

stimulate the economy? Then we could say “stimulus,” and those who know say it will stimulate. It is not a bill to meet a commitment.

This letter ends up saying, because there are some who say it will take too long, I say to the occupant of the chair, to implement, that some express concern about the ability of companies as a practical matter to implement this on short notice. We have surveyed our companies to see how quickly the payroll reduction could be implemented. These companies, some of the Nation's largest employers, have said it would be implemented in a range of a couple of days to a maximum of 3 weeks if it is kept simple. We have some leeway as to how to implement that holiday.

I ask unanimous consent that the letter be printed in the RECORD.

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

THE BUSINESS ROUNDTABLE,  
Washington, DC, November 30, 2001.  
Hon. PETE V. DOMENICI,  
Ranking Member, Senate Budget Committee,  
U.S. Senate, Washington, DC.

DEAR SENATOR DOMENICI: The Business Roundtable believes that an economic stimulus is needed, and needed now. Moreover, we believe the stimulus should focus on enhancing consumer confidence and spending; that broad-based and significant incentives are needed to spur business demand; and both should be of a size and duration to change spending behavior in the near term.

To that end, the members of The Business Roundtable believe two measures would work quickly and effectively to improve cash flow and stimulate demand and productivity. First, we recommend an immediate reduction in the payroll tax. This action, more than any other proposal, will put money into the hands of those who need it and will spend it. A payroll tax reduction diversifies the stimulus on both the demand and supply sides. It also focuses assistance on lower-income individuals. Reducing both the employee and employer portions will reduce pressure on labor costs, and give both employers and employees more cash as soon as the next payday, thus relieving financial pressures on both. Your proposal for a withholding tax “holiday” certainly meets these criteria.

We continue to believe that enhancing business demand is essential for achieving a quick recovery. Again, the business incentives should be broad-based and of such a magnitude that they change business behavior by accelerating spending that is now being deferred. We also believe that any business stimulus must deal with existing tax provisions, such as Alternative Minimum Tax, which would act to negate the impact of the stimulus.

We also understand there has been some concern expressed about the ability of companies, as a practical matter, to implement a payroll tax reduction on short notice. We have surveyed our companies to see how quickly a payroll tax reduction can be implemented. These companies, some of the nation's largest employers, have said it could be implemented in a range of a couple of days to a maximum of three weeks if it is kept simple, and we have some leeway how to implement the tax holiday.

If we can provide further information, please do not hesitate to contact me.

Sincerely,

JOHN J. CASTELLANI.

Mr. DOMENICI. I hope those talking will at least put this letter among the things they consider in terms of the reality of the impact on the American consumer, the American buyer and seller, the American worker, and the American employer. This says an awful lot about many employed people. I don't know how many million American employees are represented by this group, but it is an awful lot.

Having said that, I understand there is some concern about the Social Security recipients of our country. Nobody will disagree the best thing for the Social Security trust fund and the best thing for you, Social Security recipients of the future, is for this economy to get going sooner rather than later. If we had a little time, we could debate and show graphs about what will happen to Social Security if this American economy stays in the tank for another year or for 2 years and what will happen if it comes out in 6 months. If we can get it out quick and get it growing, every Social Security recipient of today and those planning on it in the future will know the best thing we can do is pass the stimulus package. That will start the economy. There is no harm to the Social Security trust fund.

We are already using it because we are in the red. All we are saying is, as soon as we take it out, we replenish it, day by day, hour by hour, and nothing can happen to the fund. If you want to talk about protecting it, that is all well and good, but the reality is the best way to protect it is to do it and pass this stimulus. That will help the Social Security recipients the most.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### RAILROAD RETIREMENT

Mr. NICKLES. Mr. President, I congratulate and compliment my friend and colleague, Senator DOMENICI, for his statement and also for his leadership and his innovation. He has come up with an idea to help stimulate the economy that is far superior than some of the proposals being discussed, one of which is to give \$300 per individual or \$600 per family if they did not get a check last year.

