more critical consumers of television and their children are more active viewers. Children watch 40 percent less television overall, and they watch more education-oriented programming. These parents did more hands-on activities and read more minutes with their children than non-attendees. They read less for entertainment and more for education. They took their children to libraries and bookstores more than non-attendees.

Ready to Learn extends beyond the television screen. Thousands of workshops are offered by local television stations, almost always in conjunction with local child-care training agencies or early childhood development professionals. These workshops have trained more than 320,000 parents and professionals who serve and support over 4 million children across the country.

Ready to Learn has published and distributed millions of copies of PBS magazine, a quarterly which contains developmentally appropriate games and activities around Ready to Learn programming, parenting advice, news, and other information.

In partnership with PBS and other programs, each station receives a minimum of 200 books each month for free local distribution. More than 300,000 books are distributed each year. Twelve of the 15 television programs named ''best for classroom use'' by teachers are PBS programs according to a 1997 study by the Corporation for Public Television.

In addition, Ready to Learn stations have won 57 Emmys for their children's programming.

Many of the innovations under Ready to Learn have come from local stations. WGBH in Boston is one of the nation's leaders in public broadcasting. It created the Reading Rainbow, and Where in the World is Carmen San Diego, which are leaders in educational programming across the country.

Last year, WGBH hosted 34 Ready to Learn workshops in Massachusetts. 1,100 parents and 265 child-care providers and teachers attended. These parents and providers in turn worked with 3,400 children, who are now better prepared to succeed in their schools.

WGBY of Springfield is the mainstay of literacy services for Western Massachusetts. This station trained 250 home day-care providers, who serve 2,500 children. A video lending library makes PBS materials available to teachers to use in their classroom.

Workshop participants receive training on using children's programs as the starting point for educational activities. Participants receive free books. For some, these are the only books they have ever owned. They receive the PBS Families magazine, in English or Spanish, and they also receive the broadcasting schedules. Each of these resources builds on the learning that begins with viewing the PBS programs.

Through partnerships with the Massachusetts Office of Child Care Services

and community-based organizations such as Head Start, Even Start, and the Reach Out & Read Program at Boston Medical Center, Ready to Learn trainers are reaching many low-income families with media and literacy information.

In Worcester, the Clark Street Developmental Learning School offers a family literacy program that uses Reading Rainbow or Arthur in every session with families. In addition, the school has now expanded its efforts to create an adult literacy center in the school. Many of the parents involved in the Ready to Learn project now attend the adult education program there.

Similar successes are happening across the nation. Since 1994, the sponsors of Ready to Learn workshops have given away 1.5 million books. Their program has grown from 10 television stations in 1994 to 130 television stations today. They have conducted over 8,500 workshops reaching 186,000 parents and 146,000 child care providers, who have in turn affected the lives of over four million children.

The Ready to Learn, Ready to Teach Act of 2001 that we are introducing today will continue this high-quality children's television programming. Equally important, it will take this valuable service into the next century through digital television, a powerful resource for delivering additional information through television programs.

The Ready to Learn, Ready to Teach Act will also increase the authorization of funds for Ready to Learn programs from $30 million to $50 million a year, enabling these programs to reach even more families and children with these needed services.

The Act also authorizes $20 million for high-quality teacher professional development. Building on the success of the MathLine program, the bill will expand the program to include materials for helping teachers to teach to high state standards in core subject areas.

Participating stations make the teachers workshops available through districts, schools, and even on the teachers' own television sets. In this way, at their own pace, and in their own time, teachers can review the materials, observe other teachers at work, and reflect on their own practices. They can consider ways to improve their teaching, and make adjustments to their own practices. Teachers will also receive essential help in integrating technology into their teaching.

Teachers themselves are very supportive of the contribution that television can make to their classrooms. Eighty-eight percent of teachers surveyed in 1997 by the Corporation for Public Broadcasting said that quality television used in the classroom helped them be more creative, 92 percent said that it helped them be more effective in the classroom.

