

Mr. HARTKE. The chairman of the Finance Committee can make a statement, but that does not make it the situation. The Committee on Finance has not acted upon this being a reconciliation bill. There is no record of its being a reconciliation bill; there is no mention of it in the report as being a reconciliation bill. Therefore, I think a point of order would not be well in regard to any amendment, because it is not a reconciliation bill. This is a tax reduction bill. I can see where the Senator may assume, but it is an assumption which is not based on a fact.

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Mr. HARTKE. I am not chasing my tail. I will point out, very simply, that in my judgment, this is a case where two Senators have gotten together and agreed that this is a reconciliation bill and there is nothing in the record to show that it is a reconciliation bill. (Congressional Record, December 15, 1975, p. 7)

This 1975 incident was ignored and not relied upon until 1996, during consideration of the FY 1997 budget resolution when it was used by the Republican Leadership to prop up the argument for a stand alone tax reduction bill in reconciliation. Prior to that, it was viewed as an aberration that occurred at a time when Congress was trying to figure out how to implement the new Budget Act. The 1975 incident was never viewed as a valid precedent on reconciliation, since it basically contradicted two decades of practice where the sole focus of reconciliation has been deficit reduction. The Chairman and Ranking Member of the Senate Budget Committee, Senators Hollings and Domenici did not give any credence to the 1975 incident when they announced in 1980 that the budget resolution under consideration that year, would be the first time Congress attempted to use the reconciliation process provided in the Budget Act. Senator Hollings, then the Chairman of the Senate Budget Committee made the following statement.

"Today, we will take another step in the practical application of the Budget Act's design. The reconciliation procedure has never before been employed. The action we take today will set an important precedent for making the budget stick." (Congressional Record, June 30, 1980)

Senator Domenici concurred with his Chairman and made the following statement:

"Mr. President, I rise today to support the reconciliation bill that is now before the Senate. This is an historic moment, both for the institution and for the budget process that this institution devised for itself in 1974. The first attempt to use the reconciliation provisions in the Budget Act was made last fall on the second budget resolution for fiscal year 1980." (Congressional Record, June 30, 1980)

In addition, Congress passed the Gramm-Rudman-Hollings Balanced Budget and Emergency Deficit Control Act in 1985 which further clarified the scope of reconciliation and made moot, any arguments that the 1975 incident opened the door to a broader application of reconciliation. Section 310(d) was added to the Congressional Budget Act to severely restrict amendments to reconciliation bills that did not have the effect of reducing the deficit. The language of Section 310(d)(2) is as follows:

(2) It shall not be in order in the Senate to consider any amendment to a reconciliation bill or reconciliation resolution if such amendment would have the effect of decreasing any specific budget outlay reductions below the level of such outlay reductions provided (in such fiscal years) in the reconciliation instructions . . . or would have the effect of reducing Federal revenue increases below the level of such revenue in-

creases provided (for such fiscal years) in such instructions relating to such bill or resolution. . . .

While the provision limits floor amendments, the clear inference when read in the context of the overall section is that reconciliation dealt only with decreasing spending or increasing taxes and any amendment offered during reconciliation had to have an offset so as not to thwart deficit reduction.

In 1966, during consideration of the FY 1997 budget resolution, Democratic Leader Daschle made several inquiries of the Chair and the responses by the Presiding Officer could be used to argue for a broader application in the use of reconciliation. However, the point of order raised against the budget resolution by Senator Daschle, the ruling of the Chair and the subsequent appeal, all of which carry much more weight in Senate procedure, were quite narrow and allowed this precedent to be distinguished in order to preserve the integrity of the reconciliation process. The point of order raised by the Democratic Leader, given the particular reconciliation instructions at issue can be summarized as follows: It is inappropriate to consider a stand alone reconciliation bill to cut taxes, even if the net impact of the three reconciliation bills taken together reduced the deficit. The point of order raised by the Democratic Leader was not sustained and the appeal of the ruling by the full Senate was not successful. Note the point of order and the ruling of the Chair.

Mr. DASCHLE. I argue that, because it creates a budget reconciliation bill devoted solely to worsening the deficit, it should no longer deserve the limitations on debate of a budget resolution. Therefore, I raise a point of order that, for these reasons, the pending resolution is not a budget resolution.

The PRESIDING OFFICER. All right. The Chair will rule that the resolution is appropriate and the point of order is not sustained. (Congressional Record, May 21, 1996, p. S5415-7)

The Senate's decision in 1996 to use reconciliation to consider a stand alone tax cut bill, even in the context of overall deficit reduction, was a major departure from the past practice and over two decades of experience in applying the Act. The 1996 precedent can and must be distinguished from recent efforts to use reconciliation to enact tax cuts where there is absolutely no attempt at deficit reduction. The procedural issues raised by using the reconciliation process to enact tax reductions, absent an overall effort to reduce the deficit, have not yet been joined by the Senate and remain an open question.

