

American people are ill-served, as you do, when there are personal attacks on any of our leaders.

Do we have differences? Yes. Should we express those differences? Absolutely. Because, frankly, I have a lot of people who say: What really is the difference between Democrats and Republicans? So the fact that we do not agree on an economic stimulus package is to be expected. The fact that the Democrats are fighting for people who lost their jobs, yes, that is to be expected. The fact that we do not think it is right to give big rebate checks to the largest and most wealthy corporations in America and call it a stimulus, the fact that we do not agree with it is to be expected. The fact that the other side would support that is to be expected. So debating that is fine.

But my colleague has pointed out the viciousness of the attack against the leader of this Senate, TOM DASCHLE, who happens to be one of the kindest, most compassionate people in politics today, is something that cannot go by without a statement.

So I say to my friend, by way of a question, isn't it true that the people of this country expect us to have differences, expect us, on domestic policy, to bring those differences to light, where we are so united on the terrorism front—and we support our President and our Secretary of State; and we are moving together in this fight; there are no differences really, not even around the edges on that. But isn't it a fact that it is fine for us to have these differences, but that these differences should be debated with respect, with fairness, and with dignity?

Ms. STABENOW. I couldn't agree more with my friend from California. I know the families I represent in Michigan are saying to me: We know there are differences in approaches.

That is a reason why they sent me here. And I am of a different party, a different philosophy, on economic questions possibly, or other domestic issues, than those on the other side of the aisle.

They expect us to operate with civility, with respect. I believe and in fact have been telling people in Michigan that there is a new day, that since September 11 we have come together. Yes, we have differences in priorities. We are Americans. Under the Constitution, we have a right, an obligation, to give our point of view. There will be differences.

The personal attacks, the vicious partisan attacks that we have heard recently are just the same old thing we have seen for too long around here. People don't want to see that happening.

I will not question someone's patriotism. I will not say because they differ with my thoughts that there is nothing between their ears or that they are somehow a child who wants a recess

and that they are a third grader—whatever the comments were last week. Those kinds of things, frankly, demean all of us. That is my concern.

We have a lot of work to do in this next couple of weeks. People expect us to be focused on their needs and on the needs of the country, the safety of the country, the economy. It is legitimate for us to debate, and we have legitimate differences on how to move the economy forward. I have spoken before in this Chamber about whether it is supply side economics or demand side economics, what is the best mix? That is legitimate. People expect us to do that. We would not be fulfilling our own responsibilities as individual Senators not to come forward with our own ideas. But when it goes on and we hear our leader being attacked for abrogating his responsibility or that every day someone is in pain should be laid at the foot of TOM DASCHLE, that is uncalled for.

I was particularly concerned that there are actually ads being run now attacking our leader in the Senate because of a meeting he had in Mexico with the President of Mexico. Our President has met with Vicente Fox. President Fox has been here. We have welcomed him to the Capitol. They are our neighbors to the south. We have important work to do with them. Certainly part of what happens economically relates to trade and the relationship of our two countries. Yet we have those who have actually paid for partisan ads back in our leader's home State to imply that while a weekend in Mexico might be a nice break from the attacks at hand, in fact, this trip was the wrong thing to do.

I hope we can decide we are going to dedicate the time between now and the end of this session to the serious, vital business at hand and the priorities about which we can disagree. We can disagree about whether or not to drill in Alaska's national wildlife refuge. We can disagree about appropriations priorities.

As someone who has tremendous respect for the leader of this body, I will continue to object when there are personal comments made either about our leader or about the Republican leader or about others on the Senate floor. We have been through too much together since September 11 to turn back to the personal kinds of derogatory statements that were a part of the past. We can do better than that. The American people deserve better. The American people expect us to do better than that.

I call on the President of the United States and the Republican leadership to join us in a vigorous, sincere debate on the priorities for the country, the best way to achieve economic recovery and security, and to do that with the highest and best that is in us. We have a great body and people of wonderful good will on both sides of the aisle in

both Houses, as well as the White House. We can do what the people expect us to do. We can do it right. I hope in fact we will get about the business of doing it.

I yield the floor and 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. 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.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the previously scheduled vote which is scheduled for 12:30 now begin at 12:25 p.m. today.

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

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment, the Domenici amendment No. 2202, be laid aside, to recur at 2:15 p.m. today; that there then be 5 minutes of debate equally divided and controlled in the usual form prior to a vote in relation to the amendment; that there be no second-degree amendments in order, nor to the language proposed to be stricken.

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

Mr. REID. 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. 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.

#### DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the conference report to accompany H.R. 2299.

The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Texas (Mrs. HUTCHISON) is necessarily absent.

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

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 346 Leg.]