Again, I commend Senator COCHRAN for his leadership, and I urge my colleagues to join us in support of this important legislation, so that many more children can come to school ready to learn.

By Mr. CRAPO (for himself, Mr. ALLARD, and Mr. CRAIG):

S. 606. A bill to provide additional authority to the Office of Ombudsman of the Environmental Protection Agency; to the Committee on Environment and Public Works.

Mr. CRAPO. Mr. President, I rise today to introduce the Ombudsman Reauthorization Act of 2001 in partnership with the Senator from Colorado, Senator ALLARD, and my colleague from Idaho, Senator CRAIG.

We all expect our federal agencies to operate professionally, efficiently, and with the interests of the American people at the forefront. To help ensure this commitment, several officials are charged with the responsibility of internally auditing and monitoring the operations and expenses of agency and department programs. These individuals are sometimes known as ''watchdogs'' for their role in alerting the public and Congress to questionable activities.

Within the Environmental Protection Agency's, EPA, Office of Solid Waste and Emergency Response, OSWER, this duty is held by the Ombudsman. The Ombudsman is ultimately responsible for responding to public inquiries into the activities of OSWER and investigating those matters that warrant closer scrutiny.

Originally established in 1984, the Ombudsman provides the public and Congress with an added measure of confidence that controversial waste control and emergency response actions by the EPA are being properly overseen and investigated where appropriate. Communities in Idaho, for their part, have twice welcomed the Ombudsman and his staff to our state to look into questionable decisions made by the EPA under the Superfund statute. In both cases, the Ombudsman has made extraordinary efforts to keep the public informed on the issues and a part of the investigations. Each time, the people of Idaho have shown collective relief that someone of the Ombudsman's stature and expertise has become involved in cleanup decisions in our state. In both cases, the Ombudsman has demonstrated an ability to understand the will of the community and, despite strong agency resistance, to point out policy decisions for cleanups that were not justified or in the public interest.

In 1988, the standing authority of the Ombudsman expired, leaving the office and investigations in a precarious position. In essence, while the Ombudsman endured as an ''at will'' employee of the EPA, the Office's independence and authority have continuously been eroded by the agency. Today, the Ombudsman must get approval for new investigation and budgetary needs from the very people he and his staff must monitor. With these restrictions on the Ombudsman's functions, the public has become increasingly alarmed by the loss of a true internal watch-dog of EPA activities.

The Ombudsman Reauthorization Act of 2001 would help restore public confidence. First and foremost, it would reestablish the statutory recognition of the Office of Ombudsman within the OSWER function of the EPA. Second, it would clarify the operational guidelines and authorities of the Ombudsman to collect information on matters requested by the public and investigate questionable agency activities. Finally, the measure would create a separate budget authority, free from the possible influence of those that may be subject to investigations.

This legislation is a careful balance between the need to restore public confidence in the independence of the Ombudsman and the need to ensure discretion and accountability in investigations conducted by the Ombudsman. I invite the Administration to engage us in an effort to recreate the Ombudsman in the model originally envisioned by Congress in the 1980s when the office was established. Our work together will help ensure the American people that EPA OSWER programs are chosen based on merits, functioning well, and are conducted in the interests of the public health and the environment.

I would like to take a moment to congratulate my colleague, Senator ALLARD, for his partnership in this effort. His leadership on this issue has helped raise public and congressional attention when few others recognized the importance of this cause. I salute him for his diligence in advancing this debate, and I have welcomed the opportunity to work with him on this legislation.

Mr. ALLARD. Mr. President, I rise today to say a few words about an issue of government accountability and public safety. Today, my colleague from Idaho, Senator CRAPO and I are introducing the Ombudsman Reauthorization Act of 2001. The bill's goal is to reauthorize the Ombudsman's Office within the Environmental Protection Agency's Office of Solid Waste and Emergency Response, (OSWER).

I'd like to keep my remarks brief, but I want to share my reasoning and interest in this issue. Last year, I introduced similar legislation because of an ongoing battle between the citizens of a Denver neighborhood and the EPA concerning the Shattuck Superfund site. Only through the work of the Ombudsman's office, did the truth finally become known.

