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No. 12

House of Representatives

The House was not in session today. Its next meeting will be held on Monday, January 27, 2003, at 2 p.m.

Senate

THURSDAY, JANUARY 23, 2003

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. The prayer this morning will be offered by our guest Chaplain, Father Daniel P. Coughlin, the Chaplain of the House of Representatives.

PRAYER

The guest Chaplain, Father Daniel P. Coughlin, offered the following prayer:

Francis of Assisi wrote many years ago to the rulers of his people: "Keep a clear eye toward life's end. Do not forget your purpose and destiny as God's creature. What you are in His sight is what you are and nothing more. Do not let worldly cares and anxieties or the pressures of office blot out the divine life within you or the voice of God's Spirit guiding in your great task of leading humanity to wholeness. If you open yourself to God and His plan printed deeply in your heart, God will open Himself to you."

Lord God, may Your grace and presence be with the Members of the Senate as they fulfill the duties of their office and serve You by serving the people of these United States. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning there will be a period for morning business until the hour of 10:45 a.m. At 10:45 a.m., the Senate will resume consideration of H.J. Res. 2, the appropriations bill. Under the order of last night, at 11 a.m., the Senate will proceed to a series of up to three votes in relation to the pending amendments to the appropriations measure. The first vote will be in relation to the Feingold amendment No. 200 regarding expanded international military education. The second vote will be in relation to the Mikulski amendment No. 61 on public-private competition. The third vote will be on the Murray amendment No. 39 regarding the community action program. Following those votes, the managers will continue to work through any remaining amendments. It is hoped we will be able to complete action on this bill at a reasonable time today.

I thank the Democratic leader and whip for their assistance in reaching short time agreements on the amendments that were offered yesterday. We made tremendous progress over the last 36 hours. I thank all Members of this body for their cooperation in coming to the Chamber to offer their amendments and limiting their remarks. A great deal of progress was made yesterday, and if we are able to

continue that good work over the course of today, I believe we will finish this bill and complete these 11 appropriations bills sometime today.

Again, I announce to my colleagues if we complete this bill today, there will be no session of the Senate on Friday.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Nevada.

Mr. REID. Mr. President, under the direction of the Democratic leader, we have been able to move a lot of amendments. We also have about six amendments left on this side at this stage, or maybe a couple of others may pop up, but that is what we have. The managers of the bill are going to try to move a bunch of amendments shortly. I think we have an opportunity to finish this bill some time early this evening.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the time for morning business be divided, with the Republicans getting the last half and the Democrats getting the first half.

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning

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



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business, not to extend beyond the hour of 10:45 a.m., with the time to be equally divided and Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. STEVENS. Will the Senator yield for a moment?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that there be 1 minute on each side prior to the votes on the three amendments this morning.

The PRESIDING OFFICER. That has already been ordered.

Mr. STEVENS. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

QUALIFYING INDIVIDUAL PROGRAM AND THE STRATEGIC PETROLEUM RESERVE

Mr. BINGAMAN. I thank the Chair. Mr. President, I wish to use a few moments of morning business to talk about and describe two amendments I have proposed to the pending legislation. I hope these are amendments that can be unanimously agreed to by all Senators. They seem to me to make eminent sense and, clearly, are in the best interest of our country and the people we represent.

The first amendment I wish to speak about is amendment No. 138. This amendment, which Senator KENNEDY is cosponsoring with me, would extend a critical Federal-State program that assists low-income Medicare beneficiaries to pay the health premiums under the Medicare Program. It uses the Medicaid Program to do that. It is a program that was enacted in 1997. It was slated to be reauthorized at the end of 2002, but, of course, Congress did not enact either Medicaid or Medicare legislation in the 107th Congress. The program was extended by the continuing resolutions that we have enacted in the last few months. It was extended until March 12 of this year.

The amendment I have offered will extend that program through September 30 of this year to give us additional time to do a more complete extension.

This program is known as the QI-1 Program. It is the Qualifying Individual Program. It is a program within Medicaid. It is a block grant payment to States to pay the Medicare Part B premium of \$58.70 per month, and it is a program that will allow States to pay that premium for individuals who have incomes of somewhere between \$887 a month and \$997 a month, or couples with an income of \$1,194 a month up to \$1,344 a month. This covers Medicare beneficiaries whose income is between 120 and 135 percent of the Federal poverty level.

This amounts to a benefit of nearly \$700 annually that many older and disabled Americans depend upon to pay

for a portion of their health care costs and items such as prescription drugs and supplemental coverage. There are well over 120,000 people nationwide who currently rely on the QI-1 Program. These 120,000 people will be hard pressed to afford Medicare coverage without this assistance.

In short, to prevent the erosion of existing low-income protections, Congress needs to extend this 5-year Federal allocation for the QI-1 Program through the remainder of this fiscal year.

According to the data of the Kaiser Family Foundation, there are over 9 million Medicare beneficiaries with incomes between 100 percent of poverty and 175 percent of poverty. Although we do not know the exact number eligible for this particular program of Medicare beneficiaries who are between 120 and 135 percent of poverty, we can estimate there are at least 1 million who are eligible for the program. As I have indicated, there are 120,000 people currently enrolled.

In my home State, for example, we have almost 1,000 New Mexicans enrolled in the QI-1 Program. Disenrolling these low-income Medicare beneficiaries would cost each and every one of them about \$700 annually. This could have a significant impact not only on their finances but on their health.

In a letter from the Medicare Rights Center, they give an example of a 69-year-old widow with severe arthritis, with hypertension, with high cholesterol, in the Nation's Capital. This woman, I refer to as Mrs. B, does not qualify for Medicaid, yet she cannot afford premiums for a Medicare HMO or Medigap plan. This QI-1 Program, which we are seeking in this amendment to extend, does cover her Part B premium of over \$700 per year. If she loses that assistance, she does not know how she can make ends meet. She already struggles to buy food, make the Medicare copayment, and purchase prescription drugs.

This is a bipartisan issue. President Bush had included QI-1 reauthorization in his fiscal year 2003 budget. Moreover, in his confirmation testimony to be the Commissioner of the FDA, Mark McClellan testified that the administration continues to support reauthorization of this program. In addition, QI-1 reauthorization was also included as part of S. 3018, the Beneficiary Access to Care and Medicare Equity Act of 2002, which was introduced by my colleagues, Senator BAUCUS and Senator GRASSLEY, late last year.

During each and every Senate race this past fall, candidates from both sides of the aisle promised our Nation's seniors and disabled Medicare beneficiaries improved health coverage with the addition of prescription drug coverage. While waiting for that to come about, low-income Medicare beneficiaries should not be blindsided by the loss of critically needed premium protection that the QI-1 Program provides.

I urge passage of this amendment, when we get to it, for another 6½ months. I implore my colleagues to address the issue and to permanently extend the program once that issue becomes appropriate to consider.

Mr. President, another amendment I have filed, amendment No. 126, is an amendment to provide permanent authority to operate the Strategic Petroleum Reserve. The Strategic Petroleum Reserve is the major tool the United States has to deal with the impact of a significant disruption in oil supplies. Releasing oil from the SPR, as it is referred to, in coordination with stock drawdowns with other consuming nations pursuant to the international energy agreement, can add more supply to a tight market, can reduce the possibility of price spikes, and reduce the possibility of economic havoc as the United States experienced during the Arab oil embargo.

