for the District of Columbia, for declaratory judgment and injunctive relief on the ground that such provision or amendment violates the Constitution. For purposes of the expedited review, provided by this section the exigent circumstance for such an action shall be the United States District Court for the District of Columbia.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order or judgment of the United States District Court for the District of Columbia finally disposing of an action brought under subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 calendar days after such order or judgment is entered; and the jurisdictional statement shall be filed within 30 calendar days after such order or judgment is entered.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

SA 168. Mr. HARKIN proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, strike lines 15 through 24 and insert the following:

SECTION 315(k)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(k)(1)), as added by this Act, is amended by adding at the end the following:

(E) SPECIAL RULE FOR CANDIDATE'S CAMPAIGN FUNDS.—

(i) IN GENERAL.—For purposes of determining the aggregate amount of expended funds from personal funds under subparagraph (D)(iii), such amount shall include the net cash-on-hand advantage of the candidate.

(ii) NET CASH-ON-HAND ADVANTAGE.—For purposes of clause (1), the term "net cash-on-hand advantage" means the excess, if any, of

(I) the aggregate amount of 50% of the contributions received by a candidate during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and Dec. 30 of the year preceding the year in which a general election is held, over

(II) the aggregate amount of 50% of the contributions received by an opposing candidate during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and Dec. 30 of the year preceding the year in which a general election is held.

ORDERS FOR MONDAY, APRIL 2, 2001

Mr. KYL. Madam President, again, on behalf of the leader, I ask unanimous consent that Stephen Bell of Senator Domenici’s staff be accorded the privilege of the floor.

The Acting President pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. KYL. Madam President, again, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 5 p.m. on Monday, April 2, 2001.

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

CONSIDERATION OF THE BUDGET RESOLUTION

Mr. CONRAD. I thank the Chair and the Senator from Oklahoma.

Mr. President, I wanted to further engage the Senator from Arizona because the Senate from Arizona asserted that we have received the estimates of the cost of the President’s tax package, and that is simply not the case. If he has received it, I would like him to give me a copy because we haven’t received it.

We haven’t received it because the Joint Tax Committee has said they don’t have sufficient detail about the President’s package to do such a reestimate, and so we are being asked to go to a budget resolution without having the President’s budget, without having the estimates from an independent source of the cost of the President’s budget proposal, and with no markup in the Senate Budget Committee, which is unprecedented, not even an attempt to mark up in the Senate Budget Committee, and all under a reconciliation which denies Senators their fundamental rights to engage in extended debate and amendment.

There were remarks made on the floor that are just not true. It is one thing to have a disagreement, and we can disagree. We can even disagree on the facts. The facts are clear and direct. The differences between the present and 1993 are sharp. In 1993, we did not have the full President’s budget. We did have sufficient detail for an independent, objective review of the cost of the President’s tax proposals.
We do not have that now. We do not have the reestimate. We do not have an objective, independent review of the cost of this President's tax plan.

What has been reestimated is part of the plan. And what has been reestimated is the estate tax plan of the Senator from Arizona, not the President's estate tax plan, because the Joint Tax Committee has made clear they don't have sufficient detail to make such a reestimate. This body is being asked to write a budget resolution without the budget from the President, without sufficient detail from this President to have an objective, independent analysis of the cost of his proposal, without markup in the committee.

That is a different issue. In 1993, we had a full and complete markup in the Budget Committee. This time there is none. It has never happened before.

Some on their side will say, well, in 1983, we went to the floor with a budget resolution without having completed a markup in the Senate. That is true. But at least we tried to mark up in the Budget Committee each and every year. Virtually every year we have succeeded, except this year. There wasn't even an attempt to mark up the budget resolution in the committee.

As I say, we are now being asked to go to the budget resolution with no budget from the President, without even sufficient detail to have an independent review of the cost of his proposal, which is a massive $1.6 trillion tax cut that threatens to put us back into deficit, that threatens to raid the trust funds of Medicare and Social Security, and we have had no markup in the committee.

The majority is proposing to use reconciliation, which was designed for deficit reduction, for a tax cut. That is an abuse of reconciliation. It would be an abuse if it was for spending; it is an abuse for a tax cut, and it is not the purpose of special procedures in which Senators give up their rights, their rights to debate and amend legislation. That is wrong. That turns this body into the House of Representatives.

I say to my colleagues on the other side, in 1993, when our leadership came to some of us and asked to use reconciliation for a spending program, we said no. This Senator said no. That is an abuse of reconciliation because reconciliation is for deficit reduction, not for spending increases, not for tax cuts. We are not to short-circuit the process of the Senate—extended debate, the right to go to the cooler saucer where extended debate and discussion could occur, where Senators could offer amendments so that mistakes could be avoided.

All of that is being short-circuited. All of that is being thrown aside. All of that is being put in a position in which we are supposed to make an important judgment about the structure of this body is being altered.

Because the Senator from Oklahoma was so gracious, I am going to stop for the moment so he can make his remarks. Then I will resume at a later point in time. I wanted to do this as a thank-you to the Senator from Oklahoma for his good manners and graciousness. I appreciate it.

**THE PRESIDING OFFICER.** The Senator from Oklahoma is recognized.

**CAMPAIGN FINANCE REFORM**

Mr. NICKLES. Mr. President, I thank my friend and colleague from North Dakota for his good manners and graciousness. I appreciate it.

**Mr. THOMPSON and Senator HAGEL.** Senator GRAMM's speech last night was one of the best speeches I have heard in my entire career. He spoke very forcefully about freedom of speech and the fact that even though the editorial boards and public opinion polls say, let's vote for this, that we should abide by the Constitution.

The Presiding Officer, Senator BYRD, reads the Constitution as frequently, maybe more frequently than anybody in this body. When we are sworn into office, we put up our hand and we swear to abide by the Constitution.

The first amendment to the Constitution, one of the most respected and important provisions in the Constitution, states very clearly that “Congress shall make no law . . . abridging the freedom of speech, or of the press; or, of the right of the people peaceably to assemble, and to petition the Government for redress of grievances.”

“Congress shall make no law . . .”

Mr. President, that includes the McCain-Feingold bill. In my opinion, this bill restricts our freedom of speech, not only in the original version, but especially in the version that we have now.

Some of the different sections of this bill go by different names based on their sponsors. I have great respect for my colleagues, and I know Senators SNOWE and JEFFORDS worked on a section restricting speech before elections by unions, corporations, and by other interest groups. This bill restricts their ability to speak, to run ads. This bill prevents them, in many cases, from being able to run ads less than 60 days prior to an election that mention a candidate’s name. There are a lot of groups, some on the left, such as the Sierra Club, and some on the right, such as National Right To Life, for example, that may want to run ads about a bill before Congress. We may be debating partial birth abortion or ANWR, and we might be having this debate in September on an appropriations bill, less than 60 days before the election.

This bill will say they cannot run an ad with an individual's name saying vote this way or that way, or don't support this person, because he is wrong on ANWR, or he is correct on the right to life issue. Their free speech would be prohibited. I find that to be unconstitutional.

I have heard a lot of debate on the floor saying they did not think that Snowe-Jeffords is unconstitutional, and other people saying that it was. Then Senator WELLSTONE came up with an amendment that said, let’s expand that to all interest groups, the same restrictions we had on unions and businesses on running ads within 60 days.

Let’s make that apply to them as well. Senators MCCAIN and FEINGOLD said