The story surrounding the Shattuck site in the Overland Park neighborhood in southwest Denver and what the EPA did to this community will have a lasting impact not only on the residents of the Overland Park neighborhood, but on each and every one of us who looks to the EPA to be the guardian of our nation's environmental health and safety. In 1997, after several years of

EPA stonewalling, the residents of Overland Park in Denver brought their concerns about a Superfund site in their neighborhood and their frustrations with the EPA to my attention. I learned that the neighborhood had run into a wall of bureaucracy that was unresponsive to the very public it is charged with protecting and I requested the Ombudsman's intervention. In early 1999, the Ombudsman's office began an investigation and quickly determined that the claims made by residents were not only meritorious, but the EPA officials had engaged in an effort to keep documents and decisions hidden from the public thereby placing their health in danger.

The Shattuck saga has been a frustrating and often disheartening experience for all involved. It is an example of what can happen when a government entity goes unchecked. For the residents of Denver, the Office of Ombudsman afforded the only opportunity to reveal the truth, and for the health and safety of the public to be given proper priority. In fact, the Ombudsman was so successful at uncovering the facts surrounding Shattuck, his investigation has resulted in EPA officials restructuring the office so that its actions may be restricted, and its independence compromised.

Without the Ombudsman's investigation on Shattuck, the residents of Overland Park would have never learned the truth about the decisions made which had direct impact on their personal health. The Ombudsman's investigation brought integrity back into the process. Without the Ombudsman's work, a trusted federal agency would have been able to successfully hide the truth from the very people it is charged to protect. The Shattuck issue is a decade long example of why citizens' trust in their government has waned. Our bill will preserve the only mechanism within the EPA that the public can trust to protect their health and safety.

I am not alone in my concerns and the Shattuck case is not unique. Many of my fellow Senators and Representatives have experienced similar battles with the EPA over the years in their states.

After I introduced legislation last year, Senator CRAPO joined me in my legislative endeavors and has been a great asset. In experiencing a similar superfund problem in his home state of Idaho, Senator CRAPO knows firsthand the need for this independent and trustworthy office. As a member of the Environment and Public Works Committee, his assistance is greatly appreciated by me, and by all those who believe that their government should be there to serve the needs of the people. With Senator CRAPO'S assistance, the committee held a hearing on my bill last year which helped to bring many of these concerns to light and push the issue forward. We have worked together in the first months of this Congress to craft this new bill, which I believe takes great strides in properly defining the role, powers, duties and responsibilities of a federal ombudsman. The bill guarantees the much needed independence of the office without creating another unaccountable government entity.

Let me make it clear that my main priority in introducing this bill, is to keep the EPA OSWER Ombudsman Office independent and open for business. I believe that in the future, my colleagues may find themselves in a similar situation and I want to make sure that they have every assurance that the public's safety is protected, that its voice is heard, that its questions are answered and that its concerns are addressed.

I look forward to working with new EPA Administrator Whitman to address these concerns and I'm sure she will agree with me on the need for government accountability and public confidence.

I would ask all my colleagues to take a close look at this bill and join Senator CRAPO and me in passing it.

By Mr. ALLARD (for himself and Mr. GRAMM):

S. 607. A bill to amend the National Housing Act to require partial rebates of FHA mortgage insurance premiums to certain mortgagors upon payment of their FHA-insured mortgages; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ALLARD. Mr. President, I rise today to introduce legislation to direct the Secretary of Housing and Urban Development to reinstate distributive shares for excess amounts in the Federal Housing Administration, FHA, insurance fund.

FHA provides an important program for first time, low- and moderate-income, and minority homeowners. These families should not be overcharged on FHA premiums. Premiums in excess of an amount necessary to maintain an actuarially sound reserve ratio in the FHA Mutual Mortgage Insurance, MMI, Fund can only be characterized as a tax on homeownership.