We are currently experiencing a disruption in oil supplies from Venezuela. We face the possibility of an additional disruption if we wind up going to war with Iraq and during the aftermath of any conflict in Iraq. In this context, it should be of concern to all Senators that the current authority to draw down oil from the Strategic Petroleum Reserve and to participate in the international energy agreement will expire on September 30 of this year.

My amendment incorporates the exact language we agreed to last fall between House and Senate conferees on H.R. 4, the comprehensive energy bill. The amendment permanently authorizes the Strategic Petroleum Reserve. It also requires filling the Reserve to 700 million or its current capacity.

While I prefer to move this legislation through the Energy Committee, I cannot guarantee we would complete our work and get this legislation to the President before September 30. Therefore, I believe the prudent thing for the Senate to do is to add this language to the omnibus appropriations bill and deal with this matter now.

Again, I see this as a bipartisan issue, one that the administration supports, one that my colleagues on both sides of the aisle support. I hope very much this amendment, as well, can be added to the bill without objection by any Senator.

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

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

FAMINE RELIEF FOR AFRICA

Mr. NELSON of Florida. Mr. President, I take a couple of moments to inform the Senate what I will be doing later. Yesterday, this freshman Senator from Florida brought forth an

amendment that was a \$600 million emergency famine starvation relief amendment for sub-saharan Africa. There was a good bit of drama that occurred in the well, because the vote was so razor thin in difference. The final vote on a motion to table my amendment was agreed to 48 to 46. One vote change would have had the vote 47 to 47, and the motion to table my amendment would have failed, which would have given me the opportunity to go on and try to pass the amendment.

I have spoken to the substance, the reason for this amendment. There is not a person in the Senate who has not seen sights of those children with the spindly legs, the distended bellies, the thatched hair, and the soulful eyes. A lot of it is caused by the lack of rain. This has gone in cycles.

In 1985, I had the privilege of assisting my wife who had put together the first private group, other than the NGO organizations, responding to the famine in Ethiopia. My wife had raised the money in Florida. I was then a Member of the House of Representatives and had arranged for this stretch DC8 airplane. We rode the sacks of food into Addis Ababa and went into the feeding camps to see that food was distributed. Of course, when you see those starving children, and when my wife had the experience of holding a near lifeless African child in her arms, realizing in only a matter of moments that child would expire, it makes an impression. When famine comes back to that part of the land some 17 years later, it is hard to sit still.

Although my amendment was defeated yesterday by the razor-thin margin of one vote, I am not going to sit still. I am going to offer that amendment again and, fortunately, am in a parliamentary procedure by which I can do so because a very similar amendment to the one that was defeated yesterday had been filed by me.

For those Senators on the other side of the aisle—and there were four or five yesterday—who have been deeply touched by personal experiences in Africa, having seen that famine and the ravages of it on human beings, for those five or six on the other side of the aisle, and a score more who wanted to vote for that amendment, first, I thank you profoundly for your votes. You know, each one of you, who you are. And second, I want to say that we are going to have another chance. We are going to have another chance this afternoon.

I ask Senators to examine their hearts and see if they don't think that this is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

UNANIMOUS-CONSENT REQUEST

Mr. REID. Mr. President, to help move things along and to notify Democrats as to whose amendment would

come, I ask unanimous consent that the Democratic amendments—and Senator STEVENS may want to intersperse these with Republican amendments, and that is his privilege, but I ask unanimous consent that the next Democrat amendment be that of Senator KENNEDY, No. 123; Senator CLINTON, No. 89; Senator BINGAMAN, Nos. 126 and 138, and Senator CANTWELL, No. 108.

Mr. President, I also would say on each of these our members have agreed to time. But until the majority has seen the amendments, I am not going to ask time limits be established, even though we have established what our people have asked for in the way of time.

The PRESIDING OFFICER. Is there objection? The Senator from Wyoming?

Mr. THOMAS. I think probably there is no disagreement but at this time there needs to be some more agreement from our leader, so I object for the moment.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, how much time do the Democrats have left?

The PRESIDING OFFICER. Two minutes forty seconds.

Mr. REID. Mr. President, all we are trying to do is move things along. We have a right to have our amendments in the order we want. If we want to move this bill along, as the two leaders want, we cannot have these foolish—I know someone told the Senator to object. I am not calling the Senator foolish—these foolish objections. I know there is nothing that can be done because there is an objection that has been raised, but it is too bad.

Democratic Senators should be aware this is the order we are going to offer amendments.

Mr. BYRD. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. BYRD. Mr. President, if the Senator will yield, have these priorities been established already and agreed to with Mr. STEVENS?

Mr. REID. Yes, I have talked to Senator STEVENS. I talked to him this morning in the presence of the majority leader.

Mr. BYRD. What the distinguished whip is trying to do is simply to lay the prioritization in the RECORD, so Senators will not have to wait around; they will know when their amendments are going to be called up?

Mr. REID. Absolutely right. We have a number of Senators who have been waiting since yesterday or the day before to offer amendments. This is done so they are not standing around here waiting, so there is some kind of order in the Chamber rather than people trying to get recognized.

Mr. BYRD. Perhaps, when Senator STEVENS is back on the floor, you can get that consent. I would hope so.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Wyoming.

PUBLIC-PRIVATE COMPETITION

Mr. THOMAS. Mr. President, we would like to take the remainder of the time that has been assigned to this side of the aisle to talk about an amendment that would be before us this morning, the Mikulski amendment, which has been proposed as an amendment to the bill. It has to do with the implementation of the Federal Activities Inventory Reform Act, the FAIR Act, which was passed in 1998. It basically requires all Federal agencies to itemize jobs that are classified as non-inherently governmental in nature, so there will be an opportunity for competition for those kinds of activities that the private sector, in the cases where it is appropriate, can be a competitor and can, indeed, do generally more efficiently than having it continue, as it has, with no competition.

In 2001 the FAIR Act inventory noted over 840,000 Federal jobs that are non-inherently governmental. Those are jobs that could be done by contract, that could well be done by contract. There should be opportunity for that competition to exist.

The goal, of course, of the FAIR Act is to spend taxpayers' money as efficiently as possible, to ensure the Federal Government is not without competition with the private sector.

I think most of us would like to have as much done in the private sector as we reasonably can do. This, obviously, is not all the things Government does. There are inherently governmental programs, and they will continue to be that. The goal of the FAIR Act is to spend the taxpayers' money as efficiently as possible to ensure the Federal Government does not compete with the private sector. Wherever that can be, whether it is in contracting, whether it is the kinds of things that could be better done in the private sector, that is what we are seeking to do.

President Bush's Competitive Sourcing Initiative asked the Federal agencies to conduct private sector competitions in up to 15 percent of the jobs listed in the FAIR Act inventory. Of course, that is exactly what needs to be done, to identify these roles and then to have an opportunity to put them into the private sector and let the Government compete with the private sector and do it that way. It is a pretty basic sort of philosophy and something which I think most people would agree to do.

The amendment that has been put forth was to not allow the administration to move forward with their plans. I will later offer a copy of a letter that the President has sent through his administration, saying that they are opposed to this idea, that they want to move forward.

