

**SENATE—Tuesday, November 27, 2001**

The Senate met at 10:30 a.m. and was called to order by the Honorable JAMES M. JEFFORDS, a Senator from the State of Vermont.

## PRAYER

The Chaplain, Dr. Lloyd John Gilvie, offered the following prayer: Gracious God, we return from Thanksgiving recess with gratitude surging in our hearts for all that You have done for us and given to us. We praise You for Your goodness, faithfulness, and unchanging love. During these past weeks since September 11, You have been our strength, courage, and endurance. You have given us exactly what we needed in each hour. Now in that same companionship with You, we face the challenges ahead. Grateful for the progress in the war against terrorism, we praise You in advance for victory in the battles still before us in Afghanistan. Remembering how You have protected the Senate family through the anthrax threat, we ask for continued patience and perseverance for the Senators and staffs displaced from their offices. Thank You for the interception of the anthrax-laden letter addressed to Senator LEAHY and continue Your protective care in the offices of Senator KENNEDY and Senator DODD.

Author of unity and source of oneness, may the spirit of patriotism equal to our Armed Forces in harm's way sway this Senate in the days ahead. Thank You for enabling civility, creativity, and compromise that will get the work done expeditiously with excellence. We say with the psalmist: *O Lord my God, I will give thanks to You forever. Amen.*

## PLEDGE OF ALLEGIANCE

The Honorable JAMES M. JEFFORDS 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 assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 27, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JAMES M. JEFFORDS, a Senator from the State of Vermont, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

## RECOGNITION OF THE MAJORITY LEADER

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

## SCHEDULE

Mr. DASCHLE. Mr. President, this morning the Senate will conduct a period of morning business with Senators permitted to speak for up to 10 minutes each. The Senate will recess from 12:30 to 2:15 p.m. for the weekly party conferences.

I ask unanimous consent that the Senate go back into morning business beginning at 2:15 p.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DASCHLE. At least one rollcall vote will occur during today's session between 4 and 5 p.m.

It is my intention to take up the railroad retirement bill today. We will make a motion to proceed to the bill shortly. After we dispose of the railroad retirement bill, my hope is that we can take up the farm bill. We are going to be taking both of these bills up, waiting for the Defense appropriations bill to be sent here from the House. We are not sure yet when that will be. My hope is it will be sometime before the end of this week.

Appropriations Committee chairman Senator BYRD has made it clear it is his intention to take up the bill in committee as quickly as possible, and then we will be prepared to take up the Defense appropriations bill as soon as or shortly after the Appropriations Committee has acted.

In addition to that, our hope is to take up the economic stimulus package. That is very important legislation that we hope we can finish certainly before the end of this session. The conference reports on appropriations—there are four conference reports still outstanding. We will want to address those as quickly as possible.

I also inform my colleagues that the Judiciary Committee is prepared to report out, as I understand, nine judicial nominees, including one circuit court nominee, this week. We will be taking

up those nominees as soon as the committee has reported them out, in addition to other nominations.

I have not mentioned the terrorist insurance bill, the port security bill, counterterrorism, or bioterrorism legislation. There is a lot of work left to be done. My hope is we can complete our work on all of those pieces of legislation prior to the time we depart for the Christmas holidays.

Once again, the issue of energy has come up on a number of occasions. For good reason, it is a very important piece of legislation. The House has acted on an energy bill. We need to act as well. I have indicated it was my plan to take it up as soon as many of the issues relating to the response to the terrorist attack of September 11 could be resolved. Of course, we are still dealing with many of those issues right now.

We also are continuing to deal with what I think most Senators would agree is must-pass legislation; that is, the array of appropriations bills that have yet to be completed.

It is for that reason I don't know that we will have an opportunity to complete our work on an energy bill before the end of this session. I am prepared to commit to taking up the energy bill prior to the Founders Day recess; that is, during that first work period, between January 22 and the time we break for the Founders Day recess.

We ought to recognize that this bill is important. It is comprehensive, but it is also controversial. We are going to have to leave some time for debate on the legislation. It is my intention—and I intend to be more clear as I know what remains of this session when we come back—regardless of whatever additional legislation may be required to be considered in that first block of time, my determination, my commitment will be that we raise this issue, debate it, and have a good opportunity to consider energy legislation prior to the Founders Day break.

Mr. LOTT. Mr. President, I ask Senator DASCHLE, is he through?

Mr. DASCHLE. I am not through. I have a statement I will be making about further issues to be considered and raised. I am happy to yield.

