

SENATE—Tuesday, November 13, 2001

The Senate met at 10:30 a.m., and was called to order by the Honorable PATTY MURRAY, a Senator from the State of Washington.

PRAYER

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

Gracious God, the source of healing in times of grief, we pray for the loved ones and friends of those who died in the crash of American Airlines flight 587. The more we have learned about the 260 people who lost their lives, the more profoundly we have felt the anguish caused by this tragedy. We ask You to comfort their families both here and in the Dominican Republic. Also, we pray for the citizens of Queens, NY, who lost their family members and their homes in this plane crash. Many of the people in this community were heroic firefighters and police who worked so tirelessly to save the lives of others in the World Trade Center terrorist disaster. We live in a violent time of terrorist attacks, human and mechanical failures. Quiet our agitated hearts so we can turn to the work before this Senate today. Strengthen the Senators in their resolve to press on, and all of us in the Senate family with focused attention on the duties of this day. Lift our spirits with the assurance that physical death is not an ending and with the confidence that even now You are comforting those who are enduring the ache and pain of momentous grief. In the name of Him who is the resurrection and the life. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PATTY MURRAY 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, November 13, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATTY MURRAY, a Senator from the State of Washington, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. MURRAY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, as we move to the business at hand, we will begin consideration of S.J. Res. 28, regarding budget points of order. There is a 2-hour time agreement.

The Senate will recess from 12:30 to 2:15 p.m. for the weekly party conferences. At 2:15, the Senate is expected to begin consideration of the stimulus bill. At 4:45 today, the Senate will conduct 15 minutes of debate on the nomination of Edith Brown Clement to be United States Circuit Judge for the Fifth Circuit. At 5 p.m., the Senate will conduct two rollcall votes, first on the Clement nomination and second on passage of S.J. Res. 28.

Madam President, all Senators know we are going to do our very best to recess as early this week as possible for Thanksgiving. We have a tremendous amount of work to do. It will take cooperation on both sides. We hope Senators will recognize there are many important items we have to address today, beginning with debate on the stimulus package. This will go over until tomorrow. We have important conferences. Commerce-State-Justice has been completed. The Agriculture conference has been completed. As soon as the House takes action, we will.

If there were ever a time for people to set aside partisan differences, it would be during this week. We hope that will be the case. The majority leader indicated we will work as long as people want to offer amendments, into the evening if necessary, and move forward as quickly as possible.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

SUSPENSION OF CERTAIN PROVISIONS OF BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will now proceed to the consideration of S.J. Res. 28, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 28) suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

The ACTING PRESIDENT pro tempore. Under the previous order, the statutory time limit has been reduced to 2 hours to be equally divided and controlled between the chairman and the ranking member of the Budget Committee or their designees.

The Senator from North Dakota.

Mr. CONRAD. Madam President, last Thursday, the Budget Committee reported this joint resolution which would suspend several budget enforcement mechanisms. We reported unfavorably in the Budget Committee by a unanimous vote of 22-to-0. I am certain people wonder why we have a resolution that the budget committee rejected unanimously; how that can happen.

It happens because it is required by law to bring this matter to the floor, even though the Budget Committee has unanimously rejected its elements. The reason for that is, whenever economic growth is below 1 percent for two consecutive quarters, the balanced budget amendment requires that the Congressional Budget Office should issue a low-growth report. They did that on October 31.

The Senate is now required to consider this joint resolution which would suspend five budget enforcement mechanisms. Those mechanisms have elements as follows: points of order against tax cuts or spending that violate the budget resolution; the discretionary spending cap point of order; the point of order enforcing 302(a) and 302(b) spending allocations; the point of order against amendments to reconciliation bills, unless the amendments are deficit-neutral; and sequestration of discretionary and mandatory spending. All of those things would be tossed out and would not apply if we accepted this resolution.

Senator DOMENICI, the ranking member of the Senate Budget Committee, and I, and our Budget Committee colleagues, on a bipartisan basis, are united in opposing the resolution and urge all Senators to vote to defeat it. As I indicated, the Senate is required to take up this resolution. It is required by the Budget Act. However, it would be a mistake to adopt it because that would take away all protections to maintain fiscal discipline.