On the other hand, Congress, in conjunction with the Department of Housing and Urban Development, must ensure that FHA stays healthy, so that it can continue to function as an important source of homeownership. The Congress has previously determined that a capital reserve ratio of 2 percent of the MMI fund's amortized insurance-in-force is necessary to ensure the safety and soundness of the MMI fund. However, it has never been clear how the Congress arrived at that number.

Last year, the accounting firm of Deloitte & Touche found that the capital adequacy ratio of the fund was 3.66 percent, far in excess of the Congressionally mandated goal of 2 percent. While it is important for Congress to know the capital adequacy ratio, it is just as important to understand the implications of the ratio and whether a 2 percent reserve is sufficient.

In order to get a better handle on this issue I requested that the General Accounting Office look into the matter, and earlier this week I held a hearing of the Subcommittee on Housing and Transportation to examine their findings. GAO's report finds that the current reserve is adequate to withstand all but the most serious economic scenarios. However, GAO also sounds a note of caution. Economic conditions can quickly change, thus changing the value of the fund and the level of reserve.

I believe that the most prudent court of action is for the Congress to increase the reserve requirement to either 2.5 percent or 3 percent of the insurance in force, and then direct the Department to reinstate distributive shares whenever the reserve fund becomes excessive. Therefore, I am reintroducing legislation that would require partial rebates of FHA mortgage insurance premiums to certain mortgagors upon repayment of their FHA insured mortgages. My legislation takes the cautious approach of providing rebates only when the reserve ratio is in excess of 3 percent, or 150 percent of the reserve level currently mandated by Congress. If the reserve ratio drops below 3 percent, distributive shares would be suspended. Of course this rebate would be based on sound actuarial and accounting practice since a major reason for the strength in the fund is that fact that we have experienced a near perfect economy in recent years.

The FHA single family mortgage program was designed to operate as a mutual insurance program where homeowners were granted rebates in excess of premiums required to maintain actuarial soundness. This rebate program was suspended at the direction of Congress in 1990 when the MMI fund was in the red—with the intent that the payment of distributive shares or rebates would resume when the Fund was again financially sound. With a sufficient capital reserve ratio, it is time to resume rebates and return the MMI program to its prior status as a mutual insurance fund.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 607

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 ''Homeowners Rebate Act of 2001''.

SEC. 2. PAYMENT OF DISTRIBUTIVE SHARES FROM MUTUAL MORTGAGE INSURANCE FUND RESERVES.

(a) IN GENERAL.—Section 205(c) of the National Housing Act (12 U.S.C. 1711(c)) is amended to read as follows:

''(c) DISTRIBUTION OF RESERVES.—Upon termination of an insurance obligation of the Mutual Mortgage Insurance Fund by payment of the mortgage insured thereunder, if the Secretary determines (in accordance

with subsection (e)) that there is a surplus for distribution under this section to mortgagors, the Participating Reserve Account shall be subject to distribution as follows:

''(1) REQUIRED DISTRIBUTION.—In the case of a mortgage paid after November 5, 1990, and insured for 7 years or more before such termination, the Secretary shall distribute to the mortgagor a share of such Account in such manner and amount as the Secretary shall determine to be equitable and in accordance with sound actuarial and accounting practice, subject to paragraphs (3) and (4).

''(2) DISCRETIONARY DISTRIBUTION.—In the case of a mortgage not described in paragraph (1), the Secretary is authorized to distribute to the mortgagor a share of such Account in such manner and amount as the Secretary shall determine to be equitable and in accordance with sound actuarial and accounting practice, subject to paragraphs (3) and (4).

''(3) LIMITATION ON AMOUNT.—In no event shall the amount any such distributable share exceed the aggregate scheduled annual premiums of the mortgagor to the year of termination of the insurance.

''(4) APPLICATION REQUIREMENT.—The Secretary shall not distribute any share to an eligible mortgagor under this subsection beginning on the date which is 6 years after the date that the Secretary first transmitted written notification of eligibility to the last known address of the mortgagor, unless the mortgagor has applied in accordance with procedures prescribed by the Secretary for payment of the share within 6-year period. The Secretary shall transfer from the Participating Reserve Account to the General Surplus Account any amounts that, pursuant to the preceding sentence, are no longer eligible for distribution.''.