Mr. LOTT. Mr. President, if the Senator will yield, I would like to ask some questions about the anticipated schedule he just outlined today.

One thing he didn't mention was the Education conference report. I understood that some progress had been made in that area. It is one we have been working on all year. Certainly, trying to make a Federal commitment

to improving education throughout America with more accountability and better education in general is something we all want to work toward. Did the Senator intend to indicate, by not mentioning it, that it is not likely to happen, or does he have any information on what we might anticipate on the Education conference report?

Mr. DASCHLE. I had a good conversation with the chairman of the Education Committee last night. He has given me a progress report. Clearly, if the conference completes its work, I want to bring up the education bill. Clearly, that is an issue of great import, as the Senator has noted. It is one that deserves the attention and priority of Congress and would be reflected in the schedule.

I did not list it simply because the conference has not completed its work, but if it completes its work, I will certainly be interested in pursuing an opportunity to take it up on the floor.

Mr. LOTT. Mr. President, if the Senator will yield, if that work is not completed, the majority leader does not anticipate that would interfere with the ability of the Labor-HHS-Education appropriations conference committee to complete its work?

Mr. DASCHLE. The Senator is correct. We have to complete the work of the appropriations process. Certainly that is an issue that has to be resolved.

Mr. LOTT. With regard to the Defense appropriations bill, that is the only appropriations bill that has not been considered on the floor of the House or the Senate while the other four conferences are continuing to work. I want to clarify when it is the Senator's intention to bring up the Defense appropriations bill.

I assume the House is going to begin work on it today and maybe complete action on it by tomorrow. We would then be able to go to it, I presume, Thursday or Friday. What is the majority leader's thinking on the Defense appropriations bill? Obviously, that is a very important bill because it provides the funds that are needed for the defense of our country at a time when, obviously, that is very important. It is being used in that very important engagement in Afghanistan, and it also contains the final \$20 billion for aid as a result of the September 11 events.

I am just concerned if we do not go to it as soon as is possible, that is the one of two things that will delay our ability to complete our work at least for this session of Congress.

Can the majority leader clarify more for the Senators what we might expect on the Defense appropriations bill?

Mr. DASCHLE. The distinguished Senator is absolutely correct. This is a critical piece of legislation. We have been waiting for the House to produce a bill on which we can begin working. They have had some difficulty in arriving at a consensus.

As I understand it, as the Senator has noted, the House now does plan to make another effort at reaching a consensus this week. Just as soon as the bill is sent here, I am quite sure the Appropriations Committee will take it up in their committee, and then at some point shortly after that, whenever that time may be, it would be my intention to bring it to the Senate floor for debate and passage.

Since we do not know exactly when the House will be able to send us a bill, it is not as clear to me when we can move on the Senate side, but just as soon as we have a bill, we will move.

Mr. LOTT. I had hoped Senator MURKOWSKI would be able to be here—I understand he is actually on the way in to the Capitol at this time—and other members of the Energy Committee who have been very concerned that we have not taken up national energy policy legislation before even now.

From what the majority leader is saying, it is his intent not to have an energy bill considered this year—at least he is not going to call one up—but he indicated he would call a bill up after we come into session, presumably January 22, in that 3-week period before the Founders Day recess period. Mr. President, is that what the Senator is saying at this point? He is not making any kind of commitment as to getting a product—I did not hear him indicate what product that might be because the Energy Committee, I do not believe, has actually completed work on the bill.

I guess the majority leader's intent would be to rule XIV some bill and call it to the floor under that procedure. Is that what his thinking is? I just want to clarify that as much as possible.

Mr. DASCHLE. The Senator is absolutely correct. We intend to bring up for purposes of debate and amendments and consideration a bill we will introduce next week. It will be rule XIV'd. It will be brought to the floor.

As the Senator knows, not just the Energy Committee, but the Finance Committee, the Environment and Public Works Committee, the Governmental Affairs Committee, and I think even the Armed Services Committee have all played a role in the creation of this comprehensive, multifaceted energy policy. Because it is so multifaceted and multijurisdictional, we chose to put a proposal together that will allow the Senate to work its will on energy policy during that period of time.

That bill will be, as I say, introduced next week, available to all Senators for the period we are not in session. It would be my expectation we would take the bill up—not only my expectation, but my commitment that we will take the bill up during that first work period.

Mr. LOTT. It is of great concern to me and a number of Senators that we

are not going to be able to consider an energy policy for our country before the end of the year, especially in view of the fact we see now continuing uncertainty about what is going to be done by the OPEC countries.