Last year, we gave checks to people who paid taxes. Some people were saying, “Give money to people that did not pay taxes,” notwithstanding the fact they were eligible for the earned-income tax credit, which, in many cases, was worth 3 or 4 times whatever payroll taxes they might have paid. The position of the Senator from New Mexico is far superior.

I happen to be one concerned about deficits and I am concerned about runaway spending. I contacted some individuals and said, we have agreed to 13.3 percent spending growth for next year, but many others say that is not near enough; we need to do more. So I will state a few facts.

Last year's spending—the spending we completed in September of 2001,

total discretionary spending, the spending we control by appropriations, that fluctuates, whatever we appropriate—was \$640 billion, 9.6 percent more than the previous year, which was at \$584 billion.

The President's budget for 2002, which we have just started for the fiscal year, was to grow at 6.1 percent. He agreed in a bipartisan agreement to throw in a few billion more for education, and there was an agreement with the appropriators to increase that figure to \$686 billion. That calls for a growth rate of 7.1 percent. That was agreed to in October. Some of our colleagues almost insulted the President, saying they wanted it in writing. The President gave it in writing, in a letter in October, that all the appropriated accounts would be at \$686 billion, a growth rate of 7.1 percent.

With the tragedy of September the 11th, the President agreed we had a bipartisan agreement to increase that level. Originally, it was \$20 billion, and at the last day that was doubled, from \$20 billion to \$40 billion, due to requests in New York, New Jersey, and other places. There is, again, bipartisan agreement that was adopted unanimously in the Senate.

Adding the \$40 billion on top of the \$686 billion, it is \$726 billion, an increase of 13.3 percent. That is where we are now. That is a lot. It is several times the rate of growth of inflation. But the \$40 billion is extraordinary, so maybe we should not count that, but we have a lot of other things happening. We still need budgets. Senator DOMENICI, former chairman of the Budget Committee, used to hammer on fiscal discipline, and we are acting as if fiscal discipline does not matter.

A few other things have happened. We have passed an airline assistance or the airline bailout bill. The cost of that, most people believe, is \$15 billion. It is not really. There was a \$5 billion cash outlay and \$10 billion in loan guarantees. Hopefully, the \$10 billion in loan guarantees will not cost that much; it will be significant cost.

We have also passed a victim's compensation fund. I know the occupant of the care has to be familiar with this because he has constituents involved. There is a lot of liability dealing with the victim's compensation funds. We passed that as part of the airline bill. I opposed it because I didn't think we had enough time to consider how to compensate victims from the September 11 disaster. A lot of people were killed and a lot of people injured. How do we compensate them? We created a special master. The President appointed a special master. I compliment him. The special master has one of the toughest jobs anywhere. I compliment him. He is doing it pro bono. It is a big challenge. He will try to meet deadlines, in months, to come up with a fair and equitable compensation system for victims. It could cost the Government billions of dollars. No one has a clue how much that will cost. That is already the law of the land.

We don't know how much the insurance companies are going to pay. Hopefully, most of the money comes from insurance proceeds. Again, that is out there. It is a liability. And there are other items. Many that we are considering will be resolved in the next couple of weeks. One is the railroad retirement bill, with an outlay of \$15 billion. We will write a check.

I am embarrassed for the House, saying this doesn't count, this check we will write does not count; we will not score it. I can't remember ever doing that, certainly not to the tune of billions of dollars. It is shameful and disgraceful, and it should not happen. I will work to see it does not happen. I predict I will be successful.

If it passes, we might as well throw away the budget. If we are going to put in language, "this doesn't count toward the budget; ignore it; don't count it or score it," then why have a budget? There is no sense whatever. The cost of that bill is \$15 billion.