(b) DETERMINATION OF SURPLUS.—Section 205(e) of the National Housing Act (12 U.S.C. 1711(e)) is amended by adding at the end the following: ''Notwithstanding any other provision of this section, if, at the time of such a determination, the capital ratio (as defined in subsection (f)) for the Fund is 3.0 percent or greater, the Secretary shall determine that there is a surplus for distribution under this section to mortgagors.''.

(c) RETROACTIVE PAYMENTS.—

(1) TIMING.—Not later than 3 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall determine the amount of each distributable share for each mortgage described in paragraph (2) to be paid and shall make payment of such share.

(2) MORTGAGES COVERED.—A mortgage described in this paragraph is a mortgage for which—

(A) the insurance obligation of the Mutual Mortgage Insurance Fund was terminated by payment of the mortgage before the date of enactment of this Act;

(B) a distributable share is required to be paid to the mortgagor under section 205(c)(1) of the National Housing Act (12 U.S.C. 1711(c)(1)), as amended by subsection (a) of this section; and

(C) no distributable share was paid pursuant to section 205(c) of the National Housing Act upon termination of the insurance obligation of such Fund.

AMENDMENTS SUBMITTED AND PROPOSED

SA 144. Mr. FITZGERALD proposed an amendment to the bill S. 27, toamend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

TEXT OF AMENDMENTS

SA 144. Mr. FITZGERALD proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert:

SEC. ___. CONTRIBUTION LIMITS APPLIED ON ELECTION CYCLE BASIS.

(a) INDIVIDUAL LIMITS.—Section 315(a)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(A)) is amended to read as follows:

''(A) to any candidate and the candidate's authorized political committee during the election cycle with respect to any Federal office which, in the aggregate, exceeds $2,000;''.

(b) MULTICANDIDATE POLITICAL COMMITTEES.—Section 315(a)(2)(A) of such Act (2 U.S.C. 441a(a)(2)(A)) is amended to read as follows:

''(A) to any candidate and the candidate's authorized political committees during the election cycle with respect to any Federal office which, in the aggregate, exceed $10,000;''.

(c) ELECTION CYCLE DEFINED.—Section 301 of such Act (2 U.S.C. 431), as amended by section 101, is amended by adding at the end the following:

''(25) ELECTION CYCLE.—The term 'election cycle' means, with respect to a candidate, the period beginning on the day after the date of the previous general election for the specific office or seat that the candidate is seeking and ending on the date of the general election for that office or seat.''

(d) SPECIAL RULES.—Section 315(a) of such Act (2 U.S.C. 441a(a)) is amended by adding at the end the following:

''(9) For purposes of this subsection—

''(A) if there are more than 2 elections in an election cycle for a specific Federal office, the limitations under paragraphs (1)(A) and (2)(A) shall be increased by $1,000 and $5,000, respectively, for the number of elections in excess of 2; and

''(B) if a candidate for President or Vice President is prohibited from receiving contribution with respect to the general election by reason of receiving funds under the Internal Revenue Code of 1986, the limitations under paragraphs (1)(A) and (2)(A) shall be decreased by $1,000 and $5,000.''

(e) CONFORMING AMENDMENTS.—

(1) The second sentence of 315(a)(3) of such Act (2 U.S.C. 441a(a)(3)) is amended to read as follows: ''For purposes of this paragraph, if any contribution is made to a candidate for Federal office during a calendar year in the election cycle for the office and no election is held during that calendar year, the contribution shall be treated as made in the first succeeding calendar year in the cycle in which an election for the office is held.''

(2) Paragraph (6) of section 315(a) of such Act (2 U.S.C. 441a(a)(6)) is amended to read as follows:

''(6) For purposes of paragraph (9), all elections held in any calendar year for the office of President of the United States (except a general election for such office) shall be considered to be one election.''