I have a great deal of concern that we are dependent on Iraqi oil and even Russian oil, although Russia clearly has been helpful in this instance in not cutting the supply which would drive up the prices at a critical time.

I think we should have already done an energy bill, and we should do one before we go out. I believe once we actually get on to an energy bill, many portions of it can be handled rather expeditiously. Clearly, there is a disagreement about oil production in ANWR, and we will have to work through that with a vote or votes just to see what happens.

While we are being told we are not going to do an energy bill, I understand the majority leader's intent now is to call up the railroad retirement bill which has not been reported from the Finance Committee and clearly is not an emergency, even though it does have support on both sides of the aisle. It is your intention to try to call up the railroad retirement bill today; is that correct?

Mr. DASCHLE. The Senator is correct. The railroad retirement bill has 74 cosponsors. It is overwhelmingly supported on both sides of the aisle. I do not recall the exact vote in the House, but it passed overwhelmingly in the House. I know well over 300 House Members voted for it.

This is a matter of great concern to a lot of railroad retirees. We were hoping that while we wait for the Defense appropriations bill, we could take up a couple of pieces of legislation that deserve consideration, and that certainly is one of them.

Mr. LOTT. And the other one is Agriculture, even though the agricultural law for the country does not expire until next year. This bill came out of committee. Even though it was reported on a voice vote, I think the critical vote was pretty much a party-line vote.

There are a lot of problems with this legislation. I do not see that it could be handled quickly with all the different problems that are in this bill. So the majority leader's intent would be to try to go to railroad retirement today and then Agriculture after that, and then go to the Department of Defense appropriations bill after those two?

Mr. DASCHLE. The Senator is correct.

Mr. LOTT. All of that is building up to one critical question: Where is the stimulus bill? If we really want to help the unemployed in this country with their unemployment benefits and health benefits and to stimulate the economy with some provision that would give a quick jump-start to the

economy, including possibly this idea that Senator DOMENICI has been proposing, which would be a payroll holiday during December which would have a tremendous immediate impact for employees and employers and come at a critical time of the season—it sounds to me as if the Senator's intent is just to shuttle the stimulus bill off to the side with no indication as to when it may come back and, as a matter of fact, if you try to go to railroad retirement and do not get consent, I presume the majority leader would file a motion to proceed. That would be fully debatable. You would file cloture, and there would be a vote on it on Thursday, I presume. Then we would be off the stimulus bill. So the stimulus bill would be not only moved off to the side, it would be completely brushed aside.

It looks as if, to me, for the defense of our country and to help the economy of this country, the two bills we ought to be focusing on are, obviously, Defense appropriations, which the Senator has indicated we want to try to do, and the stimulus bill ahead of anything else.

I wish to express my concern we should not be doing anything else until we get an agreement worked out on the stimulus bill. I still am an optimist that we can come to an agreement on the stimulus bill that would help the unemployed and help those who need health benefits in this country and provide a boost to the economy in a quick fashion that would provide positive, immediate benefits without long-term negative effects and would actually encourage growth in the economy.

So I wanted to express my concern about that, and I hope as the day progresses and we go over into tomorrow we will continue to work to find a way to get that done.

I thank the Senator for yielding.

Mr. DASCHLE. If I could respond to the Senator from Mississippi before he leaves, I will ask him a question. He asks: Where is the stimulus bill? I remind him, prior to the Thanksgiving recess, the Republicans defeated cloture on the stimulus bill. They are filibustering the stimulus bill as we speak.

There is one way to break that filibuster and to get on with ensuring we can get a stimulus package even this week. I ask the Senator from Mississippi if he would sit down with me and with our Republican and Democratic colleagues in the House and negotiate a package that addresses homeland security and revenue tax reduction, and do it this afternoon. If he is willing to agree to a meeting of that kind—which they have not been willing to agree to so far—we can get to work and get an agreement certainly before the end of the week.

Will the Senator from Mississippi agree to do that?

Mr. LOTT. I certainly would be more than delighted to sit down with the members of the Finance Committee in the Senate and the Finance Committee in the House to work on a stimulus package that would provide immediate growth in the economy.

As the Senator knows, unfortunately the bill that came out of the Finance Committee came out on a straight party-line vote, and when the bill came to the Senate, an additional \$15 billion in spending—I believe that is the right number—had been added for homeland security, which I think is certainly a debatable issue as far as its stimulative effect is concerned.

