

arguably germane amendments. The question is whether or not the rules are going to be used again to block votes on germane amendments. I will object to that happening. I will do everything I can to make sure germane amendments, including some that I have filed, are considered postcloture.

I thank the manager for yielding. I yield the floor.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on Calendar No. 442, S. 2673, the Public Company Accounting Reform and Investor Protection Act of 2002:

Jon Corzine, Deborah Stabenow, Paul Wellstone, Ron Wyden, Daniel Akaka, Barbara Boxer, Charles Schumer, Byron Dorgan, Harry Reid, Paul Sarbanes, Daniel Inouye, John Edwards, Barbara Mikulski, Thomas Carper, Jack Reed, Tim Johnson.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum has been waived.

The question is, Is it the sense of the Senate that debate on S. 2673, the Public Company Accounting Reform and Investor Protection Act of 2002, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Ohio (Mr. VOLINOVICH), the Senator from Idaho (Mr. CRAPO), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

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

The yeas and nays resulted—yeas 91, nays 2, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—91

Akaka	Cleland	Frist
Allard	Clinton	Graham
Allen	Cochran	Gramm
Baucus	Collins	Grassley
Bayh	Conrad	Gregg
Bennett	Corzine	Hagel
Biden	Craig	Harkin
Bingaman	Daschle	Hatch
Bond	Dayton	Hollings
Boxer	DeWine	Hutchinson
Breaux	Dodd	Hutchison
Brownback	Domenici	Inhofe
Bunning	Dorgan	Jeffords
Burns	Durbin	Johnson
Byrd	Edwards	Kennedy
Campbell	Ensign	Kohl
Cantwell	Enzi	Kyl
Carnahan	Feingold	Leahy
Carper	Feinstein	Lieberman
Chafee	Fitzgerald	Lincoln

Lott	Reid
Lugar	Roberts
McConnell	Rockefeller
Mikulski	Santorum
Miller	Sarbanes
Murkowski	Schumer
Murray	Sessions
Nelson (FL)	Shelby
Nelson (NE)	Smith (NH)
Nickles	Smith (OR)
Reed	Snowe

Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Wellstone
Wyden

NAYS—2

Levin

McCain

NOT VOTING—7

Crapo
Helms
Inouye

Kerry
Landrieu
Voinovich

Warner

The PRESIDING OFFICER (Mr. CARPER). On this vote, the yeas are 91, the nays are 2. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The pending motion to recommit is out of order.

Mr. SARBANES. Mr. President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senate is not in order. The Senate will be in order. The Senate is not in order.

The Senator from West Virginia.

Mr. BYRD. Mr. President, we can have order in the Senate with Senators in their seats. At least they do not need to be cluttering up the well. I want to say a few words.

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. I have the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

SUPPLEMENTAL APPROPRIATIONS

Mr. BYRD. Mr. President, no committee in this Senate works harder than the Appropriations Committee. We have been working for months on the supplemental appropriations bill. We held hearings, months ago now, on the supplemental appropriations bill, hearings specifically concerning budget requests for homeland security.

The administration put its feet in cement and its head in the sand and adamantly opposed the committee's request, which was in writing, and signed by Mr. STEVENS and myself, to have Mr. Ridge come up and testify so that the Appropriations Committee in the

Senate, following a practice of 135 years of having witnesses appear in open sessions so that the people can hear what they said—the administration did not want that, and the President put a muzzle on his Homeland Security Director and said, no, he will not come.

Mr. STEVENS and I wrote a joint letter asking for an appointment with the President. We wanted to state our case. The President did not answer that letter. No. Some underling answered the letter.

So we had to proceed. We did. We proceeded as best we could. The full committee had excellent hearings over a period of 5 days, with testimony from firemen, policemen, local health officials, also testimony from seven Cabinet Members and the Director of FEMA.

So we proceeded as best we could. We put together a bill we thought was a good bill. Then, however, the President threatened to veto it because it had too much money, in his way of looking at it, too much money for homeland security. So there was the threat to veto the bill.

Only this week—perhaps it was Monday—the President, in a speech, assailed Congress for “delay” in getting this appropriations bill downtown, saying the Defense Department is hard up for moneys. So Mr. YOUNG, chairman of the House Appropriations Committee, Mr. OBEY, Mr. STEVENS, and I have been meeting. We met yesterday and we thought we had the whole thing pretty much wrapped up and that we could meet this morning in full committee and vote the conference report out, and send it back to both Houses for their judgments.