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after the date of enactment of this Act.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Mark Peters, a legislative fellow in my office, be granted floor privileges during this debate.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations reported by the Foreign Relations Committee today: Executive Calendar Nos. 21 and 22, Marc Grossman and Richard Armitage.

I further ask unanimous consent that the nominations be confirmed en bloc, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's actions, and the Senate then return to legislative session.

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

The nominations were considered and confirmed as follows:

DEPARTMENT OF STATE

Marc Isaiah Grossman, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Under Secretary of State.

Richard Lee Armitage, of Virginia, to be Deputy Secretary of State.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

COMPLIANCE WITH THE HAGUE CONVENTION ON INTERNATIONAL CHILD ABDUCTION

Mr. DEWINE. Mr. President, I come to the floor of the Senate this afternoon to urge Senate passage of House-Senate Concurrent Resolution No. 69. The resolution will be in front of us shortly, either later this afternoon or next week. I thank my friend and my colleague from the State of Ohio, Congressman STEVE CHABOT, as well as Representative NICK LAMPSON from the State of Texas, for introducing and gaining approval of this resolution in the House of Representatives.

It is unfortunate, however, that we need to be here today taking up this resolution. It is unfortunate because that fact acknowledges that we have made little progress in getting the return of American children who have been abducted and taken abroad, usually by a parent.

This resolution addresses the serious issue of international child abduction and the importance of The Hague Special Review Commission on International Child Abduction which formally began its work yesterday and will continue meeting until March 28.

This commission is raising the importance and the necessity of compliance with The Hague Convention on the International Aspects of Child Abduction. The Hague convention is in

place to facilitate the return of internationally abducted children to their countries of ''habitual residence'' for custody determination. This means, according to the Hague convention many countries have signed, when there is a dispute about the custody of a child, the child's place of ''habitual residence'' is the country where that determination should be made.

Sadly, it has been clear for some time that all countries that have signed the convention do not take their obligation seriously. Certain countries in particular—allies of ours such as Germany, Austria, Sweden—have performed especially poorly in returning children and allowing family visitation options.

What are we talking about? What is the situation that brings about this international parental kidnapping? Usually it is a case such as this: An American citizen falls in love, marries someone from another country, they decide to live in the United States, and a child is born. Then one day the spouse who is the American citizen, the spouse who was one of the two parties to this union, wakes up and finds the other spouse gone and the child gone. That mother, that father, takes that child back to where that mother or dad came from originally, and now the parent in the United States is looking for their child.

This is a human tragedy, a tragedy that is repeated in this country many times every year.

As many of my colleagues know, this is not the first time I have come to the Senate floor to talk about this issue and to raise the tragic problem of international child abduction. In fact, exactly 1 year ago today, I came to the Senate floor to discuss this issue. I came to the floor and a year ago introduced a similar resolution urging compliance with the Hague convention. While the House and the Senate both passed that resolution, regrettably I have to be back here again this afternoon because, tragically, we have seen very little, if any, progress in gaining signatory compliance and ultimately in getting our children back.

Specifically, the resolution before us today identifies key problems with the current Hague convention. What are these problems?

No. 1, a lack of awareness about international parental kidnappings among policymakers and the general public in the signatory nations. This is just not an issue that people really understand, and it is not an issue to which the governments of the signatory countries are paying any attention.

No. 2, a lack of awareness and training of judges who hear these cases, who hear these international abduction cases, training that would enable them to interpret and rule on these cases fairly and would enable them to appreciate the importance of these cases.

No. 3, different interpretations of the Hague convention by signatory nations. We see that all the time. There is no uniformity or consistency.

No. 4, one of the problems with the Hague convention is the failed enforcement of parental access rights and a lack of enforcement of court orders for the return of children.

Finally, we see a narrow exception to the requirement of returning children, which prevents them from being returned if they are perceived to be, upon return—and this is the language that is in the Hague convention—in grave risk of being exposed to psychologically damaging or physically harmful situations.

