



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148

WASHINGTON, TUESDAY, APRIL 16, 2002

No. 42

Senate

The Senate met at 11 a.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

PRAYER

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

Our dear God, who persistently seeks to make America both great and good, we praise You for the privilege of living in this land You have blessed so bountifully. With awe and wonder we realize anew that You have called our Nation to be a providential demonstration of the freedom and opportunity, righteousness and justice You desire for all nations. Help us to be faithful to our destiny. May our response to Your love be spelled out in dedication to serve. Enable us to grasp the greatness of the blessing of being Americans.

We thank You for the strategic role of this Senate in Your unfolding plans for our beloved land. In this quiet moment, we affirm who we are and why You have called us to be servant leaders in such a time as this. Our ultimate goal is to please You and to serve You.

Inspire the men and women who represent our Nation in the high calling of being Senators. Give them divine wisdom, penetrating analysis, and solutions to problems, but most of all, indomitable courage and inspiring boldness to declare Your best for our Nation. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JACK REED 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. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 16, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REED thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, in a moment, the Chair will put the Senate into a period of morning business until 12:30 today. The Senate will recess from 12:30 to 2:15 for the weekly party conferences.

At 2:15, we are going to resume consideration of the energy reform bill. It was determined yesterday, in speaking to the two Senators from Alaska here in the Chamber, that they would be ready this afternoon to offer the long-anticipated ANWR amendment. So we expect to get that this afternoon and be back on the energy bill.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. LOTT. Mr. President, I understand that perhaps progress has been made on getting a final agreement on

the border security bill, that it may be ready today, and that it might just be a matter of getting a vote on final passage. Is that correct information?

Mr. REID. Yes. In the information that I received last night in speaking to Senators KENNEDY and BYRD, Senator BYRD had three amendments. It appears they can work those out. There may be a requirement for a vote on one of them. Speaking to Senator BROWNBACK yesterday, it appeared that there were no Republican amendments. So I think the matter should be resolved today and maybe this evening or tomorrow we can finish the bill very quickly.

Mr. LOTT. That would be good. I hope we can seal that deal and get it done.

Mr. REID. Yes.

PRAYERS FOR CHAPLAIN OGILVIE'S WIFE, MARY JANE

Mr. LOTT. Mr. President, while the Chaplain is still here, I want to make sure that all of our colleagues are aware that his wonderful helpmate, Mary Jane, has been having some difficulty and is spending some time at Washington Hospital Center. We all know the saying that behind every successful man is a strong and supportive woman.

Mary Jane has been a wonderful part of the Senate family for the past 7 years that Lloyd John Ogilvie has been our Chaplain. He comes to minister and to the aid of all of us in our Senate family. I wanted my colleagues and our staffs to know that he, too, sometimes needs our help, our support, and our prayers.

So I say to the Chaplain, we certainly are thinking about you and we are going to be saying a prayer for Mary Jane and her speedy recovery and her ability to come back to help the Chaplain in his very important work.

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



Printed on recycled paper.

S2689

BUDGET RESOLUTION

Mr. LOTT. Mr. President, I am deeply concerned about reports that I have been hearing that indicate that perhaps the Senate may not even consider a budget resolution this year. It is not clear whether we will or we won't, but in the discussions I have had with Senator DASCHLE, his only response has been: Well, that decision has not been made yet.

I must say that is very troubling, and I hope the decision is not made to just defer action completely on the budget resolution this year.

If we don't have a budget resolution, I predict that it will lead to legislative chaos for the remainder of the year. When you look at the budget resolution, you see page after page of numbers. I realize it is not very exciting, it is difficult to read, and the debate on the budget resolution, while it is under expedited procedures, leads to highly arcane descriptions of such things as reserve funds, reconciliation procedures, and references to points of order. But, clearly, it is a process that you can go through and you can usually do it in about a week. Yes, it leads to a number of votes, quite often even the very unattractive carousel-type procedure where you vote on amendment after amendment.

I wish we could find a way to limit that. Maybe this is the year we can come to some sort of agreement to not have 20 or 30 votes, one right after the other. It makes it very difficult to legislate properly and difficult for Senators to even understand the ramifications of those votes. But that is the way it has been done.

I think that in spite of the messy procedure, it will determine whether or not we are able to really govern this year. The budget resolution is not really about numbers in the final analysis; it is about setting priorities and making choices. What will be the position of the Senate on spending for the year? What is the position of the Senate on tax policy? What is the position of the Senate in terms of defense and improving education and health care? Everything sort of depends on having this statement of policy in the budget resolution.