The fact is, during the Clinton administration, after the 1998 passage of the FAIR Act, there was very little done to implement it. Now we have an administration that believes they ought to implement the law as it exists, and we want to move forward in doing that.

That is what this is all about. We will be voting on that amendment later today. It has been before the Senate several times. It has failed before. Hopefully, it will fail again. In fact, it was put on the appropriations bill for the Treasury Department last year and then taken off before it became part of this bill. So there has been a strong feeling about that, and that is what we want to pursue.

I yield the Senator from Virginia 5 minutes to comment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I thank the Senator from Wyoming, Mr. THOMAS, for his leadership. I will not repeat his eloquent explanation of the FAIR Act. I am rising with him, and hopefully with a majority of our colleagues, in opposition to Senator MIKULSKI's amendment which would prohibit the administration from applying and enforcing efforts to get the private sector involved where it is appropriate in various governmental services.

This amendment would weaken the executive branch's ability to manage the Federal Government. It would impede improvement of many of the Government's significant commercial activities and prevent the outsourcing of inherently nongovernmental jobs to the private sector. It really would be one of anti-efficiency.

I think the Bush management plan has a relatively modest goal of injecting some competition to the commercial activities performed by the Government. I believe we ought to be encouraging, not impeding, public-private competition reviews. Clearly, the President ought to have the flexibility to best execute governmental functions and to enforce important management objectives and goals, specifically in the area of competitive sourcing.

The fact that they look at potentially competitive areas each year doesn't mean that these jobs will go to the private sector. It only means that there will be an analysis. It may be that the Government functions at less cost and with better service and efficiency than the private sector.

They also realize even if the Government continues to perform a service or function that there are better ways of doing it. We will need to be looking at ways of improving, of innovating, of adapting and not just keep doing things the same old way.

This amendment is opposed by large and small business enterprises all across the country. The U.S. Chamber of Commerce is opposed to this, whose letter I will submit along with my statement.

For example, they state the time is now to create a more efficient and effective partnership between the public and private sectors and not to enact restrictive policies that limit funding, flexibility, and the decisionmaking process.

We also have received letters from the Professional Services Council

which represents 140 different businesses—the CADI, Northrup-Grumman, Lockheed, Quest, and many others. They point to what we all recognize as the truth. Competition is the greatest and the best guarantor of optimal performance and efficiency, and the Government's increasing reliance on competition has proven essential to achieving both meaningful savings and significant performance improvements.

Also, the Northern Virginia Technology Council that represents 1,600 member companies with 180,000 employees in Northern Virginia, is opposed to this.

The Information Technology Association of America, which represents 400 corporate technology companies, is opposed to it.

In addition, there is a coalition on outsourcing and privatization made up of small, minority, and women-owned businesses, national security organizations, experts in technology, community, and taxpayer groups that says do not be fooled by the hype and that urges Congress to hold the executive branch responsible for the highest possible level of performance and efficiency without placing procedural obstacles in the way of achieving that goal.

The Contract Services Association also points out that many of their members oppose this. Many of their members are small businesses, including eight A-certified companies, small, disadvantaged businesses, and Native American-owned firms. The goal of their Contract Services Association is to put the private sector to work for the public good. I ask unanimous consent that all of these letters be submitted as part of my statement.

Perhaps as important as all of these job opportunities is the recognition right now that this could have not only negative economic ramifications, but that it could impact national security as well. Indeed, at a time when our Nation is at war, the Federal Government must have the flexibility to contract out for services.

For example, look at the Departments of Defense and Homeland Security. What is going to be most useful for the Department of Homeland Security is not where all these boxes are located and who is moved from one place to the other, but the adaptation and the utilization of enterprise systems that will allow them to analyze volumes of information, analyze it accurately, and share it within the institution and also with others.

Furthermore, such contracting creates more private sector jobs and allows federal agencies to focus on their core missions, instead of concentrating on commercial activities.

I think at this point we need to be working for the taxpayers. We need to be increasing security. And we should be embracing advancements in technology and have the private sector help where they can help.

Therefore, I suggest that no member of this body should support legislation

that increases the cost of government for taxpayers while limiting the government's ability to respond to the changing economic and security needs of the American people.

I ask unanimous consent that the letters to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CHAMBER OF COMMERCE,
Washington, DC, January 21, 2003.

TO MEMBERS OF THE U.S. SENATE: The U.S. Chamber of Commerce, the world's largest business federation, representing more than three million businesses and organizations of every size, sector and region, offers our strong support of H.J. Res. 2—the Fiscal Year 2003 Omnibus Appropriations bill. Passage of this measure is critical for continuity of existing domestic spending programs and initiation of funding for new programs for Homeland Security.

The U.S. Chamber and the business community applaud the Senate's resolve to wrap up the Fiscal Year 2003 spending bills prior to the upcoming Appropriations Committee's important work on the Fiscal Year 2004 appropriations measures. While separate passage of the 11 remaining individual Fiscal Year 2003 spending bills would be preferable, we support the Senate's determination in creating and moving this \$385.9 billion spending package during this compressed time frame. We are troubled that passage of this important appropriations measure could be jeopardized by the addition of several onerous policy riders to this package.

The Chamber strongly opposes any efforts to stall needed reform of the new source review (NSR) program. The amendment offered by Senator John Edwards (D-NC) would effectively prohibit the U.S. Environmental Protection Agency (EPA) from expending funds to implement recently promulgated changes to the NSR program. This amendment would derail much needed NSR reforms at a time when the courts are reviewing the regulations.

The Edwards NSR amendment would disrupt the Clean Air Act permitting process, and stifle economic activity during an economic downturn by making the maintenance and expansion of existing industrial facilities and power plants almost impossible. The new regulations have restored some certainty to the troubled NSR process. Congress should not interfere in the regulatory efforts of two administrations in this way.

In addition, we specifically urge you to oppose an amendment offered by Senator Barbara Mikulski (D-MD) that would prohibit the expenditure of funds by executive agencies to establish, apply or enforce any numerical goals, targets or quotas for public-private competitions of commercial functions with Federal agencies. Such language would legislatively weaken any President's authority to manage the Federal government and effect real saving and fundamental improvements. It is directly counter to efforts by the Bush Administration to increase government efficiency through competition between the public and private sectors. It would limit the President's ability to establish goals for outsourcing, and other procurement and acquisition workforce initiatives. Such a prohibition could significantly limit private sector involvement and discourage competition, which has proven to reap significant cost savings and performance enhancements regardless of who wins. The time is now to create more efficient and effective partnerships between the public and private sector, not to enact restrictive policies that

limit funding or flexibility in the sourcing decision-making process.

We also ask you to oppose an amendment sponsored by Senator Mark Dayton that would deny new contracts to subsidiaries of a publicly traded corporation if the corporation is incorporated in certain tax-advantaged foreign countries. By imposing these bans on contracting with domestic subsidiary corporations, Congress is seeking to discourage corporate "inversions," i.e., corporate flight from U.S. tax domicile in order to achieve tax parity with foreign competitors. We believe Congress should be asking why our tax system is causing corporate flight increasingly to occur.