Also, when Senator DOMENICI was speaking, he came up with an idea for a payroll tax holiday. His idea was not written by lobbyists. The railroad retirement bill was not written by Congressmen or Senators. I cannot remember in my 21 years in the Senate ever having a bill totally written by special interest groups that cost billions of dollars that nobody even touched. Nobody had a hearing. There was no hearing in the House or in the Senate.

I have been working on pensions for a long time in my own company, and when I was in the State senate, I was on the retirement committee. My first trip to Washington, DC, was on ERISA, Employee Retirement and Income Security Act. I know a bit about pensions. Nobody is looking at it. I will look at it a lot more since we will be on that next week.

My point today is some are willing to commit another \$15 billion. All of this adds to the deficit, all of this adds to the publicly held debt. Some people have suggested there is no cost involved. We are moving from government to government debt, or government IOU in a fund that does not cost us an outlay, real outlay. Now we are moving it to publicly held debt where the Federal Government will have to write a check, where taxpayers have to pay \$1 billion in interest expense for the \$10 billion.

That is not the only spending program we have going. We would have the stimulus package. Senator BAUCUS had a bill from the Finance Committee. There was over \$2 in spending for every \$1 of tax cuts. I will have this printed in the RECORD so people can see it.

There were tax cuts of \$19.4 billion, but the rest of it is spending—maybe using, in some cases, the Tax Code, like supplemental rebate checks. We would give people checks even if they did not pay taxes. How can you call that a tax cut? That is a check. We are writing checks. It doesn't have anything to do with cutting taxes.

There is expansion of unemployment benefits, which I am sure we will probably agree to a significant expansion of unemployment benefits, probably a 50-percent expansion in time eligibility, going from 26 weeks to an additional 13 weeks. I expect that will be agreed upon.

Most of this is \$66.8 billion, with the compensation of \$19 billion; the rest of it is spending. There is over \$2 in spending for every dollar in tax decrease. So I am adding that spending under the spending we have already had. If that were included, and hopefully most will not be, we have a lot of spending in that capacity.

We have the farm bill. If our colleagues have not looked at the farm bill—and I heard there may be a motion to move to the farm bill before too long—I hope they will look at it. I am from a farm State. I am embarrassed for the farm bill that came out of the Agriculture Committee. I am embarrassed for it. I was embarrassed when we had the stimulus package and I noticed there were several billion dollars for agriculture for subsidies for bison and cranberries and items that we never had in an agricultural program, and now we are looking at the farm bill and talking about subsidies in the billions of dollars. We are talking about raising the price of milk 26 cents a gallon for everybody in America.

This farm bill goes the wrong way and it spends a whole lot of money. I don't know if people are trying to harvest the Government or what, but the net result of that farm bill is people are going to make more money from the Government than they will ever make from agriculture. The sad point is 10 percent of the farmers are going to get over half the benefit. We are going to have to discuss that for a while. We are going to have to change it. The Senate is the place to change it. I don't care if we do it this year or do it next year—that is the majority leader's call—but we are going to spend a little time on that bill. It needs to be improved. It costs a lot of money and that is the essence of my comments today.

Who writes the budget? Where is the Budget Committee chairman? Where is the fiscal discipline? We are now in the red. Granted, we had bipartisan agreement to go to increases of spending to 7.1 percent. Then we all agreed, let's have another \$40 billion to deal with the disaster. But there are lots of other proposals. I didn't mention Senator BYRD had another proposal for another \$15 billion for homeland security. I think a lot of that can be financed out of the \$20 billion. We have not even finished spending the second \$20 billion of the \$40 billion that is now added to the Department of Defense bill. We have not finished that. Yet some say we have to add \$15 billion on top of it.

If I look at the spending package submitted by Senator BAUCUS, I am looking at spending that is close to \$50 billion. Since they add Senator BYRD's

package to it—or at one time it was over, it was \$60 billion in spending and \$19 billion in tax cuts.

