

business today, it recess until the hour of 9:30 a.m. on Saturday, October 29. I further ask consent that on Saturday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a vote on the continuing resolution, as under a previous order.

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

PROGRAM

Mr. HATCH. For the information of all Senators, the Senate will vote on the continuing resolution at 9:30 a.m. tomorrow. Further, the Senate will convene on Sunday at 4 p.m., for those Senators who want to make statements, and we will vote on another continuing resolution at 7 p.m.

As a reminder, votes on continuing resolutions will be necessary each day prior to adjournment. The appropriations negotiations are ongoing, and it is hoped that the Senate can adjourn by early next week.

ORDER FOR ADJOURNMENT

Mr. HATCH. If there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order following the remarks of Senator BYRD, Senator REID of Nevada, Senator REED of Rhode Island, and Senator GRAHAM of Florida.

Mr. KERREY. Mr. President, reserving the right to object, do I still have time on my 30 minutes?

The PRESIDING OFFICER. The Senator from Nebraska still has 3 minutes 7 seconds.

Mr. HATCH. I modify my unanimous consent request to reflect that time.

Mr. KERREY. That will be enough.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nebraska is recognized.

THE BUDGET

Mr. KERREY. Mr. President, continuing what I was talking about earlier, I would like to point out I am not sure all my colleagues understand. But in this tax bill that we are going to take up tomorrow and next week, it has one key provision. Again, this was done with House and Senate leadership getting together and trying to figure out what was put in. It is tucked away at the very end. It is a provision not listed in any summary list by the bill's backers.

The provision calls for the abandonment of the pay-as-you-go budget discipline which, since its initial adoption in 1990, has required all tax cuts and spending increases be offset with other tax increases or entitlement spending cuts. This provision would order the Office of Management and Budget to set the PAYGO scorecard to zero instead of reflecting the actual cost of

the tax bill in order to avoid a huge sequester the OMB would order, since the cost of the tax bill, if it became law, would come from the projected budget surplus rather than the required off-sets.

I understand why it is being done. I understand we cannot do it any other way. But that is why we should not do it. All the way through the 1990s when we had this PAYGO provision in there, we were able to maintain our fiscal discipline in spite of great pressure to do the contrary. Whether it was tax cuts or spending increases that were being proposed, we could maintain that discipline because every time we brought an amendment down here to the floor that spent more money or cut somebody's taxes, we had to have an offset. That is the PAYGO provision. And we are going to throw it out the window, it seems to me, and we are going to abandon a principle that has enabled us not just to balance our budget but to help produce the growth in our economy by keeping the pressure off private sector borrowing that we were competing with all the way through the 1980s.

We are now paying down debt. I note Government treasuries are becoming of more and more value as they become less and less available, and because people are sensing the economy is growing a bit flat. But there is no pressure. It kept pressure off the Federal Reserve which kept interest rates low, grew our economy, and produced many of the jobs for which we all take credit. So this is a substantial change in the way we have conducted business previously.

The second point I want to make, in spite of what the Governor of Texas has been saying about not targeting tax provisions, that is what this bill does. It targets tax provisions. Indeed, of the 119 targeted tax provisions—I note this amends the 1986 Tax Simplification Act. I think it is the twentieth or thirtieth time we have done that since 1986 and the principal sponsor of it, I note with great amusement, is Congressman ARMEY, who is also the No. 1 advocate for tax simplification and the flat tax. But of the 119 targeted tax provisions in this tax bill, only one of the provisions is included in the Bush tax proposal.

This is us saying, I think appropriately, that we are going to try to target the taxes. The last thing I would say, I reiterate—I am sure our colleagues have seen and know the numbers in your own State about the number of people who do not have health insurance for all kinds of reasons.

Mr. President, 94 percent of the tax benefits in the health insurance category go to subsidize people who already have insurance. Only 6 percent attempts to do what I think America has done at its finest, and that is to try to push the circle of opportunity out further and further.

There is no doubt today there is a correlation between lack of health in-

surance and poor health status. It is most unfortunate that, if we are going to do targeted tax cuts, we do not do those targeted tax cuts in a way that increases our confidence, that as a consequence of what we are doing we will decrease the number of people in our States who currently are out there without any health insurance whatsoever.

I yield the floor.

Mr. BENNETT. Mr. President, would the Senator from West Virginia allow me to have 3 minutes to comment on the remarks of the Senator from Nebraska?

Mr. BYRD. Yes, I will be glad to.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Utah.

A TRIBUTE TO SENATOR KERREY

Mr. BENNETT. Mr. President, I have been remiss in not taking the floor to pay tribute to the Senator from Nebraska for his service here. The presentation we have had, although I disagree in some detail with some of the aspects of it, demonstrates how much we will miss him. The Senator from Nebraska has been a key figure in the group that has been known variably around here as the Centrist Coalition, or Chafee-Breaux, or the group that tries to get together across partisan lines and work things out.