It might be argued some of those funds might be needed at some point, although those funds have not been requested by the administration. There have been no committee hearings, that I know of, that have justified that expenditure. Therefore, to have a negotiation on appropriations is not the way to proceed. We should proceed on the bill that came out of the Finance Committee.

There was not a cloture vote. The vote was on a point of order, as I understand it, which does require 60 votes, because this bill in its present form clearly exceeds the budget.

I made several efforts, and so has the Senator from South Dakota, I believe, before the recess to see if we could get the negotiations started immediately between the House and the Senate. For a variety of reasons, I guess, that did not happen, partially because it was a continuing demand to have negotiations on this additional \$15 billion, which can be added to other bills. I understand it may be offered as an amendment, either in committee or on the floor, to the Defense appropriations bill.

Mr. DASCHLE. If I could clarify, because I think the Senator has put his finger on exactly the issue. The Democratic position on economic stimulus is—and the economists have all verified this—there are two ways to stimulate the economy. One is through spending, and our homeland security package would provide spending for bioterrorism, for law enforcement, for an array of very specific needs. In fact, the Director of Homeland Security said there is a specific array of needs he should have, and he would like to have them sometime next year. What we are saying is if they are important next year, they ought to be important this year. We are saying that is part of it.

The other is tax reduction. Is the distinguished Republican leader saying that as long as homeland security is part of our package, they will refuse to have the meeting to find some resolution to this issue?

Mr. LOTT. The principles I thought we were proceeding on were: We wanted to have a stimulus package that would have an immediate effect, not one that

would have an effect 6 months or 1 year from now; also, it would not have negative long-term effects, such as driving up the deficit significantly and therefore eventually affecting interest rates; and it would have an immediate stimulative effect.

We believe adding \$15 billion on top of the additional expenditures that were added in the Finance Committee—and I am not sure what the total amount of money was that was added in spending in the Finance Committee, but it probably would put it in the range of \$20 billion to \$25 billion in additional expenditures, which is not the way to stimulate the economy. Again, it may be argued that at some point it should be considered separately.

The President has indicated that when they need additional funds, they will ask for additional funds. The President has specifically said they do not need these additional funds at this time. As I noted a while ago, there have been no hearings on this, but as long as there is an effort to turn this into another major spending bill, that is a problem. We should sit down and negotiate on the bill that came out of the Finance Committee and work out an agreement. That is the way to go, and that is what we are going to insist on. We are ready to do that at any time.

Mr. DASCHLE. I know there are a lot of Senators who wish to speak, but the Republican position is that so long as Democrats hold a view that in addition to tax cuts and whatever can be generated legislatively from the Finance Committee, that there is a very legitimate need for immediate additional commitment to homeland security, fighting bioterrorism, fighting the array of challenges we face in defending our infrastructure, making sure people have adequate law enforcement to deal with the array of challenges we face even at the local law enforcement level—so long as that is part of our economic stimulus package, the Republican caucus is refusing to meet. That is the issue.

So far, they have also refused to even deliberate on a bill that allows consideration of that, given their points of order or whatever other choices of parliamentary devices are available to them. So that is the issue.

I have offered three alternatives. Let us have a good debate. Let us decide what we are going to do in the Senate. Let us have a meeting to see if we can resolve both the spending and the revenue side. That was unacceptable.

I suggested then let us have separate meetings, one for appropriations. If their position is it ought to be zero and our position is it ought to be \$15 billion, perhaps if there is a real desire to compromise and work this out to resolve our differences, we ought to be

able to find some middle ground between zero and fifteen. The Republicans are saying, no, we do not even want to meet so long as that is an issue. So they are not willing to agree to separate meetings to talk about revenue and appropriations.

Finally, I suggested, if we take it up as an amendment to the Defense appropriations bill once it comes to the Senate and have a good debate about that, can we be guaranteed the Republicans will not use whatever parliamentary device may be chosen to deny the majority the opportunity to pass that? Again, they could not provide us with that assurance.

I know the distinguished Republican leader's suggestions are sincere and heartfelt. We have had many private conversations about the belief that he and I could probably work something out. He has a caucus to work with, and so do I. We do our best to try to represent our caucuses, but the Republican caucus has made it quite clear they are in no hurry to pass economic stimulus so long as economic stimulus is defined as, at least in part, an investment in homeland security. Never mind that it was reported in the Washington Post last week that the administration has \$127 billion of homeland security needs that are unattended right now. Never mind that the Director of Homeland Security said we have to have a lot more money, a lot more resources in homeland security than what we have right now.