Then we have the farm bill, and I see the farm bill will cost billions and billions of dollars. I think that is grossly irresponsible. I am looking at the farmers in my State. How much are they making? I have farmers in my State making millions of dollars a year from taxpayers. These are millionaires in the first place. I love them, but I don't think we should have to be writing them a check—just as I don't think we have to write major investment companies a \$4,800 tax credit for every employee they employ in New York City. I want to help New York City, but what are we doing giving them almost a \$5,000 tax credit? If they have 100 employees, we are going to give them a \$500,000 tax credit? For what? Let's help people who need help.

I think it is running away. I think spending has gotten out of hand. I think we are going to have to draw the line. I think we are going to have to show some fiscal discipline. We have not been showing it lately.

President Bush has actually drawn the line and said: I am going to stay with this amount. He said: I will come back to Congress and work with Governor Ridge and make additional submissions when we really know exactly what we need and we will do that next year. He has the votes to support him in the Senate. I hope we do not say we will try to run over him and come up with a higher amount and defy him to veto it. He said he will veto it. We have the votes to sustain the veto so let's not waste our time. Let's act together, start acting as if we have a budget and not pass bills that say this \$15 billion doesn't count. That would be the height of fiscal irresponsibility.

I urge my colleagues, let's start showing a little fiscal discipline. Let's start totaling up what we have done so far on the spending side and make sure we do not build ourselves into such a fiscal posture that the new base of spending is such we will never be able to climb back into a surplus.

I notice my friend and colleague from Nevada is here. Let me conclude with a couple of requests.

#### CONFIRMATIONS

I have had the pleasure of working with the Senator from Nevada for 20-some years. I think the world of him. He and I are both engaged in trying to help people get confirmed. I urge my colleague, in every way I possibly can, to help us confirm Gene Scalia. Gene Scalia, who happens to be the son of Justice Scalia, was nominated by President Bush in April to be Solicitor for the Department of Labor—Secretary Chao's Department of Labor. Secretary Chao talked to me. She needs Gene Scalia. She needs a Solicitor. That is one of the most important positions in any agency and certainly in the Department of Labor. She needs Gene Scalia. She asked me numerous times: Please, will you confirm Gene

Scalia. I told her I would do everything I could.

There are two other nominees I urge my colleague to assist us with, two nominees for the court of appeals. One is Miguel Estrada, a Honduran native, Hispanic. When he came to the United States he couldn't even speak English and graduated in the top of his class at Harvard. He is an outstanding individual. We have letters of support on Miguel Estrada from everybody, prominent Democrats and others who say he will be an outstanding jurist.

One other individual is John Roberts, Jr., who is also nominated to the Circuit Court of the District of Columbia. He argued, I think, 30-some-odd cases before the Supreme Court. He is an outstanding individual. Both of these individuals were nominated by President Bush in May and they have not even had a hearing.

We have a lot of vacancies in the circuit court. The circuit courts are extremely important. These two individuals are extremely qualified. I do not know that you could find two more qualified individuals anywhere in the country than Miguel Estrada and John Roberts, Jr. So I urge my friend from Nevada and the majority leader, and Senator LEAHY, give us hearings on these two individuals. I can assure you if they have hearings they will have overwhelming votes in both the committee and the Senate. They will be confirmed overwhelmingly. I feel more than confident that will be the case.

I also urge my colleague to give us a vote. Gene Scalia is on the calendar. Give us a vote on Gene Scalia as Solicitor for the Department of Labor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, my feelings are just as strong. My affection for the Senator from Oklahoma is just as strong as he has expressed regarding me. I have not heard of John Roberts. I have heard of Miguel Estrada. From all I know about both of them, they are fine individuals. I see no reason they should not be sitting on the DC Court of Appeals. But that is the extent of my knowledge. I will do what I can to make sure there are hearings scheduled.