As I sat in the chair and listened to the Senator from Nebraska, I realized if he and I could sit down in a room, between the two of us—and not have the White House there, and not have the leadership there of either House—we could arrive at a conclusion that I think he would be satisfied with, I would be satisfied with, and I think would be good for the country.

I think that comes from the fact that he has a business background and I have a business background. In business, you are not as interested in ideology as you are in getting the thing solved.

So I atone for my past failure and say publicly that this body will miss the Senator from Nebraska. This particular Senator considers him not only a good friend but a wise legislator, and I think the country has been well served as a result of his willingness to give these two terms to the Senate. I wish him well in whatever endeavor he undertakes in the future.

I say to the Senator from Nebraska, if he should decide to seek the Presidency once again, I would cheer for the Democratic Party to choose him as their nominee. I may not vote for him, but I would feel more reassured if he were the alternative on the other side.

Mr. KERREY. I thank the Senator very much.

The PRESIDING OFFICER. The Senator from West Virginia.

THE COMMERCE-JUSTICE-STATE BILL

Mr. BYRD. Mr. President, earlier today I voted for the conference report

on the Commerce-Justice-State bill, which was included with the D.C. appropriations bill. Both those bills were in the same conference report. I voted in favor of those measures. But the CJS measure was, in actuality, a seriously flawed piece of legislation with a number of problems attendant to it.

The first problem that I had with it was that it was a conference report, and thus it was not subject to amendment. The underlying appropriations bills went straight from the Senate Appropriations Committee to the conference committee, totally bypassing the Senate floor. The full Senate was afforded no opportunity to debate or amend these two appropriations bills. These are not the first appropriations bills to be herded through Congress in this fashion this year, but that fact does not make the practice any less objectionable. It is a simple case of cutting corners in the name of political expediency, a practice in which the United States Senate should not engage.

Second, the Commerce, Justice, State bill includes a controversial immigration rider, the Legal Immigration Family Equity Act, a scaled down spinoff of the Latino and Immigrant Fairness Act. The Senate dealt with this issue last month during consideration of the H-1B visa bill, when it refused to consider the Latino and Immigrant Fairness Act. I opposed suspending the rules to allow that measure to be offered as an amendment to the H-1B visa bill because I believe that such legislation sends the wrong message to those who might consider entering this country illegally. I believed then, as I believe today, that granting amnesty to aliens who are in this country illegally simply encourages others to enter the country illegally.

Although the Legal Immigration Family Equity Act would grant amnesty to a smaller group of illegal aliens, it creates the same problems as the Latino and Immigrant Fairness Act by rewarding illegal aliens for breaking U.S. law. It should make no difference whether we grant amnesty to one million illegal aliens or only a handful of that number. The principle is the same. Amnesty for illegal immigration sends the wrong message, period. Worse, these bills are an affront to those immigrants who have played by the rules, often waiting many years before being allowed to settle here legally.

I am opposed to the sending of these mixed signals by Congress. It is counterproductive for the United States to vigorously protect its long and porous borders from illegal aliens—at great expense to the taxpayers, I might add—while at the same time granting amnesty to selected groups of those aliens who manage to cross the border undetected or otherwise enter the country under false pretenses. The Senate should not endorse an immigration policy that rewards aliens who violate the law.

I realize that my views are at odds with a number of my colleagues, and I respect their position. I respect their viewpoints, and I would be very happy to debate the merits of new immigration legislation with them at the proper time and on the proper vehicle. This was not the proper time, and this conference report was not the proper vehicle. Neither the Latino and Immigrant Fairness Act nor the Legal Immigration Family Equity Act has been considered by the Senate Judiciary Committee, which has jurisdiction over immigration issues. No hearings have been held. No report has been issued by the Committee so that other senators can better understand the implication of these bills. No full scale debate has been aired.

The Commerce-Justice-State conference report could not be amended. It was a take-it-or-leave-it-package. Controversial immigration legislation that the Senate refused to consider once this year as an amendment to an immigration bill should not be resurrected under any guise as a legislative rider on an unamendable appropriations conference report.

Finally, I am concerned with executive branch meddling on this conference report. The President has said he will veto the conference report because the immigration rider does not go far enough. He wants the broader Latino and Immigrant Fairness legislation on this appropriations bill. This is the same President who has been complaining bitterly about legislative riders on other appropriations bills. This is the same President who vetoed the Energy and Water appropriations conference report because it contained an environmental rider to which he objected. This is the same President who berated Congress for including legislative riders along with supplemental funding provisions attached to the Military Construction appropriations bill. This is a President who has made it clear time and again that he objects to legislative riders on appropriations bill, and yet he has vowed to veto this conference report because the legislative rider it contains does not go far enough to suit him.