Corporations should be free to incorporate where they choose, without the Federal government imposing economic penalties upon their free exercise of prudent business decision-making, and that the U.S. Congress certainly should not favor foreign firms over U.S. firms in the tax code. These contract bans are a poor substitute for needed reform of the U.S. tax code's archaic international provisions which currently put our corporations at a competitive disadvantage internationally and provide great incentive for them to leave this country. We believe that the proper response should be the undertaking of serious and overdue tax reform, such as conversion of the U.S. tax system to one based on territoriality, to active parity.

We also urge you to oppose the amendment offered by Senator Tom Harkin (D-IA) and Senator Russ Feingold (D-WI) pertaining to cash balance plans. Cash balance plans have become popular among both employers and employees. Because they are a relatively new "hybrid" type of plan, until last month, Treasury had not provided clear guidance to plan sponsors about how such plans should be designed. On December 10, 2002, after more than three years of study by an interagency task force, the Treasury Department issued proposed cash balance plan regulations.

The Harkin/Feingold amendment would prohibit the Treasury Department from finalizing or enforcing this rule. The proposed regulation clarifies how cash balance plans must be designed in order to satisfy existing laws pertaining to age discrimination and pension accruals. While the Chamber has concerns about certain parts of the regulations, which we will be conveying in comments to the Treasury Department, we do not believe the appropriations process is the proper place for enforcing pension laws and regulations.

We urge your swift consideration of the Fiscal Year 2003 Omnibus spending measure. In addition we strongly support the concept that spending restraint is a critical component to encouraging economic growth and long-term prosperity. Because of the importance of fully funding our domestic spending priorities, the U.S. Chamber may include votes on or in relation to these issues in our annual How They Voted Ratings for 2003.

Sincerely,

R. BRUCE JOSTEN,

Executive Vice President, Government Affairs.

PROFESSIONAL SERVICES COUNCIL,

Arlington, VA, January 8, 2003.

Hon. TED STEVENS,
Committee on Appropriations, U.S. Senate,
Washington, DC.

DEAR SENATOR STEVENS: I write on behalf of the 140 member companies of the Professional Services Council (PSC), the leading national trade association representing the Federal, professional and technical services industry. PSC's companies provide services including information technology, research and development, and high-end consulting to every government agency, and represent a significant portion of the government's technology industrial base.

As the Senate considers the remaining FY 2003 appropriations bills, I urge you to remove Section 640 of the Fiscal Year 2003 Treasury Appropriations bill, or any related provision that prohibits the expenditure of funds by executive agencies to establish, apply or enforce any numerical goals, targets or quotas for public-private competitions for commercial functions within agencies.

While Congress should hold the Executive Branch responsible for the highest levels of performance and efficiency, it should not place obstacles in the way of achieving that goal. Section 640 prohibits the President from establishing and enforcing important management objectives and goals, specifically in the area of competitive sourcing, which is one key element of his management agenda. It is an inappropriate constraint on executive branch management and on the President's flexibility to best execute governmental functions. Competition is the best guarantor of optimal performance and efficiency, and the government's increasing reliance on competition has proven essential to achieving both meaningful savings and significant performance improvements.

Again, on behalf of the member companies of the PSC, and the hundreds of thousands of working Americans who provide support to our government every day, I urge you to remove Section 640 of the Fiscal Year 2003 Treasury Appropriations bill.

Sincerely,

STAN Z. SOLOWAY,
President.

NORTHERN VIRGINIA
TECHNOLOGY COUNCIL,
Herndon, VA, January 23, 2003.

Hon. GEORGE ALLEN,
U.S. Senator,
Washington, DC.

DEAR SENATOR ALLEN: On behalf of the more than 1,600 member companies of the Northern Virginia Technology Council (NVTC), I urge you to oppose an amendment offered by Senator Barbara Mikulski that would prohibit the expenditure of funds by executive agencies to establish, apply or enforce any numerical goals or targets for public-private competition of commercial functions within federal agencies.

During floor action on the FY 2003 Omnibus Appropriations bill, Senator Mikulski intends to offer an amendment (#61) which would prevent President Bush from setting any goals for federal agencies as a way to save taxpayer dollars and make the government more efficient. It is directly counter to efforts by the Bush Administration to increase government efficiency through competition between the public and private sectors. This amendment would significantly limit private sector involvement and discourage competition vital to the technology community.

I am concerned that this amendment hinders the flexibility of the President to efficiently manage the Federal government. By prohibiting the President from establishing and enforcing important management goals, specifically in the area of competitive sourcing, this amendment inappropriately hinders private-public competition. Competition creates the best environment for optimal performance and efficiency. The government's increasing reliance on competition has proven beneficial to taxpayers, private industry and the overall economy.

Again, on behalf of the more than 1,600 member companies representing over 180,000 employees in Northern Virginia that heavily rely on federal procurement contracts, I urge you to oppose the Mikulski amendment. Our membership includes companies from all sectors of the technology industry including in-

formation technology, software, Internet, ISPs, ASPs, telecommunications, bioscience, and aerospace, as well as the service providers that provide vital support and services to the Federal government.

Sincerely,

BOBBIE KILBERG,
President.

CONTRACT SERVICES
ASSOCIATION OF AMERICA,
Arlington, VA, January 23, 2003.

Hon. GEORGE ALLEN,
U.S. Senate,
Washington, DC.

DEAR MR. ALLEN: On behalf of the members of the Contract Services Association of America (CSA), I urge you to vote against an amendment offered by Senator Barbara Mikulski.

This provision would prohibit the expenditures of funds by executive agencies to establish, apply or enforce any numerical goals, targets or quotas for public-private competitions for commercial functions within agencies.

I am concerned, however, that the amendment hinders the flexibility of the President to efficiently manage the Federal government. One long-established management tool, used by all Presidents, is to set goals—whether it is for outsourcing targets within the Department of Defense (as established by the Clinton Administration), goals for performance-based services contracting or even small business contracting goals. Indeed, the amendment is directly counter to efforts by the Bush Administration aimed at increasing government efficiency through competition between the public and private sectors.

CSA is the premier industry representative for private sector companies that provide a wide array of services to Federal, state, and local governments. CSA members are involved in everything from maintenance contracts at military bases and within civilian agencies to high technology services, such as scientific research and engineering studies. Many of our members are small businesses, including 8(a)-certified companies, small disadvantaged businesses, and Native American owned firms. The goal of CSA is to put the private sector to work for the public good.

Again, I urge you to vote against the Mikulski amendment.

Sincerely,

GARY ENGEBREISON,
President.

INFORMATION TECHNOLOGY
ASSOCIATION OF AMERICA,
January 23, 2003.

Hon. GEORGE ALLEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR ALLEN: On behalf of the Information Technology Association of America, we urge you to oppose an amendment that Senator Barbara Mikulski will be offering today during floor consideration of the Omnibus Appropriations bill. ITAA appreciates your leadership in raising the IT industry's concerns on this restrictive amendment.

As you know, this amendment would prohibit agencies from using appropriated funds to establish, apply or enforce any numerical goals aimed at conducting public-private competitions for commercial functions within Federal agencies. President Bush and his Administration would be hampered in their efforts to promote competition and to manage the Federal government. All future Administrations would also face these restrictions. The Mikulski Amendment would also undermine the intent of the new revisions to the OMB Circular A-76, which were recently issued by the Office of Federal Procurement Policy.

The Information Technology Association of America consists of over 400 corporate members throughout the United States, and a global network of 49 countries' IT associations. ITAA members range from the smallest IT start-ups to the industry leaders in the Internet, software, IT services, ASP, digital content, systems integration, and telecommunications services sectors.

