

SENATE—Wednesday, March 14, 2001

The Senate met at 9:30 a.m. and was called to order by the Honorable GEORGE ALLEN, a Senator from the State of Virginia.

PRAYER

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

Gracious Father, source of strength to live life to the fullest, replenish our enthusiasm for the people of our lives, the work that You have given us to do, and the leadership we must provide. What Vesuvius would be without fire, or Niagara without water, or the firmament without the Sun, so leaders would be without enthusiasm. You desire it. We require it. And other people never tire of it.

Lord, You know what happens to us in the pressures and problems of life. The ruts of sameness become well worn, the blight of boredom settles on the bloom of what was once thrilling. You know we need a fresh gift of enthusiasm, when prayer becomes routine or people are taken for granted or the national anthem and the Pledge of Allegiance do not send a thrill up our spines or the privilege of living in this free land becomes mundane.

Bless the Senators and all of us who work with them today with a burst of enthusiasm for the privilege of being here in the Senate. Renew our awe and wonder, our vision and hope for our Nation, and our sense of gratitude that You have chosen to be our God and chosen us to love and serve You here in Government. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE ALLEN 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. THURMOND].

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 14, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE ALLEN, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

SCHEDULE

Mr. THOMAS. Mr. President, today the Senate will be in a period of morning business until 10:30 a.m. Following morning business, the Senate will resume consideration of the Bankruptcy Reform Act. There will be three stacked votes at approximately 10:45 a.m. on the Carnahan amendment No. 40, the Smith of Oregon amendment No. 95, and the Wyden amendment No. 78. Following the votes, the Senate will resume consideration of the Wellstone amendment regarding debt collection. As a reminder, the cloture vote on the bankruptcy bill will occur at 4 p.m. today. Pursuant to rule XXII, the filing deadline for second-degree amendments is 3 p.m. Senators should be prepared for votes throughout the day and into the evening.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each. Under the previous order, the time until 10 a.m. shall be under the control of the Senator from Wyoming, Mr. THOMAS, or his designee.

TAX CUT RELIEF

Mr. THOMAS. Mr. President, the issue the Senate is debating is bankruptcy. We will also be dealing with education, and we will be dealing with the budget.

Somewhat overlying all these issues is the idea of tax relief, of doing something with the tax burden of American citizens, coming to some agreement on how that can indeed be done with some of our associates to come to the con-

clusion that, in fact, taxpayers are entitled to some relief in their taxes, if indeed those taxes exceed the needs of the Federal Government.

It has been, of course, the highest priority for this administration, the highest priority for President Bush, as he has outlined his plan in his campaign and has brought it forth as a specific proposal to the Congress. The House has acted on a portion of it at this point. I happen to believe it is reasonable for the Senate to hold off a bit in terms of acting on it until we have seen our budget. That is appropriate.

We need to try as much as we can to get people to understand what is out there. There are all kinds of notions being thrown about. What we need to do is to try to get it as accurate as we can so people can, indeed, make their decisions.

Some are concerned about the idea that you have to project revenues into the future. Of course, there is some uncertainty. We don't know exactly what will happen. In anything you do, whether it is an organization, whether it is a business, whether, indeed, it is your family, as you take into account longer term expenditures, one has to reach out and make an estimate as to what they think the revenues are going to be. That is not unusual. We have the best people who have made prognostications in the past doing that.

Under the budget, receipts grow from \$2.1 trillion in 2001 to \$3.2 trillion in 2011, an increase of 51 percent. Overall, the budget projection totals collections of almost \$30 trillion over the next 10 years. Despite the fact that to all of us, I assume, \$1.6 trillion is an almost unimaginable amount, it is, indeed, a little less than 6 percent of the total projected revenues. When you put it into the context of what we are talking about, it becomes a reasonable proposal.

I imagine probably more important than anything is that we have to take a look at the fact that we do have a surplus. Frankly, when we do have a surplus, we find, if we ask people, how much more involvement of the Federal Government, how much growth of the Federal Government do you want over here, they would say: We have about enough growth. We have about enough Government. But then over here you have a surplus so every expenditure that anyone has ever had in mind suddenly becomes a possibility, and we find ourselves then with growth beyond what most people would want to have.

The American people are paying a record level of taxation, over 20.5 percent of the gross domestic product.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

That is the highest it has been since World War II. The individual burden has doubled since the Clinton tax increases of 1993. All this points toward doing something meaningful in terms of tax reduction. The cut would be \$1.6 trillion; that would be left in the pockets of taxpayers.

We hear all kinds of notions that it is actually going to be \$2.2 trillion or whatever. That is not the case. It is aimed towards being \$1.6 trillion, and that is where it would be.