## YEAS—97

Akaka	Durbin	McConnell
Allard	Edwards	Mikulski
Allen	Ensign	Miller
Baucus	Enzi	Murkowski
Bennett	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Fitzgerald	Nelson (NE)
Bond	Frist	Nickles
Boxer	Graham	Reed
Breaux	Gramm	Reid
Brownback	Grassley	Roberts
Bunning	Gregg	Rockefeller
Burns	Hagel	Santorum
Byrd	Harkin	Sarbanes
Campbell	Hatch	Schumer
Cantwell	Helms	Sessions
Carnahan	Hollings	Shelby
Carper	Hutchinson	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Thomas
Corzine	Kohl	Thompson
Craig	Kyl	Thurmond
Crapo	Landrieu	Torricelli
Daschle	Leahy	Voinovich
Dayton	Levin	Warner
DeWine	Lieberman	Wellstone
Dodd	Lincoln	Wyden
Domenici	Lott	
Dorgan	Lugar	

## NAYS—2

Bayh

McCain

## NOT VOTING—1

Hutchison

The conference report was agreed to. Mrs. MURRAY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:55 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

## COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2001—Continued

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, parliamentary inquiry: What bill is pending before the Senate? What are the agreements regarding it?

The PRESIDING OFFICER. The pending bill is H.R. 10, to which pending is the Daschle substitute amendment, and an amendment to that is the amendment by the Senator from New Mexico with time for debate evenly divided.

Mr. DOMENICI. Has a vote been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. DOMENICI. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, I yield myself the 2½ minutes that I have.

First, I thank the chairman of the Budget Committee for cosponsoring this amendment.

Second, for those—they are numerous in the Senate—who are for the railroad retirement bill, this amendment is not a poison pill for the railroad retirement bill. It does not impact how this bill will be implemented. It simply will make sure the costs are recorded correctly. If you record them correctly rather than direct how they will be scored, you have no impact on whether the bill proceeds.

There is no additional point of order or anything that is an impediment to the bill. It is just that we very seldom, if ever, let a bill go through that costs money where we direct how it should be scored. In this case, the Congressional Budget Office was asked how much it will cost. They told us. Instead of scoring it as we would normally in almost every single bill that affects spending, the House, in the final moments as this bill was getting ready to be passed, put in language saying it shouldn't be scored as it is; we want to score it another way; we direct it not be scored costing \$15.3 billion.

All I ask is that provision be stricken. The bill does not have language in it, if the Domenici amendment is agreed to, that directs how you score it, but rather the costs will be scored as estimated by the Congressional Budget Office, which does the same thing for every bill that goes through. Bills do not have language telling you that you must score it differently than you score all the other bills and differently than the Congressional Budget Office indicates.

I reserve whatever time I have and yield the floor.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield myself a minute and a half.

Mr. President, I have the highest regard for the Senator from New Mexico and also for Senator CONRAD, chairman of the Budget Committee. They do an excellent job in a very difficult situation trying to keep us on track with the budget matters. They are very good Senators. I think people from their home States know that. But I just wanted to state that.

The question here is, does this cost any money? If you assume it does cost money, then there is an argument against directed scorekeeping; that is, there is an argument we do have outlays of maybe \$15, \$17 billion.

What is it we are addressing? We are addressing that the tier 2 retirement trust fund buys securities; that is, stocks and bonds, rather than buying

Treasury bills. The question is, Is buying equity securities the same or different from buying Treasury notes? Under the rules, they are different; that is, one is an outlay and the other is not. So it will be a \$15 billion outlay cost under the budget rules if the trust fund invests in securities; that is, equity securities, and no outlay, no cost when the trust fund buys Treasury bonds.

I yield myself an additional 30 seconds.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, technically, the chairman and the Senator from New Mexico are right because that is the way the budget rules have been applied. And this is a gray area. This is not similar to buying a truck or a gold mine or buying another physical asset. Rather, it is buying securities instead of Treasury bonds.

I yield myself an additional 30 seconds.

So I am saying to my friends, the Government is no better off or worse off whatsoever if the trust fund buys securities rather than buying Treasury notes, as all pension funds do. They invest in both Treasury securities as well as equity securities.

So I urge my colleagues to not apply this rule at this time because the Government is no better off or worse off; second, if the Senator's amendment were to be adopted, that would be the end of the railroad retirement bill this year because we would have to go back to the House and it would not survive this session or maybe even this Congress.

The PRESIDING OFFICER. The time for the Senator from Montana has expired.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield whatever time I have to Senator CONRAD and thank him for cosponsoring the amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I favor the railroad retirement legislation. I strongly favor it. But I just as strongly support this amendment to knock out directed scorekeeping because I think it misleads our colleagues and our countrymen.

Directed scorekeeping would suggest this legislation costs \$250 million this year to implement. That simply is not correct. The cost is \$15.6 billion. The hard reality is, that is what the Federal Government is going to have to borrow to fund this legislation, \$15.6 billion, not \$250 million. We should not say otherwise.

We can support this legislation but be direct and clear with respect to its cost.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to amendment No. 2202. The yeas and nays