Again, we urge you to vote "No" on this amendment and thank you for your leadership in opposing this restrictive amendment.

Sincerely,

HARRIS N. MILLER,
President.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank the Senator from Virginia who certainly touched on the issues involved.

I yield to my friend and colleague, the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise to speak in opposition to the amendment that was offered by my colleague, the Senator from Maryland. This amendment would prohibit the administration from applying or enforcing any numerical goals for competitive sourcing within agencies, or converting Federal employees doing this work to private sector contractors. This provision would prevent this President and all future Presidents from managing Federal agencies for increased cost-effectiveness and quality.

I want to emphasize that again.

It would prevent this President and all future Presidents from managing Federal agencies for increased cost-effectiveness and quality. That is what we are trying to do. It is good for Government. Congress passed the first step, which was the Federal Activities Inventory Reform Act—the FAIR Act—in 1998. That was the bill that was drafted and sponsored and put through the process by my colleague from Wyoming, Senator THOMAS. It requires all Federal agencies to itemize jobs classified as noninherently governmental in nature. These are positions which potentially could be from the private sector, lessening the size of the Federal Government, and creating more opportunities for our economy through private business.

This is a tremendous step we have taken. It is one that recognizes we pay Government with taxes to operate, and we provide buildings and space for them—and a lot of other things that are kind of hidden costs. We have said the hidden costs ought to be counted in all of this. There ought to be competition with the private sector in all areas where it is traditionally done.

It seems to me like a pretty basic concept. President Bush's Competitive Sourcing Initiative requires Federal agencies to conduct public-private competition on 15 percent of the jobs listed on the FAIR Act inventory—that is, 840,000 jobs in 2001. That is to conduct public-private competition on just 15 percent of these 840,000 jobs that were listed in the inventory as being noninherently governmental in nature.

This amendment would prevent the President from setting and enforcing this reasonable goal. If this amendment passes, one of the losers will be the small business community.

I host an annual procurement conference in Wyoming to encourage small businesses to seek Federal procurement opportunities. Small businesses, services, and products is one of the treasures we will leave in the ground if this amendment is agreed to. We have a tremendous resource—the small businesses out there—that can provide services in a very competitive way. We need to make sure they have that opportunity.

I was visiting one Federal agency where they were talking about how they were going to check on bills that were coming in for Medicare. They were building their own program to do that. The interesting thing is the private sector already had programs that would do thousands more procedures than they were able to program in their first year of programming. Their agency wasn't designed to program it. But they tried doing it from the ground up.

I see that in agency after agency. When I take a look at this Government Performance Results Program, that is another thing that we put on agencies. They are supposed to tell us what they are doing, how we will know when they get it done, and how that relates to the budget. Congress needs to enforce that a little bit more to make sure it is happening because it gives us tremendous insight into all of the agencies and what their job is and the ways they are infringing on the private sector at greater expense than what the private sector would have. It is also resulting in some greater efficiencies in Government.

A couple of weeks ago, I visited the mint in Philadelphia. Those people are aware of this particular amendment. They are working like crazy to make sure they are the most competitive agency for being able to perform that work, and I am certain that they will. It is that kind of spirit of American competitiveness that they have at that Government agency. They do outstanding work there. I am sure, as a result, that is the way they will continue to handle it.

But it is an awareness that agencies have to have. President Bush's initiative encourages Federal agencies to allow private industry—including small business—to compete for jobs. Everybody wins because Federal agencies can concentrate on their real goals and private industry is encouraged at the same time.

I urge my colleagues to defeat this amendment, allow the administration to manage Federal agencies, and give small businesses a chance.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I thank the Senator for his comments. Certainly, his inter-

est in small business activities is reflected in his comments on this bill.

I think there are a number of reasons why we should oppose this amendment. The administration opposes such limitations on the management agenda. I think all of us in the Government need to push the idea of having some vision as to where we are going and look beyond next week but to look to the future as to what we want to do with a number of activities that could well be in the competitive arena and to make some plans to get those out there.

That is basically what the administration is seeking to do. Senior advisers to the President are recommending that he veto any legislation that challenges this management agenda. Certainly we do not want that to happen.

Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Three minutes ten seconds remain.

Mr. THOMAS. Mr. President, I yield 2½ minutes to my friend from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleague from Wyoming for recognizing me.

I rise in opposition to the Mikulski amendment to this omnibus appropriations bill. Succinctly put, we held a hearing 4 or 5 years ago on this very particular point. Much of it has been covered in the discussion and the debate so far, but if we want to have an efficient Government, we need to allow the private sector to compete.

What we need to do as well is make sure this 47-year-old Federal policy—which states "the government should not be involved in commercial activities"—is complied with and is enforced.

The goal of the FAIR Act was to eliminate the Government's direct competition with the private sector while at the same time providing a better utilization of taxpayer dollars. This is going both ways: So we do not have direct competition with the private sector, which we should not do, which is against Federal law for us to do, and at the same time provide a better utilization of taxpayer dollars so we concentrate the Government workers in areas where only the Government can do the work.

This seems to me to be good management and good objectives.

In 2001, the FAIR Act inventory noted that over 840,000 Federal jobs were noninherently governmental. President Bush's Competitive Sourcing Initiative requires Federal agencies to conduct public-private competition on 15 percent of the jobs listed on the FAIR Act inventory. This seems to be minimal at best.

The Mikulski amendment prohibits the President from establishing or enforcing goals for competitive sourcing. This is not the direction in which we should go. In addition, it would severely impede our ability to manage the Federal Government. We need that management flexibility at this time.

Where we have budget deficits that are rising, we need to get those down and to use every tool we have at our disposal to be able to keep those budget deficits down as efficiently and effectively as we possibly can.

This amendment would prevent improving the performance of the Government's many commercial activities. We certainly do not need to do that. The amendment goes against the congressionally mandated findings of the Commercial Activities Panel which unanimously adopted the principle of competition.

Competition has been good in this country. It is the basis for what our economy is—so that things can grow based on competition.

For those reasons, I will oppose the Senator's amendment.

The PRESIDING OFFICER. The Senator has used his time.

Mr. BROWNBACK. I yield the floor.

Mr. THOMAS. Our time has expired, Mr. President. I thank the Chair for the opportunity to express these views. I urge that Members vote against this amendment when it comes before the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator has yielded back his time.

Mr. THOMAS. 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.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.J. Res. 2, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes.

Pending:

Feingold Amendment No. 200, to restrict funds made available for IMET assistance for Indonesian military personnel to "Expanded International Military Education and Training" assistance unless certain conditions are met.

Mikulski Amendment No. 61, to prohibit funds to be used to establish, apply, or enforce certain goals relating to Federal employees and public-private competitions or workforce conversions.

Murray Amendment No. 39, to provide funding for the community access program.

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

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

AMENDMENT NO. 200

Mr. BOND. Mr. President, I rise today in strong opposition to the Feingold amendment. The Feingold amendment, as my colleagues probably know, deals with Indonesia and makes not too subtle suggestions about evil doings and suggests that we can only work with them in certain circumstances. As one who has traveled frequently to that region, I am very much disturbed by the intent and the apparent direction of this amendment.