Lo and behold! At 7 o'clock last night, here comes a request from the White House to hold up further action. They want to send up a different budget.

So, who is holding up defense? The President, in a public speech, lambasts the Congress for not getting this appropriations bill to him sooner. We have been wanting to go with the President and get this bill on his desk, but he just has not supported the efforts of the appropriations members on both sides of the Capitol to move this bill, first withholding Mr. Ridge, who is the point man for the administration on homeland security, adamantly refusing to let him testify; then threatening to veto the bill. This is a difficult bill. The staffs work into the night around here on this bill; we try to work hard to get the bill down to the President. He assails the Congress for not sending the bill to him, saying that if he doesn't have it by a certain hour or day, it is going to affect the national defense, going to affect the military with personnel reductions and so on.

So we were prepared today to have a conference. I want all appropriations members within the sound of my voice to know that the meeting is canceled. Canceled, why? I understand that Mr.

YOUNG is going to call me to tell me that it is canceled at the request of the Speaker of the House, who often acts at the request of the White House, I assume.

Mr. STEVENS. Will the Senator yield?

Mr. BYRD. I don't mean any disrespect to the Speaker. I am just saying how this is being put off. Yes, I will, just in a moment, if I may.

I am upset about it. I am the chairman of this Appropriations Committee. I have never seen the appropriations process so meddled in and delayed by the White House. I know that Mr. YOUNG is doing this at the request of the White House. They want to send up a new budget right at the last minute, 7 o'clock last night. Mitch Daniels, I understand—

Mr. STEVENS. Will the Senator yield?

Mr. BYRD. I will yield right in the middle of my sentence.

Mr. STEVENS. I am sorry to do this, Mr. President, but my distinguished friend, our chairman, I think is implying that this was done at the request of the White House. That is not my information. It was a decision of the Speaker because the Office of Management and Budget has not delivered to us the information we need to close this bill. The Speaker asked, notwithstanding the White House request that we get the bill done today, that we wait until we get the information from the Office of Management and Budget.

If the Senator will let me have one other comment, then I will yield back. I apologize for interrupting the distinguished President pro tempore, chairman of our committee, but the difficulty is this: We have faced such an enormous demand from the Office of Management and Budget to adhere to a line, a top line barrier that the Office of Management and Budget is willing to accept, \$1.6 billion from the airline bill, airline supplemental bill, stabilization bill, that expired.

We have such a blind mindset down there about top lines that we are unwilling to look at reality. The reality is, the Senate and the House have worked, and we are almost closed, and now we are waiting for some more Enron-type offsets, offsets that are meaningless in order to justify this top line mentality with which we are dealing.

From my point of view, I think we should go see the President. I am going to ask to see the President. I have been here 34 years, not nearly as long as my friend from West Virginia, but I, too, have never gone through a period as I have gone through on this supplemental. This is not worthy of the constitutional process at all, and it is time we had an understanding of what the role of the Congress is with regard to appropriations.

Right now we face this demand, and because we wanted to get the bill out, we did meet with the Office of Management and Budget Director last night.

Our staffs worked late into the night, and we came to an agreement about what we would do. But the Office of Management and Budget was to submit rescissions to us or at least changes in their budget by 8 a.m. this morning. They are not here.

But the Senator from West Virginia is absolutely right, part of it is a reduction in defense. We fought to increase defense. Some of these offsets may make a little sense in this sense; that the supplemental was submitted to us in March and there certainly has been a series of months pass by that people were not paid to carry out the work that was covered by the supplemental. That would be a legitimate offset, if it were identified properly.

We were told last night that there was such a list. When we asked to see it, it didn't appear. When we asked for it to appear here by 8, it was agreed to, to be here by 8. It didn't appear this morning either, hardly worthy of people who are working for the President.

The only thing on which I cannot agree with my friend from West Virginia is that this is the President. The President is ill served by what is going on, in my opinion. I hope people understand: This is blind adherence to a line that was established—a crazy line, in my opinion—without regard to the needs of the country at all, and we are asked now to get down on our knees and really thank God for this list when it comes. But I have to tell you, my good friend, I am up to here with this process. People know I have a short fuse anyway. I hope to calm down before I see the President, but I do thank the Senator from West Virginia for yielding to me.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Alaska. He is precisely on point. If I have presumed to err in my judgment as to what was going on exactly in the process and have cast any reflection on the Speaker of the other body, I apologize for doing that.