While the reconciliation instructions of the FY 1997 budget resolution taken as a whole arguably met the intended deficit reduction goals, recent reconciliation instructions have completely perverted the intent of the 1974 Act. In 1999, the reconciliation process was used by the Republican leadership to allow for a \$792 billion tax cut to be brought to the Senate floor. Unlike the FY 1997 budget resolution, no argument was made that the tax cut would actually lead to increased revenues or spending reductions. It was the first time that reconciliation instructions were issued and a revenue bill reported pursuant to those instructions, mandated a worsening of fiscal discipline for the federal government. Again, in 2000, reconciliation was used to limit consideration of a major tax cut proposal that had nothing to do with deficit reduction.

There has been a great deal of speculation, fueled by the Senate Republican Leadership, that President Bush's tax plan will be brought to the Senate floor with reconciliation protections. It is expected the legislation will provide for at least \$1.6 trillion and perhaps as much as \$2.6 trillion in tax cuts

over 10 years. The legislation is not expected to contain any reductions in spending and the result of the proposed tax bill will be a worsening the fiscal position of the federal government. If Congress provides sufficient room in the FY2002 budget resolution to enact tax reductions there is absolutely no reason to consider the bill in reconciliation, except to completely preclude the minority from participating in fashioning the bill.

The Senate is at a point, as it was in the 1980's, when the use of reconciliation to enact legislation unrelated to deficit reduction, threatens to undermine the most important traditions and precedents of the Senate and make a mockery of the congressional budget process. In a recent article entitled, "Budget Battles, Government by Reconciliation," in the National Journal on January 9, 2001, the author, Mr. Stan Collender, an expert on the federal budget process, who served as senior staff member of the House Budget Committee in the 1970's states:

" . . . At this point, there is talk about at least five different reconciliation bills—three for different tax proposals and two for various entitlement changes. Still more are being considered. Taking advantage of the reconciliation procedures in this way would not be precedent-shattering, though it would clearly be an extraordinary extension of what has been done previously. Nevertheless, it would be the latest in what has become a steady degradation of the congressional budget process. Reconciliation, which was created to make it easier to impose budget discipline, would instead be used to make it easier to get around other procedural safeguards with the result being more spending and lower revenues."

#### THE FUTURE OF PROJECT IMPACT

Mr. EDWARDS. Mr. President, I rise today to express my disappointment in President Bush's decision to discontinue funding for the Federal Emergency Management Agency's Project Impact.

Project Impact is a nationwide public-private partnership designed to help communities become more disaster resistant. Each year, Congress appropriates literally billions of dollars in disaster relief money. Project Impact is our only program that provides financial incentives and support to State and local governments that want to mitigate the damage of future disasters.

Project Impact involves all sectors of the community in developing a mitigation plan that meets that community's unique needs. One of the program's pilot projects is in Wilmington, NC. In that coastal community, the city government has teamed with the State and county government and private groups like Lowe's Hardware Store to retrofit schools and shelters to make them less vulnerable to the frequent hurricanes that plague my State. The University of North Carolina at Wilmington also provides support for the city's efforts. That is the great thing about the Project Impact communities—they are using all available agencies and organizations to ensure safe and smart development.

Project Impact is a relatively new program, but it has already shown important results. In his recent budget

submission to Congress, the President described Project Impact as "ineffective." I strongly disagree, and there are community leaders around the Nation that would take exemption to this description. For example, one of the first Project Impact communities was Seattle, WA. Experts agree that without the area's mitigation efforts spurred by Project Impact, the damage from last week's earthquake could have been much worse.

We cannot stop a hurricane, an earthquake, or a tornado. But we can save precious lives and limited Federal resources by encouraging States and local governments to take preventative measures to mitigate the damage. By discontinuing funding for Project Impact, this administration will severely undercut ongoing mitigation programs in all 50 States. Most importantly, by discontinuing this program rather than working to refine it, the administration sends a dangerous signal to States and local governments that the Federal Government no longer supports their efforts.

I call on President Bush to reassess the benefits of this program and include it in his final budget he sends to Congress. For the nearly 300 Project Impact communities that are working to make their communities safer, fully funding Project Impact is the least we can do.

#### ADDITIONAL STATEMENTS

##### ONE OF DELAWARE AND THE NATION'S FINEST

• Mr. BIDEN. Mr. President, Delaware, officially called "the First State" is sometimes called, "the Diamond State" and "the Small Wonder" because of the amazing quality Delawareans bring and have brought to this Nation. One of the gems in the Diamond State is a company hidden near the center in the small town of Frederica, DE. That company is "ILC Dover." ILC is best known as the sole designer, developer, and manufacturer of the Apollo and Shuttle Space Suits.

The man who has outfitted America's astronauts for 40 years and helped make manned space flight possible—serving the past 17 years as president and general manager of ILC—is retiring. Homer Reihm, better known to his friends and co-workers as "Sonny," is a local legend. It was Sonny Reihm who was ILC's program manager for the Apollo program on July 20, 1969, when Neil Armstrong wore ILC's space suit on the Moon.