It is very clear to the Government of Indonesia and its people that there is a legitimate terrorism threat in that country today. The tragic bombing in Bali, a major international tourist destination and the source of essential revenue in the country, brought the reality of terrorism squarely on the heads of the Indonesian Government. This is a country which, if superimposed geographically on the United States, would extend from San Francisco to Bermuda. It is the fourth largest country in the world, with the largest Muslim population in the world. It is also, unfortunately, home to many elements of al-Qaida and Jamaah Islamiyah, another Islamic terrorist group.

The tragic bombing in Bali, with almost 300 people killed, has brought home to that country the real threat of terrorism, and they are taking that threat seriously.

I have talked with our resources in the area, our embassies. I have talked with neighboring countries that are very much concerned about the future of Indonesia. We believe they are performing a credible and thorough investigation of the bombing. Arrests have been made. But the investigation continues and the Government is committed to arresting all those involved.

Indonesia is a majority Muslim nation. Many of its citizens, regrettably, hear continually from extreme elements within the country that the United States is targeting Muslims and is anti-Islam. This creates a very difficult political climate for the country's moderate Muslim President. She is one who has visited this country. I have met with her on a number of occasions, and I know she understands the importance of our relationship and the importance of their efforts against terrorism.

The country is making an effort now to investigate the terrorists who committed the bombing, to control the terrorism problem, and to strengthen the military.

I ask, Is this the best we can offer in the Senate to encourage cooperation between the two countries, to pursue a

warmed-over agenda, to embarrass the military because some activist groups are not satisfied with the results of the tribunals that investigated the outrages in East Timor?

This is a time when we in the United States have to be serious about our relationship with moderate Muslim nations. We need to support the people within these countries who are resisting the extremists. It is a tremendous challenge for them to stand up to extreme voices. We should be supportive. We ought not to be sticking a finger in their eye. We ought not to be gratuitously slapping them in the face.

In the case of Indonesia, we should encourage strengthening those institutions which the Government will rely on to investigate terrorism, apprehend terrorists, and prevent further attacks. In Indonesia, the only institution with that capacity is the military.

I have talked with our Secretary of State and our Secretary of Defense, and I have asked them what we can do to improve our relations with Indonesia to assure they have the strength to resist terrorism and to provide their share of the role in the international battle against terrorism.

What they have said, quite frankly, to bipartisan groups in front of them is to stop congressional interference and slurs on the Indonesia military. Unfortunately, rather than moving in a sensible direction to encourage military-to-military contact, to take actions to raise the standards of their military to levels we are comfortable with and to promote relationships between officers, we would, by adopting this measure, pursue a course that insults the people, strains relations, and will aid the extremist elements in their efforts to demonize the United States.

This may be presented as a harmless amendment, one that can be satisfied easily by us and the Indonesians, but those people are our friends. Our allies in Southeast Asia take note of what we do; they hear our message. What we pass is loud, and it is clear; it resonates. It is not only a bad idea, it is dangerous.

We need to stand up and support our friends, especially in these challenging times. As I have met with friendly nations in Southeast Asia, they have been dumbfounded that we continue to insult, denigrate, and downgrade Indonesia. We should be supporting them.

This amendment is not grounded in legitimate policy concerns but, rather, in an ongoing interest by some to refight the East Timor battle year in and year out, despite the fact that East Timor is now an independent country. It is hollow all the way through.

I urge my colleagues to join with me in defeating this amendment, to send the message that we will support moderate Islam countries, struggling democracies trying to fight terrorism.

I thank the managers and yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, in the interest of fairness, although I do agree with my friend from Missouri, I ask unanimous consent that the sponsor of the amendment, Senator FEINGOLD, have 5 minutes when he appears.

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

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

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

Mr. STEVENS. I see Senator FEINGOLD is on the floor. I did make arrangements for Senator FEINGOLD to have an extra 5 minutes, and I call that to his attention. Senator BOND has just spoken on the Feingold amendment. There are 5 minutes for Senator FEINGOLD to speak, if he wishes to do so.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Nevada.

Mr. REID. Mr. President, I have conferred with the manager of the bill on what the Democrats would like to do in offering their amendments. I understand there will be Republican amendments interspersed. Our first amendment with Senator KENNEDY, there has been a 30-minute time agreement on that; that has been agreed to. I ask unanimous consent that that be approved. Senator CLINTON, amendment No. 89, a time agreement of 30 minutes, evenly divided; Senator BINGAMAN, amendment No. 138, I have no time agreement on that; Senator CANTWELL, amendment No. 108, a 30-minute time agreement; Senator NELSON, amendment No. 178, a 10-minute time agreement equally divided; Senator CORZINE, amendment No. 233, I have no time agreement on that.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object, Mr. President, I agree we should set this order. We are still working on it. We hope we will have a chance to have an amendment on one side and then the other. I will come later and try to intersperse these with amendments from our side of the aisle when they are identified.

Mr. REID. The only thing I would ask, Mr. President, is that there would be no amendments except as I have already talked about to the manager of the bill. The Nelson amendment—

Mr. STEVENS. Mr. President, I will have to reserve, I think, on one or more of those. There may be a second-

degree amendment. I don't have any problem with the order, but I will come back.

Mr. REID. Then eliminate the time on the amendment. I ask that the—

Mr. STEVENS. That is fair. We will set the order and agree on the time; and if there is an amendment, if there is any identified, at the present time, Senators are willing to set the order with that understanding.

Mr. REID. Should we eliminate the time though?

Mr. STEVENS. Yes.

Mr. REID. Why don't we have the time applicable unless you decide to offer a second-degree.

Mr. STEVENS. Very well, I don't have any problem with that. But I do want to reserve the right to schedule amendments from this side in between if Senators wish to offer amendments in this period of time.

Mr. REID. I did mention that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. For the information of Senators, as I indicated last evening, we will have a series of amendments that we will offer in small groupings very soon. I believe we will have some amendments identified on our side of the aisle as soon as this first vote will begin. It is my understanding that the vote on Senator FEINGOLD's amendment will commence at 11.

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Is the Senator ready to start now?

The PRESIDING OFFICER (Mr. BURNS). The Senator from Wisconsin.

Mr. FEINGOLD. My understanding is that I am to be allotted 5 minutes in response to Senator BOND's comments on my amendment.

Mr. STEVENS. That was my request.

The PRESIDING OFFICER. The Senator is correct.

Mr. FEINGOLD. I thank the Chair and I thank the managers for their fairness in light of the fact that we were going to have a minute on each side. I appreciate the understanding that I do want to respond to Senator BOND's remarks.

Senator BOND apparently has not actually read what my amendment does with regard to the Indonesian military and the IMET Program. Obviously, there is a terrorism threat in Indonesia today, as Senator BOND indicated. That is one of the conditions this amendment is all about. It is about making sure that Indonesia cooperates with us in fighting terrorist attacks, such as the ones that were so awfully perpetrated on the people in Bali.

What is even more troubling about Senator BOND's remarks is that he doesn't even mention the fact that apparently the Indonesian military was involved in an incident in Papua which killed American citizens.

Are we only going to be upset when American citizens are killed in Yemen and Kuwait or are we going to respond

and expect standards of help and behavior from countries when our citizens are killed in a place such as Indonesia?

