

not support 2 years of bonus depreciation. I do not support 2 years of additional spending on Medicaid for the States.

The reason is very simple. On the question of bonus depreciation, the whole purpose of this package is to encourage economic recovery, additional economic activity now. A 2-year provision reduces the stimulus, reduces the incentive to act now. That is not only my opinion, that is the opinion of the Congressional Budget Office that examined the various options before us and said: Don't do multiple years; you reduce the incentive to act now. This is the time we need additional economic activity.

Second, the history of fiscal stimulus is always that we have acted too late. We are on the brink of doing that again. A 2-year provision falls right into that trap.

The cost of this provision is \$45 billion this year; \$37 billion next year. That is digging the hole deeper when we have just been informed by the Congressional Budget Office that every penny of these resources will come out of the Social Security trust fund. For that reason, I will raise a budget point of order against this provision.

The PRESIDING OFFICER. Who yields time? The Senator from Montana.

Mr. BAUCUS. Mr. President, on behalf of myself and also Senator SMITH of Oregon, let me make a couple of quick points.

No. 1, we know our country needs a boost, a shot in the arm. It is not totally clear, but it is far better to provide a little insurance because the economy might go south in the next couple of months or years—more than it has now. Various companies are going bankrupt. We all know about Enron, Kmart, and there will be other companies down the road. Many people are being laid off, particularly in the financial services industry, which we are going to find out about in February because they have 2- or 3-month contracts and they will be laid off a lot later. This is very important.

Second, many States are losing revenue because their economies are down. They will also lose more revenue as a consequence of the 2-year bonus depreciation. It is only proper with the passage of the Medicaid reimbursement amendment States are made whole so they do not have to cut Medicaid payments, so they do not have to cut payments to hospitals, to providers.

This amendment will allow States to refrain from making those cuts to doctors, to hospitals, other providers, and to Medicaid beneficiaries, and also prevent them from having to otherwise cut their budgets.

At the same time, we get a 2-year shot in the arm with bonus depreciation. It is a very modest provision. We all know bonus depreciation should be somewhere between 1 year and 3 years. This is where we all know it makes the most sense, 2 years. It should definitely be enacted.

I yield the remainder of my time to my friend from Oregon.

The PRESIDING OFFICER. The Senator has 11 seconds.

Mr. SMITH of Oregon. I am proud to cosponsor this legislation. If you want the middle ground, we are talking about it right now. This actually does stimulate the economy; it is insurance.

The chair of the Budget Committee, my friend, clearly is concerned about the budget. But if you want to help the budget get back into surplus, let's get our economy going. That is the most sure way to make this happen. What Senator BAUCUS and I have done is make sure that we do not leave the States high and dry.

The PRESIDING OFFICER. The time of the Senator is exhausted; 22 seconds remain.

Mr. NICKLES. I yield my colleague the remainder of my time, the 22 seconds in opposition to the amendment.

Mr. SMITH of Oregon. My last point was you can make these arguments against any expenditure. The point is, we can't leave the States high and dry as we try to stimulate the economy.

This is about real people needing jobs and health care. It is a win-win for Republicans and for Democrats. I urge the overwhelming passage of the amendment.

Mr. NICKLES. I compliment my colleague for making the point of order, and I wish to join him in that point.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator DASCHLE has asked me to announce to the Membership that this will be the last vote of the evening prior to the State of the Union Message.

The leader has indicated there will be votes next Monday.

Mr. CONRAD. Mr. President, I raise a point of order that the pending amendment violates section 311(a)(2)(B) of the Congressional Budget Act of 1974, and I ask for the yeas and nays.

Mr. BAUCUS. Mr. President, on behalf of myself and Senator SMITH of Oregon, pursuant to section 904 of the Congressional Budget Office Act of 1974, I move to waive the applicable sections of the act for the purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll. The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. DODD) are necessarily absent.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG), the Senator from Nevada (Mr. ENSIGN), and the Senator from Nebraska (Mr. HAGEL) and are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted as follows—yeas 62, nays 33.