As I said to my friend on a number of occasions, people deserve hearings. We are going to do everything we can to live up to what Senator DASCHLE and I have said. Senator LEAHY reported nine out yesterday, including one circuit court judge. We expect to have votes on those shortly. He is going to have hearings again next week. It is my understanding—I do not know if there is going to be hearings but he said he would report out at least four or five more. So that is 13 or 14 judges we would have.

I was talked to yesterday about Sansonetti; the Judiciary Committee did report him out yesterday. There has been some controversy over that. I see no reason, now that he has been re-

ported out, that we cannot move forward.

I don't know Mr. Scalia. I never met him. I am only speaking for myself, and certainly not Senator DASCHLE, nor the rest of the Senators. I think the situation with Mr. Scalia may be a little more difficult. A number of Members have spoken to me. No one questions his integrity or his credentials, that I know of, or that he is a competent lawyer. I think the question is whether this is the right place for him. If he were chosen to be the solicitor of any department other than the Department of Labor, I think his nomination would fly through. But because of very strong anti-labor comments he made, a number of Members on my side have come to me to express some real concerns.

Being as candid as I can with my friend, I think that may be a little more difficult but something on which we can work.

Mr. NICKLES. If the Senator will yield further, Gene Scalia was reported out of the Labor Committee on October 17. He has been on the calendar. I urge that we have a vote. There is not an anti-labor bone in his body. If anybody questions that, I urge them to talk to him. Some people are trying to hold up his nomination because he had some questions about ergonomics. The Senator from Nevada, I know, had serious questions about ergonomics. In their proposed regulations, the Clinton administration tried to almost legislate a Federal workers compensation system without going through Congress.

Again, I think Gene Scalia is an outstanding nominee. I think the Secretary of Labor is entitled to a solicitor, and he is certainly entitled to a vote to find out where the votes are. I urge my colleagues to help us make that happen, to give him a vote and a day in the Senate, and not keep him in limbo indefinitely.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in May 1996 in Philadelphia, PA. Stephen Leo Jr., 19, and Kevin Zawojski, 17, yelled anti-gay

slurs and beat a man they believed to be gay. Mr. Leo was sentenced to 18 to 36 months in jail and Mr. Zawojski was sentenced to 29 to 58 months in jail in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

#### ADDITIONAL STATEMENTS

#### RECOGNITION OF THE OUTSTANDING ACCOMPLISHMENT OF CUBA, MISSOURI

• Mr. BOND. Mr. President, I wish to make a few comments on the outstanding accomplishment of Cuba, Missouri on becoming the official Route 66 Mural City as declared by the Missouri State House of Representatives.

Cuba, Missouri is located along Interstate 44 and highway 19 near the Meramec River State Park and the Huzzah river in Crawford County. Also, located near by is the beautiful Mark Twain National Forrest offering a great deal of hunting, fishing and water recreation. Cuba is a beautiful city and has much to offer its citizens and those who visit.

Located along the historic Route 66 and established in 1857, Cuba has witnessed and been a part of many historical events. Through local artisans, Cuba, MO has taken the incitive to remind its citizens and those who visit of its storied past through three murals on local buildings. The three murals currently displayed on the buildings depict the early history of the town, and present us with a reminder of its beautiful apple orchards, the six residents who lost their lives defending this great nation during World War Two, and the original Peoples Bank building. These murals also are a reminder of the history that not only shaped Cuba, but our great state as well. Although the population of Cuba is only about 3,200 people, the city continues to grow and prosper. I commend them on taking the incitive to remember our history and educate those who visit this great city by this beautiful display of art work.

There are plans to finish ten murals along historic Route 66 by the year 2007. Cuba was the first community to take the initiative to paint these murals and now serves as the center for development for these murals, including obtaining a trademark on Route 66 Murals. Again, I congratulate them on such a wonderful project. •

#### GOD BLESS AMERICA

• Mr. FEINGOLD. Mr. President, the Wisconsin State Council of Vietnam Veterans of America, part of the congressionally chartered Vietnam Veterans of America, have been steadfast