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Senate

(Legislative day of Friday, July 21, 2000)

The Senate met at 12:01 p.m., on the expiration of the recess, when called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Lord God, You know us as we really are. You know the inner person behind highly polished exteriors. You know when we are tired and need Your strength. You know about our worries and anxieties and offer Your comfort. You understand our fears and frustrations and assure us of Your presence. You feel our hurts and infuse Your healing love. Flood our inner being with Your peace so that we can live with confidence and courage.

At 3:40 p.m. today, we will remember the sacrifice in the line of duty of Officer Jacob J. Chestnut and Detective John M. Gibson. Continue to bless their families. Help us to express our gratitude to the officers who serve in Congress with such faithfulness. Now we commit this day to You, for You are our Lord. Amen.

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PLEDGE OF ALLEGIANCE

The Honorable CHARLES GRASSLEY, Senator from the State of Iowa, 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.

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RECOGNITION OF THE ACTING MAJORITY LEADER

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

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SCHEDULE

Mr. GRASSLEY. For the leader, I would like to announce today's program. The Senate will be in a period of

morning business until 2 p.m., with Senators DURBIN and THOMAS in control of the time.

Following morning business, the Senate is expected to begin consideration of the Treasury-Postal appropriations bill with amendments in order to that bill. Those Senators who have amendments should work with the bill managers on a time to offer their amendments as soon as possible.

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ORDER FOR MOMENT OF SILENCE

Mr. GRASSLEY. As a reminder to all Members, on this date 2 years ago, Officer Chestnut and Detective Gibson were killed in the line of duty while defending the Capitol against an intruder armed with a gun. In honor of this anniversary, I now ask unanimous consent that at 3:40 p.m. today, there be a moment of silence to honor these two officers.

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

Mr. GRASSLEY. I thank my colleagues for their attention.

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RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

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MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the following exceptions: Senator DURBIN or his designee, 12 to 1 p.m.; Senator THOMAS or his designee, 1 to 2 p.m.

The distinguished Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 5 minutes as if in morning business, with the

time to come from Senator THOMAS' time.

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

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HOCUS POCUS

Mr. GRASSLEY. Mr. President, I would like to note that there are some things happening around here of late that make me wonder if we are in an episode of the X-Files. I am troubled with the mysterious appearance and disappearance of funds within the conference report for Military Construction. In the effort to develop an emergency spending package, the House included money for meth lab clean-up. It voted on money. The Senate-passed bill had money for meth lab clean-up. Both Houses of Congress recognized that there was a real emergency. Both bodies recognized the need to provide emergency money to DEA to help pay for the costs of cleaning up the toxic waste dumps caused by illegal meth production.

I and other members of this body have been concerned for some time about this problem. We have written the President, the head of the Office of Management and Budget, the Attorney General, and the Majority Leader and members of the Committee on Appropriations. The Majority Whip of the Senate had an emergency meth spending item accepted as part of the bill passed by the Senate. But it seems we've had a case of alien abduction. All—all the meth money disappeared in conference and no one seems to know how or why. The House included money. The Senate included money. The conference to reconcile the differences, however, included no money. What this means is strange math in which one plus one equals zero.

Mr. President, I have participated in various conferences with the other body, and I know they can be complicated affairs. Strong disagreements can exist over how to phrase a section,

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



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or how much funding this particular project should receive. But there have always been some guidelines governing a conference. First, you are working toward a compromise. This means, by definition, you are not going to get everything you want. However, it also means you will get something that will work. Second, in a conference, you aren't starting from scratch. Each body has reviewed, debated, and passed a version of legislation—a starting point, if you will, for compromise.

These compromises, often difficult to arrive at, are worked out behind closed doors. Out of the watchful eye of the public. Legislating can be an ugly process, and often negotiations continue in a much more open and frank manner in private than under the media microscope. But compromise should not be the occasion for legislating afresh, for ignoring the expressed intent of majorities in both Houses.

Looking through the Military Construction Appropriations bill this last week, I was distressed at some of the items I found that seem to have magically appeared. 6 C-130Js and a new Gulf Stream 5 for the Coast Guard, for example. So far as I know, the Coast Guard did not ask for a Gulf Stream, and we did not vote for one. But there it is.

At the same time, it seems that needed funds to support the DEA's continued assistance to State and local law enforcement agencies to clean up methamphetamine labs have disappeared—and no one seems to know where it went.

Heading into the conference, it was clear what the situation was. The House had provided \$15 million in emergency funds for needed methamphetamine lab-cleanup. The Senate provided a total of \$50 million for meth-related activities by the DEA—\$10 million was added in Committee, and an additional \$40 million was adopted on the floor for "initiatives to combat methamphetamine production and trafficking." So you would think—I certainly thought—that the conferees would return with some funding—most likely between \$15 and \$50 million—for meth lab clean-up.