Instead of being the exception, this loophole has really become the rule. It has become standard procedure and is frequently used as a justification for not returning children at all. Basically, all the court has to do is to make a determination that if the child were returned to his or her parent in the country where the child was originally brought up, if the court finds that this would place the child in grave risk of being exposed to a psychologically damaging or physically harmful situation, the court does not have to abide by The Hague convention. There is nothing wrong with the intent, but it is abundantly clear that this language is being used as a loophole, particularly in the area of finding a grave risk of psychological damage being done. These are some of the problems.

Additionally, our resolution calls on this special session of The Hague that is now meeting to determine practice guidelines, practice guidelines that would build on expert opinions and research-based practices in handling international child custody disputes and kidnappings.

Why do we need these guidelines? We need these guidelines because currently set standards are not in place telling signatory nations what to do when a court rules that a child should be returned. By implementing these guidelines, we would be telling nations that they could no longer hide behind the vagueness of The Hague convention articles anymore. They would not be able to use a lack of guidelines as a reason to keep children from a parent and from their homeland.

The reality is, we cannot understate nor can we ignore the importance of getting these children returned to their homes in the United States. Sadly, our previous administration, the Clinton administration, did not put these children at the top of its priority list. As a result, the number of international abductions has continued to increase.

In 1997, 280 abducted American children were living in foreign countries. That is the official number. I happen to believe, based upon anecdotal evidence, based upon conversations I have had with my colleagues and with other individuals, that the number in 1997 was much higher than that.

The official number is 280 in 1997 who were abducted children who were living in foreign countries. In 1998, that number increased to 398. And in 1999, the official number was 441. Last year, it was a staggering 775.

Quite candidly, our inability to resolve these cases has been due to, in part at least, our Government's lack of attention to this issue.

According to the State Department, each year the United States sends an estimated 90 percent of kidnapped children back to foreign countries. In other words, this country, the United States, that has signed The Hague convention, complies in 90 percent of the cases. We make determinations in our courts that in 90 percent of the cases these children should in fact be returned to the place they were resident when they were abducted and taken from these countries. So the United States is in compliance. We are following The Hague convention.

As the lawyers would say, we come to this issue with clean hands. The sad fact is, though, that even though we do it 90 percent of the time, and even though we are in compliance with the Hague, the rate of return of American children by other nations belonging to the Hague convention is much lower. A State Department report singles out several countries for their noncompliance with the accord, including Mauritius, Austria, Honduras, Mexico, and Sweden.

Notably absent from this report, however, was Germany, which, as I have already mentioned, has also established a disturbing pattern of noncompliance. Because of Germany's noncompliance record, an American/German working group on child custody issues has been established to help encourage Germany to return abducted children. However, essentially no progress has been made regarding open cases—either in the return of children to the United States or in allowing left-behind parents adequate visits with their children in Germany. To that end, we must not allow Germany—or any other signatory nation—to ignore their convention obligations and turn blindly against the parents who have suffered unbelievable heartache due to the loss of their children.

What we have to remember when a parent abducts a child is that each abduction involves the destruction of a family. Yes, it is unfair for the mother or father who is left behind, but much more importantly, it is unfair for that child. A good illustration of this is what happened to Tom Sylvester of Cincinnati, OH. I have talked to Mr. Sylvester about his case, about his child. I have seen the desperation on his face. Tom is the father of a little girl named Carina, whom he has seen for a total of only about 18 days since his ex-wife abducted her from Michigan, where they lived, in 1995. The ex-wife took this little girl to Austria. The day after the kidnapping, Mr. Sylvester filed a complaint with the State Department and started legal proceedings under the Hague convention.

An Austrian court heard his complaint, and the court ordered the return of Carina to Mr. Sylvester. However, this court order was never enforced, and Carina's mother took the child into hiding. Eventually, though, when Carina's mother surfaced with the child, the Austrian courts reversed their decision on returning her to the father, finding that she ''resettled into her new environment''—a decision clearly contrary to the terms of the Hague convention.