ILC has continued to be true to its space heritage by making the suits worn by astronauts in the Shuttle and Space Station missions. As America has gone further into space, so has ILC, most recently by producing the Pathfinder Airbags that landed on Mars on July 4, 1997. In 1998, in recognition of ILC's history of excellence in the service of America's space missions, Sonny

Reihm accepted NASA's top quality award—known as the George Low award—honoring ILC's 100 percent mission success in planetary and space environments.

While Mr. Reihm's career has paralleled the NASA space program, under his leadership ILC has gone much farther to produce important advances for the military including the M-40 series protective masks used by our soldiers since the end of Desert Storm, the Demilitarized Protective Ensemble, Aircrew protective mask systems, collective protection Chem-Bio shelters, and lighter-than-air Aerostats used for monitoring and detection. ILC has leveraged these initiatives into commercial applications of protective suits, flexible containment devices for the Pharmaceutical industry, and advertising airships like the blimps seen so often at ball games.

Sonny Reihm is a Delawarean through and through. He was born and raised on a farm in the Middletown/Odessa/Townsend area of Delaware. He graduated from the University of Delaware in 1960. Upon graduation, he joined ILC as a project engineer when ILC was bidding on the Apollo program. After leading the effort to successfully field the Apollo Space Suit, Mr. Reihm became the general manager of ILC in 1975. His mandate was to diversify the company to survive the post-Apollo mission, while still holding true to ILC's tradition of serving America with its unique technical knowledge. Almost ten years later, in 1984, after meeting the diversification challenge, Sonny became President and general manager of ILC. From 1975 to today, he helped build ILC from a 25-employee corporation, to a major business player in our State and Nation. With 450 employees today, ILC continues to provide needed innovations for NASA, for the military, and for other American businesses.

As outstanding as it has been, Sonny Reihm's business success is only one portion of his larger commitment to public service. He has served local and national communities throughout his life through his involvement in the University of Delaware Board of Trustees, the Delaware Manufacturing Association, the National Defense Industrial Association, the Soldier Biological Chemical Command Acquisition Reform Initiatives, the USO in Delaware, and the United Way.

On a more personal note, I am proud to call Sonny and his wife Nancy dear friends. After his long, prodigious—indeed astronomic—career, Sonny has earned many years of enjoyment in his retirement with his wife, two daughters and grandchildren. He exemplifies the commitment to excellence and the national good that make Delaware the Small Wonder and keep this Nation strong. It is my honor today to salute him and his many years of business and community service.●

#### THE ELEVENTH ANNUAL NATIONAL SPORTSMANSHIP DAY

• Mr. CHAFEE. Mr. President, today is the 11th annual National Sportsmanship Day, a day designated to promote ethics, integrity, and character in athletics. I am pleased to say that National Sportsmanship Day was a creation of Mr. Daniel E. Doyle, Jr., Executive Director of the Institute for International Sport at the University of Rhode Island. Participation this year will include more than 12,000 schools in all 50 States and more than 101 countries.

This year, organizers of the National Sportsmanship Day aim to promote appreciation for the critical role of ethics and fair play in athletics, and indeed, in society in general, through student-athlete outreach programs. I believe this mission is of critical importance, and I commend the athletes, coaches, journalists, students, and educators who are engaged in today's activities.

As part of the day's celebration, the Institute selects Sports Ethics Fellows who have demonstrated "highly ethical behavior in athletics and society." This year, the Institute will honor such renowned athletes as Mia Hamm, member of the U.S. national soccer team and Washington Freedom of the Women's United Soccer Association; Sergei Fedorov, three-time All-Star with the Detroit Red Wings; and Lenny Krayzelburg, three-time gold medal U.S. Olympic swimmer. Grant Hill, a past Sports Ethics Fellow and five-time All-Star with the Orlando Magic, will talk about the importance of fair play both on and off the court to approximately 700 students at Rolling Hills elementary School in Orlando, FL.

Another key component of National Sportsmanship Day is the Student-Athlete Outreach Program. This program encourages high schools and colleges to send talented student-athletes to local elementary and middle schools to promote good sportsmanship and serve as positive role models. These students help young people build self-esteem, respect for physical fitness, and an appreciation for the value of teamwork.

If all those activities were not enough, the Institute has begun another avenue to promote understanding and good character for youngsters. A program called "The No Swear Zone" was instituted in 1998 to encourage teams and coaches to sign a pledge to stop the use of profanity in sports and everyday life.

I remain very proud that National Sportsmanship Day was initiated in Rhode Island, and I applaud the students and teachers who are participating in the events of this inspiring day. Likewise, I congratulate all of those at the University of Rhode Island's Institute for International Sport, whose hard work and dedication over the last eleven years have made this program so successful.●