He said, I am going to propose a supplemental next year. We are saying that if it is needed next year, and if the serious recognition of the need for homeland security is evident to him now, why do we wait until next year to deal with something we ought to do now? Especially when it involves improving the confidence level of the American people so they will lead their lives normally and restore this economic vitality that was so much a part of the last 8 years.

I will work with the Republican leader to try to find a way to resolve this impasse. As I said, we are willing to sit down anytime, under any circumstances, and meet, so long as both pieces are on the table. That is the Democratic caucus position. To my knowledge, it is shared by virtually every member of our caucus. So we will continue to try to work through that.

Mr. NICKLES. Will the majority leader yield for a comment?

Mr. DASCHLE. I am happy to yield.

Mr. NICKLES. I remember when the majority leader was minority leader and also trying to protect President Clinton. He did an outstanding job in so many ways. Well, President Bush has already said he did not want additional spending this year; he would consider the spending next year. Some of us will work to protect that. We think we have the votes to do that.

I also urge the majority leader to stay on the stimulus package. That is the regular order. That is the bill pending. I think the majority leader's request, to move off of that and pass railroad retirement, will not happen easily. There is strenuous opposition. There may be a lot of cosponsors but maybe not everyone read the bill. Maybe the bill never had a hearing in the Senate. In fact, it has never had a hearing in the Senate. It is a \$15 billion giveaway. It cuts taxes for a few firms for a few billion dollars and raises benefits and in 10 years has a heck of a problem. We will spend a lot of time on that bill.

I urge that the Senate stay on the stimulus package. There are challenges facing the Agriculture bill, which will not pass in a day or two. That bill has significant problems. Let's stay on the stimulus bill; let's work together to see if we cannot resolve some of the problems and actually help the economy. That is my request and my urging of the majority leader.

I want him to know at least a couple of the bills he was talking about taking up, which imply these can pass in a couple of days, will not happen. I give friendly advice to my friend and colleague, that will not happen.

I would like to have a fruitful, productive 2 or 3 weeks, whatever we will have to finish out this year to have some success in the appropriations and on the stimulus package. I was hoping we would do an energy package. The President has requested we do the energy package. The House passed it months ago. We have yet to consider it. I understand your priorities are different. I make those thoughts known to the majority leader that there will be strenuous objection to the railroad retirement bill, using procedural devices that are available to all Members so people can become familiar with this bill. So it will not pass quickly.

I urge staying on the stimulus bill and have unlimited meetings to get the stimulus bill completed this week or next.

The PRESIDING OFFICER (Mr. CORZINE). The Majority Leader.

Mr. DASCHLE. If I could respond briefly to the Senator from Oklahoma, I appreciate, as always, his honesty and forthrightness in telling his colleagues of his intentions on the railroad retirement bill.

He mentioned one of the reasons we ought to stay on the economic stimulus bill is the House has passed it and we ought to pass it. The House, many, many months ago, passed the railroad retirement bill. The House several months ago passed the farm bill. If that is the criteria by which we decide what ought to be taken up, I would think there is a strong argument both railroad retirement, as well as the Agriculture bill, ought to be addressed.

The distinguished Republican leader was asking a similar question, What is

the hurry in bringing up the farm bill? He noted the farm bill expires next year. That is the answer: The farm bill expires next year. More than a dozen national farm organizations wrote a letter yesterday pleading with the Congress, pleading especially with the Senate, to take up the bill, unencumbered, to pass it cleanly, to get on to conference and resolve our outstanding differences with the House and get this legislation passed this year. Farmers need to know what the circumstances are going to be next year when the current farm legislation expires. They need to have time to plan.

The Department of Agriculture needs time to adjust to the array of changes that will occur in public policy once this takes effect. That cannot be done overnight. If we don't do it now, it will encumber and perhaps impede in very serious ways the Department's ability to provide continuity in farm policy next year. This is very clearly a must-pass piece of legislation.

The Republican leader also made mention of the fact we had agreed in earlier bipartisan meetings about making sure the stimulus package is immediate and cost contained. He is not here, and I will not belabor this point because he is not here, but I certainly urge the Republican leader to go back and look at his own bill. If he is concerned about that, my guess is he will vote against the Republican bill in the Senate Finance Committee. It is twice the size of the Democratic plan. It is \$175 billion. We agreed it would only be a \$75 billion package overall. The House Republicans are proposing a \$175 billion package, and most—I emphasize "most"—of the provisions do not take effect this year. Most of them take effect in the outyears. There is almost no stimulus effect and it is twice the cost of the agreed-upon amount of stimulus we were going to provide this year.