Mr. President, the Senate has a responsibility to complete its work—not avoid its work or compromise its work, but complete its work. This conference report is an example of how not to complete the Senate's business. The Commerce-Justice-State bill funds many vitally important programs, and that is why I voted for it. It is a bill that can and should stand on its own merits. It should not be hamstrung by legislative riders or election year politics.

Mr. President, the problems that I have cited with this conference report are not a reflection on the Senate Appropriations Committee. Chairman TED STEVENS has done yeoman's work this year to shield the appropriations process from both the Democratic and Republican political agendas.

I can compliment equally all of the members of the Appropriations Committee in this respect—the Republicans who chaired the subcommittees and the Democrats who were the ranking members. They all worked together, as they always do. There is no partisanship when it comes to the Appropriations Committee. Republicans and Democrats work together and politics is off the table. That was the case when I was chairman of that committee, and that has been the case since when former Senator Hatfield was chairman and now Senator TED STEVENS of Alaska. Senator STEVENS and I resisted mightily the sledgehammer approach that was used to bring this and other appropriations conference reports to the floor. Senator GREGG and Senator HOLLINGS, the chairman and ranking member of the Commerce-Justice-State Subcommittee, labored diligently to complete work on their bill and bring it to the floor under its own steam. No, the problem with this conference report is not the fault of the Committee but is the result of a breakdown in the legislative system that has seeped—seeped—through the appropriations process this year. The appropriations bills are the victims of this breakdown, not the cause of it.

It does not have to be this way, and it should not be this way. The Senate is fully capable of doing its work in an orderly and disciplined manner, capable of drafting, debating, and passing 13 individual appropriations bills, and of completing a separate legislative agenda.

Sadly, that is not to be the case this year. Congress is limping slowly toward a long overdue adjournment, leaving behind a trail of unfinished business and the wreckage of the appropriations process. Mr. President, I hope this sorry spectacle will never be repeated. I hope that the clean slate of a new Congress will bring a fresh perspective to next year's appropriations process. I hope and I pray that next year will be different.

Mr. President, I thank the distinguished minority whip, Mr. REID, for his never-failing attendance to the business of the Senate.

The Bible says: "Seest now a man diligent in his business? He will stand before kings." Senator REID is always diligent in his business. I appreciate his arranging for me to have this time. He is thoroughly dependable and always courteous and considerate to me and to all other Senators. I commend him for it. The people of his State have every right to be proud of him as their senior Senator. And we on our side of the aisle have every right to be proud of him as the minority whip.

Mr. REID. If I could say to my friend, before he leaves the floor, I just came from the studio where I did a little TV thing because we are now not going to be able to be in Nevada next week. Senator BRYAN and I joined together to name a hospital for the most decorated soldier from Nevada who served in

World War II, a man by the name of Jack Streeter, who is alive.

It is amazing, as I went through this American hero's record—seven Silver Stars, two Bronze Stars, five Purple Hearts—now, I know that the Senator from West Virginia, his medals have not been on the field of battle in Germany like my friend Jack Streeter, but I was thinking, as the Senator was talking to me—I am the minority whip. Of course, this is one of the lesser positions the Senator from West Virginia has held.

The Senator from West Virginia has been whip, majority leader, minority leader more than once, and in addition to that, the honor that most people would feel they had fulfilled their career with, of being chairman of the Appropriations Committee.

So I say to my friend publicly, as I have said privately, what an honor it is to be able to serve with one of the legends, in his own time, of the Senate: ROBERT BYRD. There are not many Senators that you think of as being so closely connected with the Senate as ROBERT BYRD. We have the Calhouns and we have a few people whose names come to our mind, but ROBERT BYRD is someone, when the history books are written, will always be mentioned as one of the all-time leaders of the congressional process. What a great honor it is to be able to serve with the Senator from West Virginia.

Mr. BYRD. Mr. President, Mark Twain said he could live for 2 weeks on a good compliment. The compliment that the distinguished Senator from Nevada, Mr. REID, has just paid me can help me to survive for quite a long time. I shall not forget it. His words are a bit embellished, but I am deeply appreciative of what he has said.

I appreciate it very much. I thank him again for his good work every day on the floor of the Senate. Having been whip, I know when we have a good one. And Senator REID is here, looking after the Senate's business, and always very attendant upon our every need. I am ready to vote for him again any time. He does not have to look me up and find out if I am still for him.

Mr. President, I thank the Senator.

Mr. REID. Just one last comment while we are throwing compliments around this late Friday afternoon.