All this amendment does is try to make sure, as we continue our relationship with Indonesia—yes, a fledgling democracy—that we actually have accountability of that Indonesian military with which we would be involved. I am very troubled when we see the failure of cooperation with the FBI's reasonable request to deal with this awful murder of our citizens. We need a message to be sent clearly to the Indonesian Government, and in particular to the Indonesian military, that as the FBI returns to try to do this investigation again, we will get cooperation.

The whole point here is not that we are trying to cut off military help and assistance; it is that there have to be two preconditions to make sure it is a legitimate enterprise in which to be involved. One is that the Indonesian Government and military has to help us in dealing with terrorism; secondly, they need to help us get to the bottom of this awful massacre that occurred.

If Senators don't believe me, I refer them to the letter of Patricia Lynn Spier of Colorado, whose husband was brutally murdered in this incident. Ask her and the other families whether they think it is appropriate for the Indonesian military to investigate itself with regard to this incident or whether they should cooperate with the FBI.

Despite the attempt to distort what this amendment is about, my amendment is simple. Until the President determines that Indonesia is committed to fighting terrorism and committed to cooperating and investigating the murder of American citizens, my amendment would deny Indonesia access to IMET, though it would—I emphasize this to the Senator from Missouri—permit access to expanded IMET courses that are relevant to military reforms. So, yes, we want to promote a good relationship with the military in Indonesia, if these preconditions are met. We are going to continue counter-terrorism training, expanded IMET sales of nonlethal defense articles, officer visits, educational exchanges, and port visits. We are not cutting off these items.

Mr. BOND. Mr. President, will the Senator yield?

Mr. FEINGOLD. I have the floor, Mr. President.

Let's be clear, because the Senator from Missouri did not mention this. Last August, two Americans were killed and eight were wounded in an ambush in West Papua, Indonesia. Indonesia's police investigated, and their report concluded that the Indonesian military was very likely responsible for the deaths of these Americans. When the investigation was turned over to the Indonesian military, it exonerated itself and it failed to fully cooperate not only with the Indonesian authorities but with our own FBI.

Some may say this amendment cuts off ties to the Indonesian military

when we need a strong coalition to fight terrorism. But nothing in my amendment will prohibit important national security programs, including counterterrorism training. Why would we hesitate? Why would we hesitate to condition one element—only one element—of our relationship with the Indonesian military on a demand that we simply get to the bottom of this incident? Real partners in the fight against terrorism do not murder American citizens and do not conspire to cover up such murders.

Mr. President, I reserve the remainder of my time.

Mr. BOND. Will the Senator yield for a question?

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. How much time do I have?

The PRESIDING OFFICER. The Senator has 24 seconds.

Mr. FEINGOLD. I yield to the Senator for a question.

Mr. BOND. Mr. President, I am not speaking on the time on this side. I ask my colleague from Wisconsin if he has visited the area, if he has talked with our officials in the region, if he has talked with the people in governments who support us and who support Indonesia. Has he had the opportunity to find out what the impact of this amendment would be?

Mr. FEINGOLD. I have had daily contact with a wide variety of individuals we are concerned with, including some the Senator mentioned. I have been involved in this issue of Indonesia and East Timor for 10 years, since I have been a Member of the Senate and a member of the Subcommittee on Asia. I think I have a right to speak on this as much as the Senator from Missouri. When it comes to the deaths of American citizens, they should be cooperating with the FBI.

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

Who yields time?

Mr. MCCONNELL. Mr. President, this is exactly the wrong time to be taking away IMET from the Indonesian military. For 10 years they were prohibited from having the kind of military-to-military relationship with us that helps upgrade their military and teach them about human rights and to do the right thing regarding their own people. It took a long time to get IMET restored, and the leader of that effort was Senator INOUE of Hawaii—that bipartisan effort to get IMET restored. Now we would take a step in the wrong direction.

(At the request of Mr. MCCONNELL, the following statement was ordered to be printed in the RECORD.)

● Mr. INOUE. Mr. President, I want to convey to my colleagues my opposition to this amendment. During the markup of the foreign operations bill by the full Appropriations Committee, I offered an amendment to restore full International Military Education and Training to Indonesia. I believe full

participation in this important program is essential to maintain our partnership with Indonesia in our global fight against terrorism. The restriction on the participation of Indonesia proposed by my colleague from Wisconsin will harm our relationship and impede our fight against terrorism in one of the front-line countries of this fight. I urge my colleagues to oppose this amendment. The Feingold amendment will send a message to the Indonesians that although we ask for their cooperation in our fight against international terrorism, we will not provide them with the training and tools necessary for that fight and view their country as not worthy of full participation in our international assistance programs. I do not believe this is the message we want to send to one of our critical allies. It is in our national interest to have a stable and democratic Indonesia and that their military is accountable and professional. We can work toward these goals through the participation of Indonesia's military in our IMET program.

Once again, I urge my colleagues to oppose the pending amendment.

Mr. President, I ask that a copy of the statement I made when I offered my amendment before the Appropriations Committee be printed in the RECORD.

The statement follows.

INTRODUCTION OF THE AMENDMENT TO RESTORE IMET TO INDONESIA

Mr. Chairman, together with my colleagues the senior Senators from Alaska, Kentucky, and Missouri, I offer an amendment to restore full International Military Education and Training (IMET) program participation to Indonesia.

In April, Senators Stevens and I traveled to Asia. We visited Indonesia where they had just brought into custody a Muslim cleric who was quoted as having said, "Osama bin Laden is a lightweight." Indonesia has the world's largest Muslim population and has only recently embraced democratic principles. We must engage and support this fledgling democracy by supporting reform of the military and helping to build capacity to control and support modern, professional armed forces. We believe that full access to IMET programs will foster the necessary changes.

We also believe that the continued restriction on IMET program participation of Indonesia sends a message to the Indonesians. It is a message that they are second class international citizens, unworthy of full participation in our international assistance programs. Is this the message we want to send?

I appreciate that this bill provides \$400,000 for Expanded IMET (E-IMET) programs in Indonesia. However, the training provided under E-IMET focuses on administration of the armed forces and the dissemination of international human rights information through the use of Mobile Education Teams that are sent in country. The E-IMET program does provide valuable skills in defense resource management and military justice, but Indonesia needs to focus on professionalizing the military. This can only be accomplished through our assistance via the full IMET program.

I IMET program training is provided to all levels of the military, from generals to enlisted personnel. This training, much of which is provided in the United States,

builds invaluable connections between the United States and foreign nations that provide long-term benefits. The Department of Defense conducts a variety of activities for foreign military and civilian officials. Formal instruction is offered involving more than 2,000 courses taught at approximately 150 military schools and installations. The program is based upon the premise that active promoting of democratic values is one of the most effective means available for achieving U.S. national security and foreign policy objectives and for fostering peaceful relationships among the nations of the world.

I understand that Senator Leahy views IMET as a reward and does not believe it should be afforded to the TNI in light of past abuses and failure to achieve the accountability benchmarks set in last year's Foreign Operations Appropriations bill. This is not a reward. IMET is a vehicle to help TNI achieve those benchmarks. Indonesia has made some progress toward meeting the Leahy conditions, but without recognition of and response to what has been accomplished to date, we will only bolster the arguments of those in Indonesia opposed to reform who believe it is worthless to try to please the United States since we are unwilling to recognize their progress.