I urge our Republican leader to look closely at his bill. I am sure he will come to the same conclusions I have with regard to his legislation if, indeed, those criteria are important to him as well.

I am happy to yield to the Senator from North Dakota.

Mr. DORGAN. If I might ask a question of the majority leader, this has been a very curious exchange because those who cast votes to knock the stimulus bill off the floor of the Senate are now inquiring of its whereabouts. This is not exactly a "where is Waldo" exercise. We know where the stimulus package has been and we know where it is.

It came to the floor of the Senate and a point of order was raised against that stimulus package. That same point of order would exist against the Republican substitute. The same point of order would exist against the House stimulus bill, but the point of order was raised against the bill that the majority leader brought to the floor of the

Senate. That knocked the stimulus bill off the floor of the Senate.

Now the inquiry this morning, by those who voted that way, is, Where is the stimulus bill?

Mr. NICKLES. Will the Senator yield?

Mr. DASCHLE. I retain the floor.

Mr. DORGAN. I ask the majority leader, is it not the case that the stimulus bill was brought to the floor of the Senate by action of the majority leader and that it was subsequently taken off the floor by a vote of those who now inquire of its whereabouts?

Mr. DASCHLE. The Senator is absolutely right. Technically, it is not taken off the floor, but it is still pending. A point of order was raised and Republicans supported the point of order, as you know, and this is an important point. The identical point of order could have been made against the House Republican bill. We chose not to do that. Our view is if we are going to try to create a bipartisan resolution here, we don't need a partisan conflict about the way we ought to proceed to getting to that resolution. That is exactly what has now been done by the actions taken by our Senate Republican colleagues. The very same point of order could have been raised against the House bill. Again, we chose not to do that.

I appreciate the Senator's comments.

Mr. DORGAN. If the Senator will allow me to inquire a further time, is it not the case that the only way we are going to get this stimulus package completed is to have all of the parties negotiate this? After all, we are only a couple of weeks prior to the end of the legislative session. It is urgent we pass some kind of package to provide economic recovery and provide lift to this economy.

All of the parties involved—the House, the Senate, and the President—proclaim we want to have some kind of stimulus package. Is it not the case that the best, most effective and perhaps quickest way to resolve this issue would be to have the affected parties begin to negotiate and begin to develop a compromise so the American people can get the feeling we are going to get this done; wouldn't that be the most effective way to proceed?

Mr. DASCHLE. The Senator is absolutely right. I have not participated in a negotiation where the price of admission was lopping off at least a third of the entire package before you even sit down to negotiate the first sentence. That is the price of admission on the part of our Republican colleagues today. I have never participated in something such as that.

What makes it all the more ironic, reading from the New York Times, November 22:

Tom Ridge, the Director of Homeland Security, said today he would seek substantial new spending in President Bush's next bud-

et, placing a priority on more agents and equipment for strapped federal law enforcement agencies and urgent improvements in public health facilities.

I repeat: Strapped Federal law enforcement agencies and urgent improvements in public health facilities. This is not something that says they are going to be strapped. These are not urgent needs next year. These are urgent needs right now. He has identified them.

The question is, If we are going to deal truly with economic security and vitality, if we are going to try economic stimulus, what is wrong with an immediate stimulation into those areas where we need it the most—law enforcement and the health agencies that need help right now, as identified by this administration?

Mr. NICKLES. Will the majority leader yield?

Mr. DASCHLE. Again, I think the Senator is absolutely right. But, again, we are willing to negotiate all this. We are willing to sit down with our Republican colleagues. We were willing to debate it until they made the point of order. They said: No, we are not going to debate it because we don't like it. No, we are not going to meet with you because we don't like it. But then they come to the floor and say: Where is it?

I think the Senator is absolutely right, this is an exercise in curious judgment about the need for economic stimulus if that is the approach taken by Republican colleagues.

Mr. NICKLES. Will the majority leader yield?

Mr. DASCHLE. I will be happy to yield in a moment.

I yield to the Senator from Illinois.

Mr. DURBIN. Mr. President, I want to make sure I understand the context. The bill we on the Democratic side support would not only have tax breaks for working Americans and for those who have been unemployed, to give them some assistance, it would also provide business incentives for depreciation, for example, and for capital investment. But the stimulus plan, the recovery plan we are supporting, also makes an expenditure for homeland security.