[Rollcall Vote No. 10 Leg.]

YEAS—62

Allen	Durbin	Murkowski
Baucus	Edwards	Murray
Bayh	Feinstein	Nelson (FL)
Bennett	Fitzgerald	Nelson (NE)
Biden	Grassley	Reid
Breaux	Harkin	Roberts
Brownback	Hatch	Rockefeller
Burns	Hollings	Schumer
Cantwell	Hutchinson	Sessions
Carnahan	Hutchison	Shelby
Carper	Inouye	Smith (OR)
Cleland	Jeffords	Snowe
Clinton	Johnson	Specter
Cochran	Kerry	Stabenow
Collins	Kohl	Stevens
Corzine	Landrieu	Torricelli
Craig	Lincoln	Voinovich
Crapo	Lugar	Warner
Daschle	McCain	Wellstone
DeWine	Mikulski	Wyden
Domenici	Miller	

NAYS—33

Allard	Enzi	Lieberman
Bingaman	Feingold	Lott
Bond	Frist	McConnell
Boxer	Graham	Nickles
Bunning	Gramm	Reed
Byrd	Helms	Santorum
Campbell	Inhofe	Sarbanes
Chafee	Kennedy	Smith (NH)
Conrad	Kyl	Thomas
Dayton	Leahy	Thompson
Dorgan	Levin	Thurmond

NOT VOTING—5

Akaka	Ensign	Hagel
Dodd	Gregg	

The PRESIDING OFFICER. On this vote, the yeas are 62, the nays are 33. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to. The point of order falls.

The question is on agreeing to amendment No. 2718, as modified.

The amendment (No. 2718), as modified, was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from South Carolina.

CONGRATULATING SENATOR BAUCUS AND THE MONTANA GRIZZLIES

Mr. HOLLINGS. Mr. President, I congratulate the Senator from Montana for his victory on a very important amendment.

I also congratulate him on an even more important victory of the Montana team and its engagement in the 1 AA college finals last month with my Purple Paladins at Furman University, an outstanding university. In fact, the temptation is for me to challenge him to an academic final.

As far as the football final, I can tell my colleagues, I watched the game and that is a monster team if I have ever seen one. It is well coached and had an outstanding performance.

I lost the bet. The bet was if I lost, I would sing "Up With Montana," their song. Fortunately, the rules of the Senate say no singing.

In congratulating Senator BAUCUS, I will recite this song publicly in the Chamber of the Senate. I want everybody to listen to this:

Up with Montana, boys, down with the foe,
Good ol' Grizzlies out for a victory;
We'll shoot our backs 'round the foeman's
line;

Hot time is coming now, oh, brother mine.
Up with Montana, boys, down with the foe,
Good old Grizzlies triumph today;
And the squeal of the pig will float on the
air;

From the tummy of the Grizzly Bear.

Isn't that something? The Senator says they are reciting this after every game?

Mr. BAUCUS. That is right.

Mr. HOLLINGS. No wonder they play so hard.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, may I say how gracious my good friend from South Carolina has been today. Before we knew the Furman Purple Paladins and the Montana Grizzlies were going to be playing in the 1 AA playoff for the championship of the country, we made a little wager. The wager was whoever loses reads the other team's fight song on the floor of the Senate.

I say to my good friend, I have no idea what the Purple Paladins' fight song is. Had the Grizzlies not won, I certainly would know their fight song.

For many days, the Senator from South Carolina has been talking about this song. He said: Egads, is this your fight song? Is this what I have to read on the floor?

I cannot thank him enough. It was a great game. I watched it on television as well.

Mr. HOLLINGS. It was an outstanding game. I think this was the second year in a row they won the championship.

Mr. BAUCUS. That is right.

Mr. HOLLINGS. It is an outstanding college and outstanding team.

Mr. BAUCUS. I thank the Senator.