I can remember when I went and spoke to Senator BYRD, and he indicated he would support me 2 years ago for this job. And I wrote him a letter. I can very clearly remember writing it. It took a little time in thinking of what I wanted to say. In that letter I said that as far as I was concerned he was the Babe Ruth of the Senate. I don't know if you remember that letter, but that is what I said.

Mr. BYRD. Yes, I remember that letter.

Mr. REID. With Babe Ruth, you always think of the best baseball player. And when you think of ROBERT BYRD, you think of the best player in the Senate. Thank you.

Mr. BYRD. Yes. I believe it was September, in 1927, when Babe Ruth beat his own former record of 59 home runs. In 1927, he swatted 60 home runs.

Mr. REID. Senator BYRD, I can remember, as if it were yesterday, you asked me one weekend—

Mr. BYRD. I believe that was September 30, 1927. And I believe it was on the 22nd of September 1927 that Jack Dempsey and Gene Tunney fought a fight in which—we who lived in the coalfields hoped Jack Dempsey would win back his title, but he did not win it back. That was the occasion of the "long count."

It was in May of that year that Lindbergh flew across the ocean in the *Spirit of St. Louis*. Sometimes he was 10 feet above the water; sometimes he was 10,000 feet above the water. And his plane had a load, which I remember, of about 500 pounds. He carried five sandwiches, and ate one-half of a sandwich.

I remember reading in the New York Times about that historic flight. He said he flew over, I believe, what was Newfoundland, at the great speed of 100 miles per hour—at a great speed, 1927.

Mr. REID. Senator BYRD, I do not want to put you on the spot here, but I can remember returning from one of my trips in Nevada, and we had a conversation. You asked me what I had done, and I said, I hadn't read a particular book in 25 years. And I picked up the book "Robinson Crusoe" to read about Robinson Crusoe. You said to me: I know how long he was on that island. I just read the book, and you told me. And I had to go home and check to see if you were right, and you were right, to the day.

Mr. BYRD. I believe that was 28 years, 2 months, and 19 days.

Mr. REID. Yes. I have not forgotten that.

Mr. BYRD. I believe that is right.

Mr. REID. I went home and checked, and I will do it again. I am confident you are right.

Mr. BYRD. All right. I thank the Senator.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

THE LATINO IMMIGRANT AND FAIRNESS ACT

Mr. REID. Mr. President, my good friend from West Virginia talked about his opposition to the provision in the bill dealing with Latino immigrant fairness. He and I have had a number of conversations about that. I, of course, respect his views as were just laid out here, his feelings on that piece of legislation.

Briefly, I would just say about this legislation that the Republicans have chosen to ignore what we felt is something that is very important. We have tried to have hearings. We have tried to do legislation on this. Simply, we were ignored.

We, of course, have met with our counterparts in the House. And they

feel strongly about this. They have been ignored, just as we have over here. We have received the support of the administration to help us in crafting legislation that would protect what we believe is a basic tenet of American justice.

They have decided to ignore our bill and those who support it, and have decided to include their own immigration bill. The President has had no choice but to do this drastic maneuvering measure. We have tried, time and time again, to bring this bill to the floor, and it is always met by the other side's intransigence.

We have a simple goal: One of fairness. We want one set of rules for all refugees and immigrants. And we offer a clear plan to correct serious flaws in our immigration code. Meanwhile, the majority is trying to cloud the issues, distort our bill, and create an intricate maze that helps very few.

The current system is unworkable and unfair. Our plan aims to correct flaws in the current unworkable and biased immigration rules. For instance:

There is one set of rules for Cubans and Nicaraguan refugees who fled left-wing dictatorships; and another, far stricter set of rules for refugees from Central America, the Caribbean, and Liberia who fled other dictatorships;

Because Congress failed to renew Section 245(i), families who have a right to be together here in the U.S. are being torn apart, sometimes for up to 10 years; They are forced to leave their families and can't come back for 10 years. They haven't done anything illegal.

Because of past Congressional action and bureaucratic bungling, some people who were eligible for a legalization program enacted in 1986 are now U.S. citizens; while others are facing deportation.

Democrats want a simple set of fair rules that make sense and clean up the immigration code.

We want to establish legal parity between Central American, Liberian and Caribbean refugees so that all refugees who fled political turmoil in the 1990s are treated the same.

We want to renew 245(i). This provision, which has allowed all family members of U.S. citizens and legal permanent residents to adjust their status while in the U.S., has been allowed to expire. Our proposal would renew it and allow all immigrants who have a legal right to become permanent residents to apply for their green cards in the U.S. and remain here with their families while they wait for a decision.

The registry date would allow all persons who came to the U.S. before 1986 to be eligible to adjust their status. This provision has been regularly updated since enactment in 1929 but has not been updated since 1972.

Republicans now agree that Congress should help some immigrants, but their proposal provides no relief on parity, little on 245(i), and even less on the registry date.