I would like to ask the majority leader if he has run into the same thing I have run into. My Republican Governor in my State has come to me and said that our State of Illinois needs \$20 million for a statewide communications network for police and firefighters to deal with crises and emergencies. My State, as most States, is running short of revenue in this recession. He has asked for help from Washington.

Is it my understanding that the spending stimulus package the Democrats support would provide assistance for that kind of law enforcement, firefighting, and first response capability. Is that what we are asking for, which was denied us in this point of order that was raised on the floor?

Mr. DASCHLE. The Senator from Illinois is absolutely right. I recall having several bipartisan meetings with economists. They said there were three things you really ought to do if you are going to stimulate the economy: First, it has to be immediate; second, it has to be temporary; and third, to the extent possible, you have to raise the level of confidence among the American people. That is exactly what this homeland security package does.

It is immediate. It is temporary—it provides a one-time opportunity for us to assist the law enforcement officials to whom I am talking as well. And it will raise confidence among the American people. People are not confident today, and they will not be confident until they know their security is much more palpable, much more evident than it is right now.

Mr. DURBIN. If I could ask the majority leader as well, in the spending side of our stimulus package, does not the issue of public health become an important consideration? I know people across America are concerned about bioterrorism and public health. It is my understanding what we are trying to do is provide additional money for public health agencies across America to protect our families and communities against the threat of bioterrorism. That is part of our economic stimulus package, which the Democrats support, which the Republicans stopped with their point of order.

I heard a statistic which I think really tells the story about priorities. It is my understanding the Bush administration has asked for \$300 million nationwide to help local and State public health agencies, while the House Republican stimulus bill has \$1.4 billion in tax relief for one company, one corporation.

Mr. SPECTER. Mr. President, is the Senator from Illinois asking a question or making a statement?

Mr. DURBIN. I would like to ask the majority leader, does the stimulus package which we want to make part of this effort in the Senate, the Democratic stimulus package stopped by the Republicans, also include provisions for more resources for public health to protect communities across America?

Mr. DASCHLE. I will respond to the Senator from Illinois. I know there are other Senators waiting. I do not want to monopolize the floor. But let me say this. The answer is yes. I guess I would ask my Republican colleagues, which part of the homeland security bill do you oppose: The bioterrorism and food safety bill that allows for \$3.3 billion to ensure that we can recognize the pathogens and treat victims of all of the array of bioterrorist possibilities that are out there? Improved State and local communication systems? Accelerating the purchase of smallpox vaccine? Is that the part you are opposed to? How about law enforcement?

This bill includes \$4.6 billion to provide additional help to law enforcement so they can deal with the tremendous challenges they are currently facing, and for which there is no funding.

How about transportation security? This provides for \$3.2 billion to ensure that there is protection, given the tremendous vulnerability that there is in our infrastructure right now. Is that the part they are opposed to? Would they oppose transportation security?

Finally, providing some help to our mail and our Federal computer systems? We provide for Federal facilities to ensure that we can better screen the mail. No one is more sensitive to screening mail right now than I am. But there is an array of very specific investments in homeland security to protect our mail and to make our computer systems more efficient. We have some of the most archaic computer systems, in many of our Federal agencies, that you can find in the country. We have to update them if we are serious about homeland security. Is that the part they are opposed to?

Which part of this do they not like? That is a really serious question.

I will be happy to yield to the Senator from Oklahoma for a question.

Mr. NICKLES. I will try to make it a question. I think the Senator from Pennsylvania is making a good point; I think we are entitled to ask questions. I don't think we are entitled to make statements.

You asked several questions. Which part of this don't we like? If you read Director Ridge's statement, he said "in next year's budget." Some of us do believe in budgets. Some of us do believe we had a deal with President Bush that said \$686 billion on October 5, plus \$40 billion. We have not even finished spending the \$40 billion. Many of the things you suggested might well be in that \$40 billion and are good causes. And "budget" is a key word.

President Bush has said he believes there is ample money in the \$686 billion and the \$40 billion to meet the needs, things that are needed now. The items the Senator listed were not requested by Director Ridge. They might be in next year's budget, and they may have offsets from other spending to pay for those needed items. The budget is a key item. We should have a budget.

We agreed to \$686 billion, and then we added \$40 billion on top of that, and then we did \$15 billion for airline security. We did untold billions in victims' compensation. No one knows how much that will cost. So some of us are saying, wait a minute, let's slow down just a minute on the spending. Let's at least request it be requested by the President.