Now, in the years we have had the Budget Empowerment Act, since about 1974, the Senate has never failed to act. Two or 3 years ago, we did have a situation where the Senate passed a resolution, the House passed a resolution, and we could not get a conference agreement. But the two bodies agreed on the numbers that would be followed by the Appropriations Committee and we went forward. I was not proud of that. I thought that was an abdication of our responsibility. At least we agreed on numbers and we went forward.

The idea we would not even make an effort this year sends a fairly bad signal. I realize there is a time problem here. We have about 5 weeks before the Memorial Day recess. We need to finish

the energy bill, and we need to do trade promotion authority and bills associated with that, at least indirectly, such as the Andean trade authority and the Trade Adjustment Assistance Act. We still have to do supplemental appropriations. We need to do the Defense authorization bill and a budget resolution, and we need to do all that before the Memorial Day recess. The law requires that we do a budget resolution by April 15.

More years than not, we do not meet that deadline, but at least we go forward and have a budget resolution. If we do not do this by Memorial Day, then it will be very difficult for the Appropriations Committee to proceed. When we look at the fact we have June, July, and September basically remaining in this legislative year, we will have to get going with Defense—well, with all the appropriations bills. Hopefully, Defense appropriations will be first. We need to make sure we fund that program before anything else because our men and women are so dependent on it.

I am very worried about what the situation will be if we do not have a budget resolution. I have been looking at what it could lead to, and I have to say it is going to be a wild-west-type approach. If appropriations bills come up, there are no limits, no points of order to limit spending beyond what a subcommittee may have designated as its numbers. The 60-vote point of order will not apply. The bills could very well collapse of their own weight because there will be so many brilliant ideas of how spending can be added.

If I were a subcommittee chairman, regardless of on which aisle I sat, that would be a very difficult situation to manage.

The argument might be: It will be hard; we will have to vote on all those amendments. That is true, but we do it year after year.

The argument can be made: We are closely divided. Last year we got a budget resolution, and we were divided 50–50. Here are the budget resolutions we passed over the past 6½ years, including last year when it was 50–50. By the way, when we got to a final vote, it was passed by a wide bipartisan vote. In fact, the Senate passed the budget resolution on April 6, before the April 15 date that is included in the budget law, and it was by a bipartisan vote of 65 to 35. It can be done, it should be done, and every year I served as majority leader, we got it done. Here are the budget resolutions. The evidence is there.

I think perhaps what is going on here is just a desire to not have Senators cast these tough votes. That is an abdication of our responsibility.

Perhaps the Senate majority leader and the budget chairmen have something different in mind. Maybe they are saying they prefer to just operate under last year's budget resolution. By choosing not to vote on their own, they are, in effect, choosing to continue

under the budget resolution we passed last year. Obviously, that would create a number of problems.

I support the President's budget. The President came up with a good budget. He does provide a significant increase in the priorities that need to have increases. There is an increase for defense funding. We need a supplemental for defense to pay for what we have already spent, and we need to make sure our military men and women have a decent quality of life, have the weapons they need to do the job, the most modern technology possible, which has saved a lot of lives.

We need to move forward on national security. Of course, we realized last year after September 11 that we were vulnerable and we needed to do more with respect to homeland security. There are a lot of hearings occurring now in the Appropriations Committee and other committees of jurisdiction about exactly where this additional spending in homeland security should go. We know we need to do more for port security, airport security, first responders, law enforcement, firemen.

Clearly, we are going to have to add significant increases in funds for homeland security. That has been acknowledged and called for on both sides of the aisle. So national defense, homeland security, and economic security are priorities.

We need to make sure we are doing the right thing with fiscal policy at the Federal Government level so that the economy will grow. We see positive signs, but it is not universal. It is uneven, and it varies from sector to sector, and there are even some regional differences.

This year maybe more than ever we need to have a budget resolution that sets some priorities so that we can do what we need to do but not lose control of it when it gets to this Chamber.

Let me speak a minute about one of the specifics in the budget resolution that came out of the Senate Budget Committee. I commend Senator CONRAD, the chairman of the committee. He could have just said it is not worth the effort, we are not even going to try to get it out of committee. He did make the effort, and they reported out a budget resolution. That signaled to me we were going to be ready to go to the floor with the resolution that came out of the committee.

Now you see it, now you don't. I do not quite understand why that change occurred, even after the Budget Committee stepped up, and while it did not pass on a bipartisan vote, it went through within 2 or 3 days of consideration and is now ready for full Senate consideration.

My concern is specifically in the defense area. I am worried that the budget that came out of the Budget Committee is soft on defense. While it fully funds the President's defense request for next year, it shortchanges the President's request by \$225 billion over the next succeeding 9 years. It is \$225