My colleague is correct: This Office of Management and Budget, as far as I am concerned, is just above my ears. Upon what meat doth this our little Caesar feed? I am talking about Mitch Daniels, the Director of OMB. He is always meddling, always meddling in the Congress, in its work and in appropriations. Not only that; he is always lecturing the Congress. I have never mentioned his name publicly until now. But I am fed up to my ears also.

The appropriations process is being mangled. It is being maimed. It is being murdered at the hands of someone who is not elected by the people of this country. What bar of judgment does he stand before?

I repeat, "Upon what meat doth this our Caesar feed that he is become so great?"

I want to voice my disappointment in the circumstances that have brought about a cancellation of this appropriations conference today. If I have said something amiss here, which Mr. STE-

VENs felt I might have, I certainly apologize for that. But I am just fed up. I am tired. I am tired of this mangling of the appropriations process. Here is this outfit, blows into town like a tornado and they are going to change the tone in Washington. And the tone has been changed. It is to the nth degree worse than what it has ever been before. I wish the President would step in and stop this interruption, this mangling of the appropriations process, this meddling by his Office of Management and Budget director, and stop that bigmouth down there from constantly meddling in appropriations bills and criticizing the Congress.

That man, Mitch Daniels, is not elected by anybody. I hate to say this about a man. I like him personally, but he just goes too far. I am tired of it. We have Members who had planned to leave town, who canceled their trips, believing they were going to have this meeting this morning and that we would wrap up this appropriations bill and send it down to the President.

I don't want to hear anybody in the administration accusing the Congress of delay in passing this bill. It is on their table. Let them come into court with clean hands before they attack the Congress.

I am sorry to my colleagues for taking so much of their time. I am sorry profusely, I say, to the members of the Appropriations Committee who were here and who made changes in their day's schedule on the presumption that we were going to have a conference. I don't know when we will have a meeting. I suppose it will be soon.

I hope those Senators who are attempting to hold up the military construction bill, because of the need for moneys to help their States and districts in the case of floods and fires and drought, will desist. That is what a supplemental is for. We have a supplemental now. Let's do something about the drought, the fires, and the floods in this supplemental. It is my desire, as chairman of the Appropriations Committee, to get all of these appropriations bills passed by the beginning of the new fiscal year. We are going to do that. Mr. STEVENS and I worked hard on this.

I yield the floor.

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

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue calling the roll.

The assistant legislative clerk continued with the call of the roll.

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

The PRESIDING OFFICER. Without objection—

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue calling the roll.

The legislative clerk continued with the call of the roll.

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

Mr. REID. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard. The clerk will continue calling the roll.

The legislative clerk continued with the call of the roll.

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

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

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.

PUBLIC COMPANY ACCOUNTING AND INVESTOR PROTECTION ACT OF 2002—Continued

Mr. REID. Mr. President, will the Chair inform us what the matter before the Senate now is?

The PRESIDING OFFICER. The Daschle second-degree amendment to the Edwards first-degree amendment.

Mr. REID. That is Daschle for Levin; is that not right?

The PRESIDING OFFICER. That is correct.

The Senator from Nevada.

Mr. ENSIGN. Mr. President, I raise a point of order that the pending second-degree amendment is not germane to the bill postcloture.

The PRESIDING OFFICER. The point of order is well taken. The amendment falls.

The deputy majority leader.

AMENDMENT NO. 4286, AS MODIFIED, TO
AMENDMENT NO. 4187

Mr. REID. I call up amendment No. 4286, and I ask unanimous consent that Carnahan amendment No. 4286 be modified with the change at the desk.

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

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mrs. CARNAHAN, for herself, Mr. DODD, Mr. DURBIN, Mr. LEVIN, Mr. HARKIN, and Mr. CORZINE, proposes an amendment numbered 4286, as modified, to amendment No. 4187.