HOPE FOR CHILDREN ACT— Continued

Mr. BAUCUS. Mr. President, I thank Senator SMITH of Oregon on the success of the last amendment. Without his help, I doubt the amendment would have been successful. We joined together and, frankly, I urge more of reaching across the aisle and accomplishing objectives that are in the best interest of the country and putting partisan politics aside.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I congratulate the Senator from Montana and suggest that never, ever has the Montana fight song been read quite like it was just read on the Senate floor.

AMENDMENT NO. 2758

Mr. KYL. Mr. President, I ask unanimous consent to lay aside the pending business for the purpose of offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. GRAMM, Mr. ENSIGN, Mr. NICKLES, and Mr. HUTCHINSON, proposes an amendment numbered 2758 to the language proposed to be stricken by amendment No. 2698.

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

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

The amendment is as follows:

(Purpose: To remove the sunset on the repeal of the estate tax)

At the end, add the following

SEC. . PERMANENT REPEAL OF ESTATE TAXES.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended—

(1) by striking "this Act" and all that follows through "2010." in subsection (a) and inserting "this Act (other than title V) shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.", and

(2) by striking ", estates, gifts, and transfers" in subsection (b).

Mr. KYL. Mr. President, since the sponsor of the legislation wishes to get on with the conclusion of business tonight, I will simply say this amendment, which I hope will be considered at the beginning of next week, calls for the permanent repeal of the death tax.

As all of our colleagues know, we did repeal the death tax after phasing it down over a period of years, but the repeal only lasts for 1 year before that legislation is sunsetted, and we go right back after 10 years to the death tax as it currently exists.

I do not think any of us who voted for its repeal really intended that effect. We want to make its repeal permanent, and this amendment will do that. We will have the opportunity to vote on that next week as part of the stimulus package. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

MORNING BUSINESS

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak for up to 10 minutes each.

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

JOINT SESSION OF THE TWO HOUSES—THE STATE OF THE UNION ADDRESS BY THE PRESIDENT OF THE UNITED STATES

Mr. REID. Mr. President, I ask unanimous consent that the Presiding Officer of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held tonight, Tuesday, January 29, 2002, at 9 p.m.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Nebraska is recognized.

STIMULUS LEGISLATION

Mr. NELSON of Nebraska. Mr. President, I rise today to express support for the Daschle consensus stimulus package, and I applaud the action of the Senate in passing the Baucus amendment to provide for accelerated depreciation over 2 years and 30 percent additional depreciation, as well as assisting and holding the States harmless for any lost revenue they might otherwise receive based on the support of the Medicaid Program at the State level.

I think it is clear to most everyone that we need to have some economic stimulus. What does not seem to be clear to everyone is of what that consists. What seems to be further unclear at times is whether we need to do it a certain way for a certain period of time.

I thank Senator DASCHLE for his efforts on this issue, not just for bringing forth the economic stimulus package but doing so in such a constructive way, trying to find that which was common among most of the proposals that have been offered and to bring together consensus where consensus can be achieved.

This legislation is, at the very least, a building block for a package with which most would be hard pressed to disagree. If each of us were to come up with what we thought was the best economic stimulus for the country and put together our own package, we would have had at least 100 different bills.

In fact, if I had my way, I would probably do some of this differently, but I think when a package is put together and we take a close look, as we are, at individual ideas that might differ with the package, that might be supplemental, we are certainly seeing what the Senate is all about, and that is diverse opinions being fully debated to try to help this country out of its economic doldrums. In fact, if I had my way, I would include a provision addressing the net operating losses, or the NOLs, for a longer period of time because I think by extending the period of time it would help business shoulder the burden of the current economic downturn. So I think it is important we consider an NOL extender as well.

Over the past few months, we have heard so much talk from both sides about the need for an economic stimulus. Recently, we had the Chairman of the Fed say perhaps it was not as necessary as it might have been before, and we have heard others say we should have done it last year.

As anyone knows, there were a handful of us—maybe more than a handful—who wanted to do it last year, but that is not a reason not to do something this year in the context of where we are.