But something happened in the conference. Someone waved a magic wand, and "Poof!" The money is gone. Where did it go? The conferees don't know. Why is it gone? The sponsors of the funds don't know. I don't know. Inquiries have left me feeling like Jimmy Stewart commenting on the evidence in his case in the 1959 movie classic, "Anatomy of a Murder," where he notes evidence appears and disappears in a ghostly fashion. But what I do know is that I have to explain this to my constituents—to the law enforcement agencies in Iowa who are dependent upon these funds to support their clean up efforts of these mini environmental catastrophes. I am not alone.

All of this funding hocus pocus I find to be very troubling. I hope we can solve the mystery and avoid its like in the future.

The PRESIDING OFFICER. The distinguished Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask to speak as if in morning business, and I believe my time is taken from the time controlled by Senator DURBIN.

The PRESIDING OFFICER. The Senator is correct.

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THE CONFERENCE PROCESS

Mr. BAUCUS. Mr. President, I want to follow on with the comments of my good friend from Iowa, Senator GRASSLEY, and praise him for pointing out that the conference system is becoming bankrupt.

Way too often conferees put in measures and take out measures that have nothing to do with the underlying bill that goes to conference. It is becoming so bad that I think sometime—my hope is in the next Congress—the Senator from Iowa, myself, and others should meet with our leadership to prevent this from continually happening. It bankrupts the process. It also causes more Americans to become even more concerned about the political process. We, as Senators, cannot go home and say what is or is not happening. Rather, we have to go home and report just what the Senator from Iowa reported—that somehow, by magic or by mystery, things sort of appear and disappear. It does not make us feel good as Senators because we like to know what is occurring. It certainly doesn't help our constituents feel any better about the process because they hope we know what is happening. More than that, they hope we are fighting for their case. But if we don't know the contents of the conference process, we don't know how something gets put in or taken out, and we look foolish. It is a major abrogation of our responsibility as a Senate to the American people for whom we work. They are, after all, our employers. At times, the Senate is too secretive.

It reminds me of an incident I was involved in when I first came to the House more than 20-some years ago. At that time, I was a freshman House Member. I had a few free minutes one afternoon—about an hour or two. I thought that I would go to the conference on the tax bill; I might learn something. I thought I would go to the conference and learn a little about tax law and the conference process.

I called around to try to figure out where the conference was meeting. Nobody would tell me. At that time, Mike Mansfield from Montana was the majority leader of the Senate. I thought I could call Senator Mansfield's office; certainly they could tell me where the conference was meeting. They did. They told me. It was in the big hearing room over in the Longworth Building. There was a policeman standing at the door leading to the executive room. I knew what was going on. He challenged me. I said I was a Member. I intended to reply that I was a member of the

conference, but, rationalizing, I said I was a Member of Congress, and he waved me in.

I walked back into the executive room. There were Senate Members in the hearing room on one side of the table with conferees, and Russell Long was at the table with House conferees. Russell Long was talking about when he was a kid in Louisiana. It was great listening to it. There was a sea of executive branch people. In the hearing room with Treasury Secretary Simon was a sea of Treasury employees.

I took an out-of-the-way spot. I found a chair over on the side, and I sat down out of the way to watch. After about 10 minutes, Congressman Jim Burke from Massachusetts shuffled over to me—an elderly man. He came to me and said: I am sorry. I have to ask you to leave. Leave? Why? He said it was just the rules. I said respectfully that I would like to know what rule was requiring me to leave. He said, well, it is the Senate rules. So I said, well, I appreciate that. As a House Member, I wanted to know which Senate rule it was that prohibited my attendance as a Member of Congress watching this conference. He said, well, it is just the Senate rule.

I thought for a while. I thought: That is wrong; it is not right. I am not going to make a big fuss about it right here; I will later. I am going to leave because he asked me to leave, but I will see what I can do about it. It is the rule.

For example, Congressman Bill Green couldn't be there either. Bill Green was then a Congressman and the member of the House Ways and Means Committee in the House who authored a provision to delete the depletion allowance that was in the House bill. Even he could not attend, the rule then being nobody could attend a conference except conferees—nobody else. But there were more people from the executive branch. They were there, along with Treasury Secretary Simon.

I came over to the House floor. I mentioned this to Congressman Mikva from Illinois. He said: MAX, you are entirely right. That is wrong. I have been fighting that rule for years.

A few of us stood up on the House floor that afternoon and explained how we thought it was wrong. In the next session of Congress, the rules were changed. Afterwards, all conferences were totally open to the public.

I know some Members of Congress don't like that. They do not like the sun shining in conferences. But that was the rule. We started it back then. I think it is in the public interest. It is a good rule.

It seems things have changed slowly; conferences should not be secret. They are bipartisan. Both political parties attend, but often the minority party is shut out. One wonders what is happening. The real danger is, if and when the Democrats are in the majority, the Democrats are going to be tempted to do the same thing. It is wrong. Neither side should do that. They should be