Again, I compliment my colleague. You defended your President very well—President Clinton. Some of us want to defend President Bush, trying to make sure we do not go too far, too fast on spending.

Again, many of those items you have mentioned may well be in the second \$20 billion that we have yet to allocate and appropriate. So that is part of the reason some of us are saying let's be reasonable; let's have a stimulus package that still can go for stimulus. Most of the stimulus package—just to make the comment—a lot of us believe should stimulate the economy, not be another excuse for spending.

I wish to answer my colleague's question. You are saying, which one of these items are we against? We are not saying we are against any of those. We think they can be accommodated in the \$40 billion that is yet to be totally allocated by this Congress.

Mr. DASCHLE. Mr. President, I appreciate the answer of the distinguished Senator from Oklahoma. Let me just say, though, every economist I have talked to has said you can stimulate the economy with spending or with tax cuts. What I find always intriguing, and somewhat amusing, is our Republican colleagues say spending ought to count, tax cuts don't count; we ought to spend as much as we want to with tax cuts, and they don't count; we are going to oppose totally the first dollar of additional homeland security investment; that is, spending; but we are going to propose \$175 billion in tax cuts because that is not spending.

We had an agreement, they said, on \$686 billion in appropriations. Well, we also had an agreement on a tax cut that a lot of people did not like but now have reconciled to because it is law. It passed. It wasn't my part of the agreement, but it passed.

Now the President says: Oh, wait a minute, we want another \$175 billion of additional tax cuts over the \$1.8 trillion we passed last spring because we don't have enough yet. We want to stimulate the economy a little bit more with \$175 billion, drawing down the Treasury, drawing down Medicare, drawing down Social Security, drawing down all the retirement funds to pay for this tax cut, a tax cut that largely doesn't take effect until outyears, years after this one. There is nothing immediate about it at all. I find that very amusing.

We will continue to have this debate. But the whole point is simply this: There are understandable positions that both sides will take in these philosophical debates. I believe there is a right and a wrong way, and they believe there is a right and wrong way. But the only way we are going to find common ground is to meet. Perhaps the most important point in answer directly to the Republican leader's question about what we are going to do with economic stimulus is, I say, let's meet. I propose we meet at 11:30. Let's have a meeting with all of those involved. Let's resolve these differences. They are saying not until you take half of yours off the table. We can't do that.

I think every Republican will understand why.

Mr. DORGAN. Mr. President, will the majority leader yield?

Mr. DASCHLE. Mr. President, I yield to the Senator for a question.

Mr. DORGAN. I will make it brief, if the majority leader will yield for one question. I know our colleagues are waiting. They certainly have the right to ask a question. I appreciate the majority leader allowing me to do that.

We just heard a discussion about what we can't afford with respect to homeland security, something that the Senator from South Dakota believes very strongly ought to be a part of the stimulus package.

Is it not the case that some of those same folks who say we can't afford to have homeland security spending in the stimulus package believe that we can afford retroactive tax cuts going back to the 1980s to provide up to \$1 billion in checks to one company, for example, for alternative minimum taxes they paid in the last 12–13 years? The same people say we can afford that. That is OK. It is not stimulus, by the way. But we can't afford the investment in homeland security. Isn't it the case that there is a huge contradiction?

Mr. DASCHLE. It is not only a contradiction, it is a sad irony that somehow in the name of economic security we can, according to their approach, pay a company \$1 billion-plus, but we can't find a way to pay for \$1 billion in bioterrorism and food safety. We can't afford that. But we can afford \$1 billion retroactive payments to some of the largest corporations in the country. How ironic. How incredibly misguided that is. Yet that is the debate.

Mr. DORGAN. That totals \$23 billion.

#### UPON RETURNING FROM THANKSGIVING

Mr. DASCHLE. Mr. President, last week, as I was celebrating Thanksgiving with my family, I was reminded of the history of the holiday. We often forget that Thanksgiving was not always a feast of abundance.

The Pilgrim's first Thanksgiving, in 1621, didn't begin with plates full of turkey and vegetables, but with five small kernels of corn at each setting. For the Pilgrims, it served as a stark reminder of the hardship, struggle, and starvation they had suffered the previous winter.

It wasn't until 1863 that we had our first national Thanksgiving. In the autumn of that year—at the height of the Civil War—Abraham Lincoln proclaimed a national day not to honor abundance, but to remember "all those who have become widows, orphans, mourners or sufferers."

And so, to me, this Thanksgiving came closer to the original meaning of the day: a day to remember, in the