Mr. REID. 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 require timely and public disclosure of transactions involving management and principal stockholders)

At the end of the amendment, insert the following:

(b) ELECTRONIC FILING.—Notwithstanding the provisions of section 403 of this Act, section 16(a)(2) of the Securities and Exchange Act of 1934, as added by section 403, is amended to read as follows:

“(2) if there has been a change in such ownership, or if such person shall have purchased or sold a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) involving such equity security, shall file electronically with the Commission (and if such security is registered on a national securities exchange, shall also file with the exchange), a statement before the end of the second business day following the day on which the subject transaction has been executed, or at such other times as the Commission shall establish, by rule, in any case in which the Commission determines that such 2 day period is not feasible, and the Commission shall provide that statement on a publicly accessible Internet site not later than the end of the business day following that filing, and the issuer (if the issuer maintains a corporate website) shall provide that statement on that corporate website not later than the end of the business day following that filing (the requirements of this paragraph with respect to electronic filing and providing the statement on a corporate website shall take effect 1 year after the date of enactment of this paragraph), indicating ownership by that person at the date of filing, any such changes in such ownership, and such purchases and sales of the security-based swap agreements as have occurred since the most recent such filing under this paragraph.”.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. CARNAHAN. Mr. President, I am offering this amendment on behalf of myself and Senators DODD, DUBBIN, LEVIN, HARKIN, and CORZINE.

The Senate is engaged in an important debate about how to improve our Nation's financial system. Today I am offering an amendment that is intended to provide more timely information to average investors. America has the most vibrant and dynamic economy in the world. Our robust and resilient capital markets are the foundation of our economy. But the success of those markets depends on the free flow of accurate, reliable information.

Recent disclosures about the inaccuracy of some companies' financial reports have shaken that confidence. I am pleased the Senate has acted quickly to take up this important reform legislation. I believe that this bill makes tremendous progress in improving the quality of information available to the markets. In the interest of further improvement, I am offering an amendment to modernize the method of disclosure required when insiders trade in their own companies' stock.

One warning sign that a company may be in trouble is when its executives are selling large amounts of company stock, as occurred at Enron. I have learned, however, that information about insider selling is not easily accessible.

Under our current system a company's officers are required to file a disclosure form with the Securities and Exchange Commission, SEC, any time they sell securities of their company. Tens of thousands of these forms are

filed annually. These are not complicated forms. I have a copy here. It is a simple 2-page form.

The Office of Management and Budget estimates that the form should not take more than 30 minutes to fill out. With capital markets as sophisticated as they are in the U.S., information must be available quickly to be useful. However, insiders currently have up to six weeks to file their disclosure forms. And the overwhelming majority of these forms—95 percent—are filed on paper, rather than electronically.

The Banking Committee has already addressed the issue of timely disclosure. This legislation would require disclosure of sales within 2 days, a vast improvement over the current deadlines. However, this legislation is silent on the issue of modernizing this arcane paper filing system.

Right now, there is no way for an investor in Missouri to quickly learn that a company executive is selling off company stock. The only ways to get the information are to go to a reading room at the SEC in Washington, or to write a letter to the SEC. These written requests may take weeks to process. This is unacceptable in the electronic age.

My amendment requires that information about insider sales of publicly traded companies be filed electronically. The SEC would then be required to make the forms available to the public over the Internet. Any company that maintains a corporate Web site would be required to post these disclosure forms on the Web site. The SEC, itself, has acknowledged the value of having these forms filed electronically.

I have here a letter from SEC Chairman, Harvey Pitt. He wrote to me that “expedited disclosure of trading by company insiders is imperative.” In fact, he applauded the legislation I introduced earlier this year that requires electronic disclosure.

I ask unanimous consent that a copy of this letter be printed in the RECORD.

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

U.S. SECURITIES AND
EXCHANGE COMMISSION,
Washington, DC, March 1, 2002.

Hon. JEAN CARNAHAN,
U.S. Senate, Hart Office Building,
Washington, DC.

DEAR SENATOR CARNAHAN: Thank you for your February 14th letter regarding S. 1897, the Fully Informed Investor Act which you recently introduced. I share your concerns about the issues regarding reporting of insiders' securities transactions that your bill addresses. As we announced on February 13th, the Commission will shortly propose rules that would provide accelerated reporting by companies of insider transactions in public company securities. This is an integral part of our effort to supplement the periodic disclosure system with “current disclosure” in order to put information investors want and need into their hands more promptly.

I also share the view reflected in your bill that expedited electronic disclosure of trading by company insiders is imperative, and I applaud your initiative. As you know, the Securities Exchange Act of 1934, rather than