Sadly, Mr. Sylvester is still waiting to get his little girl back.

The bottom line is this, Mr. President: We must make the return of America's children a top priority with our State Department, a top priority with our Justice Department. Governance and policymaking are clearly about setting priorities. It is my hope that the new leadership in our State Department and the new leadership in the Justice Department will make that issue a top priority and will start trying to get these kids back.

I raised this issue with Attorney General Ashcroft during his Senate confirmation hearings, and I have written to the Secretary of State as well about the urgency of this issue. Today, I again say to our Justice Department and to our State Department: We must begin to prioritize these cases. Yes, it is important to worry about trade issues. Yes, there are many other issues on the desks of the State Department and our embassies. But what could be more important than a child? If we can say that foreign trade is important, we should also say that our children are important as well.

It is a question of setting priorities, and we must begin to prioritize these cases, and our State Department and our Justice Department must do this. No excuses should be accepted by the parents of these children, nor by the Senate, nor by the House of Representatives, nor by the American people. This must be a priority. These kids must be a priority.

As a parent and a grandparent, I cannot begin to imagine the nightmare so many American parents face when their children are kidnapped by a current or former spouse and taken abroad. It is hard to imagine. But, tragically, this is a very real and daily nightmare for hundreds of parents right here in this country. That is why the resolution we have introduced is critical to encouraging the safe return of children to the United States. It gives us an opportunity to help make a positive difference in the lives of children and their families.

In the end, if we are to succeed in bringing parentally abducted children back to their homes in the United States, the Federal Government must take an active role in their return. Ultimately, our Government has an obligation to these parents, but much more importantly, to these children. We must place our children first. They must become our priority.

I urge my colleagues to join in support and passage of this very important resolution.

THE HAGUE CONVENTION ON INTERNATIONAL CHILD ABDUCTION

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. No. 69, which is now at the desk.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 69) expressing the sense of the Congress that the Hague Convention on the Civil Aspects of International Child Abduction and urging all Contracting States to the Convention to recommend the production of practice guides.

There being no objection, the Senate proceeded to the consideration of the resolution.

Mr. DEWINE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 69) was agreed to.

ORDERS FOR MONDAY, MARCH 26, 2001

Mr. DEWINE. Mr. President, on behalf of the majority leader, I now ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Monday, March 26. I further ask that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period for morning business not to extend beyond 12 noon, with Senators permitted to speak therein for up to 10 minutes, with the following exceptions: Senator BYRD, or his designee, controlling the time between 10 a.m. and 11 a.m., and Senator THOMAS, or his designee, controlling time between 11 a.m. and 12 noon.

Mr. President, I also ask unanimous consent that at 12 noon the Senate resume consideration of S. 27 and that Senator WELLSTONE be recognized for an amendment.

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

PROGRAM

Mr. DEWINE. Mr. President, on behalf of the majority leader, for the information of all Senators, the Senate will resume consideration of the campaign finance reform bill at noon this coming Monday. Senator WELLSTONE will be recognized to offer an amendment during Monday's session. Debate on S.J. Res. 4, the Hollings constitutional amendment, will begin at 2 p.m. by previous consent. Debate will continue on that issue until 6 p.m., with a vote scheduled on passage of S.J. Res. 4 at 6 p.m.

Any votes ordered with respect to amendments to the campaign finance legislation will be stacked to follow the 6 p.m. vote. Therefore, several votes will occur in a stacked sequence beginning at 6 p.m. on Monday.

ADJOURNMENT UNTIL MONDAY, MARCH 26, 2001, AT 10 A.M.

Mr. DEWINE. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:59 p.m., adjourned until Monday, March 26, 2001, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 23, 2001:

DEPARTMENT OF STATE

MARC ISAIAH GROSSMAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN UNDER SECRETARY OF STATE (POLITICAL AFFAIRS).

RICHARD LEE ARMITAGE, OF VIRGINIA, TO BE DEPUTY SECRETARY OF STATE.

The above nominations were approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.