There is tax relief for all taxpayers. We can get into, obviously, a discussion of the fact that there are people who don't pay income taxes who will not have relief from income tax reduction. That is fairly reasonable.

Everyone who pays taxes will get some relief. A typical family of four will see their tax liabilities reduced by \$1,600, which is a sizable amount.

The other part of the equation is that there are moneys to strengthen education. There are moneys to help with defense and security. Those are a couple of the top priorities we have. We will do more with Medicare. Those dollars will be there for Medicare. Those dollars will be there for Social Security.

I hope people understand the whole package. It sometimes is made to sound as though, if we give those taxpayers a break, we will not be able to do the things we should. Not true. There will be dollars to do the things the Federal Government has as priorities. There will be dollars to reduce the debt, and, in fact, all of the reducible debt will be done by 2010. That will not be all of it because much of it is long term and, frankly, people who hold the certificates are not ready to do that.

It is something on which we need to continue to work. I think it is a good thing for the country. It is a good thing for the taxpayers. Certainly, it is something I support, and I hope others support. I see my friend from Missouri.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 528 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BOND. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

RACIAL PROFILING

Mr. FEINGOLD. Mr. President, we Americans take pride in our freedom and independence. Central to our sense of who we are is our firm belief that we are free to walk the paths of our own choosing, free to move about as we please, free from the intrusion of the government in that movement.

As Thomas Jefferson wrote in his Draft of Instructions to the Virginia Delegates in the Continental Congress, "The God who gave us life, gave us liberty at the same time."

From the start, immigrants came to these shores to escape the state's intrusion into their lives. When in the early 1600's, the English government began arresting Separatists for their religious practices, about a hundred of them became the Pilgrims and sailed to Plymouth. When in 1620 the Parliament enacted a law requiring all to worship according to the laws of the Church of England, the Puritans came to Massachusetts, the Quakers came to New Jersey and then Pennsylvania, and Catholics came to Maryland.

When, in 1636, Roger Williams sought freedom from the intrusions of the Massachusetts colony into religious practices, he founded Rhode Island. And two decades later, Jews fleeing the persecutions of numerous states settled there in Newport.

Even separated by the Atlantic Ocean, however, the American colonists continued to chafe at the intrusion of the British government into their lives. Among the colonists' foremost grievances was the manner in which the British government harassed and searched Americans without reason or probable cause. The British government did so under color of general warrants known as "writs of assistance," which gave British customs officers blanket authority to search where they pleased for goods imported in violation of British tax laws.

This harassment by the state's officers helped to spark the American Revolution. In 1761, the Massachusetts patriot James Otis attacked the writs and their use to hound American colonists as, he said, "the worst instrument of arbitrary power, the most destructive of English liberty, and the fundamental principles of law, that ever was found in an English law book," because, in Otis' words, they placed "the liberty of every man in the hands of every petty officer."

Otis' argument did much to sow the seeds of America's Declaration of Inde-

pendence. "Then and there," said John Adams, "then and there was the first scene of the first act of opposition to the arbitrary claims of Great Britain. Then and there the child Independence was born."

The Supreme Court later wrote: "Vivid in the memory of the newly independent Americans were those general warrants known as writs of assistance under which officers of the Crown had so bedeviled the colonists." And in another case, the Court wrote: "It is familiar history that indiscriminate searches and seizures conducted under the authority of 'general warrants' were the immediate evils that motivated the framing and adoption of the Fourth Amendment."

That Amendment states:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Early on, Chief Justice Marshall assumed that the Fourth Amendment was intended to protect against arbitrary arrests. And that position has become settled law. More recently, the Supreme Court has said:

Unreasonable searches or seizures conducted without any warrant at all are condemned by the plain language of the first clause of the Amendment." The Court went on to state that "the warrantless arrest of a person is a species of seizure required by the Amendment to be reasonable.

It is thus fundamental to American history and rooted in American law that the officers of the state may not arrest or detain its citizens arbitrarily or without cause. Our law and Constitution protect our freedom to walk those paths of our own choosing, free from the intrusion of the government as we walk.

And it is that very individual freedom that gives our great Nation its strength. As John Quincy Adams wrote: "Individual liberty is individual power, and as the power of a community is a mass compounded of individual powers, the nation which enjoys the most freedom must necessarily be in proportion to its numbers the most powerful nation."

The point of my comments today is this is not the case for all Americans.

But, some Americans still cannot walk where they choose. Some Americans cannot travel free from the harassment of the government. Some Americans still do not receive the full benefit of their civil rights.

Too many Americans are subject to being detained by officers of the state without reasonable suspicion, without good reason, for no other reason than the color of their skin.

As I noted at the outset of my remarks, many came to these shores as immigrants to escape the intrusive