There are few countries in the world with democratic governments where the rule of law is as firmly established as in the United States. That cannot be our litmus test for provision of assistance. Providing the requested assistance to Indonesia would not be an exception to a well-established rule. Our nation assists countries that are obviously not democracies. Why do we do this? Because, it is in our national interest. Were we helping a democracy when we embarked on Operation Desert Storm and put up our fortune and our most precious resource, the lives of our soldiers? No, we were not, but we were acting in our national interest.

It is in our national interest to have a stable and democratic Indonesia. It is in our national interest that Indonesia develops internal capabilities to address international terrorism. It is in our national interest that Indonesia's military is professional and accountable. We can work toward these goals through the participation of Indonesia's military in our IMET program.

Please be assured that I do not advocate lifting the prohibition on the participation of Indonesia in the Foreign Military Financing program. I believe a strong professional and accountable TNI must be established before Indonesia's participation in that program is renewed. However, I believe participation in the full IMET program is vital to reaching that goal, and I ask my colleagues to support this amendment. ●

Mr. BIDEN. Mr. President, I rise today to express my deep concern about a deadly attack that occurred last August in West Papua, Indonesia, and to call on the Government of Indonesia to cooperate fully with U.S. law enforcement authorities to ensure that those responsible are brought to justice.

Ted Burgon of Oregon and Rick Spier of Colorado were gunned down along with an Indonesian, Bambang Riwanto. Eight Americans were injured: Nancy Burgon, Sandra Hopkins, Ken Balk, and Taia Hopkins, all of Oregon, Patsy Spier of Colorado, Francine Goodfriend of Illinois, Steven Emma of Florida, and Lynn Poston, of Washington State.

The victims, school teachers from the International School and their

families, were associated with the Freeport-McMoran mine in West Papua.

I speak to this issue because the bill before us restores funding for International Military Education and Training programs for Indonesia. Before we do that, I think we need some answers.

Mr. President, there is troubling evidence that members of the Indonesian military may have been behind the attack. It occurred less than half a mile from an Indonesian military outpost.

Hundreds of rounds were fired at the teachers and their vehicles during the ambush, which lasted 45 minutes, but the military was very slow to respond and failed to apprehend any of the assailants.

The Indonesian police promptly began an investigation. They collected evidence, interviewed witnesses, and reconstructed the ambush. The senior police official in charge said last December that there is evidence that soldiers from the army's strategic reserve force were involved in the shooting. This same senior police official also reported last November that a witness to the ambush reported seeing members of the Indonesian army's special forces participating in the attack.

The motive? The Army may have hoped to blame the murders on West Papuan rebels who have been fighting a low level insurgency for years seeking independence from Indonesia.

Bottom line: The police report on the murders concludes, quote: "there is a strong possibility that the case was perpetrated by members of the Indonesian National Army Force, however, it still needs to be investigated further."

Well, guess what happened? After they pointed the finger at the military, the two senior police officials on the case, General Raziman and Assistant Senior Police Commissioner Sumarjiyo were mysteriously transferred, removed from all responsibility for investigating the murders.

The investigation was handed over to the Indonesian military itself! Not surprisingly, the military concluded that the armed forces had nothing to do with the killings.

Mr. President, this is the same military that denied all culpability for gross violations of human rights over 25 years in East Timor and Aceh. The same military that has armed, trained, and protected militant Islamic groups associated with grotesque, religiously motivated attacks on innocent civilians elsewhere in Indonesia.

Mr. President, it is essential that the United States secure the full support of Indonesia—a nation of 200 million people, most of them Muslims—in the war on terrorism.

Indonesia itself has been the target of terrorists, as we witnessed last year in the terrible bombing on Bali that left hundreds dead and injured, many of them Australian tourists.

It is appropriate that in the wake of 9/11, the United States has sought ways

to strengthen our ties to Indonesia, including considering the resumption of normal military training for the Indonesian Army. Civilian authorities in Jakarta and some officers within the military are trying to end the culture of impunity that has prevailed for the past 30 years. I think it is in our national interests to establish appropriate links to the Indonesian armed forces to improve their professionalism, enhance intelligence sharing, and help prevent future terrorist attacks in Indonesia or elsewhere.

But that does not mean we should turn a blind eye to continuing abuses by the Indonesian Army.

We will not be doing ourselves or the Indonesian people any favors if we ally ourselves with those who may themselves be responsible for criminal acts.

Before we jump to restore IMET funding for Indonesia, I hope that President Bush will give us his assurance that we are getting the full cooperation of Indonesian authorities. The FBI should have full access to all the evidence and to the witnesses to the attack. An independent investigation should be launched of the possible Indonesian military involvement.

These are American citizens we are talking about. Victims, perhaps, of a cynical effort to manipulate United States public opinion and convince our government to increase aid to the Indonesian armed forces as part of the war on terrorism. We need to get to the bottom of what happened.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that a letter from the State Department opposing this amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF STATE, ASSISTANT SECRETARY OF STATE FOR LEGISLATIVE AFFAIRS,

Washington, DC, January 22, 2003.

Hon. MITCH MCCONNELL,

Chairman, Subcommittee on Foreign Operations, Committee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN: I am writing to express concern about the proposed amendment to the FY 03 omnibus appropriation bill by Senator Feingold that restricts IMET to Indonesia. The Department of State opposes this amendment, which would damage important U.S. foreign policy interests in Indonesia.

The amendment in question would limit Indonesian military personnel to participation in the Expanded IMET program only, absent a presidential determination "that the Government of Indonesia and the Indonesian Armed Forces are (1) demonstrating a commitment to assist United States efforts to combat international terrorism, including United States interdiction efforts against al-Qaida and other terrorist organizations, and taking effective measures to bring to justice those responsible for the October 13, 2002 terrorist attack on Bali, which killed U.S. citizens, and (2) taking effective measures, including cooperating with the Federal Bureau of Investigation, to bring to justice any member of the Indonesian Armed Forces or Indonesian militia group against whom there is credible evidence of involvement in the

August 31, 2002 attack which resulted in the deaths of United States citizens, and in other gross violations of human rights."

We share Senator Feingold's concerns on both points and have been working actively with the Indonesian Government on them. Indonesia is engaged in the war against terrorism—including a new police counter-terrorism unit that we are helping to establish. Indonesia authorities are investigating and prosecuting terrorists, including members of the al-Qaida affiliated Jemaah Islamiyah (JI), while not sacrificing newly-gained democratic freedoms. In the extremely professional Bali bombing investigation, Indonesian National Police investigators have detained over 30 suspects to date, and are cooperating with regional ASEAN neighbors to uncover possible links to international terrorism. The Bali investigation process has also seen good cooperation between the Indonesian National Police and counterparts from the Australian Federal Police, the FBI, and Scotland Yard. It is also important to note that the Indonesian Police, not the Indonesian Armed Forces, have the lead responsibility in this and in other terrorist investigations.

The killing of American citizens in Papua is a matter of gravest importance to us. The President has directed that we emphasize to the Government of Indonesia that there must be a credible investigation and process of justice to avoid damage to our entire bilateral relationship. We have done so at the highest levels. In response to our repeated demarches, the Indonesian Government has agreed to a new investigation of this crime to include FBI participation. FBI agents will arrive in Indonesia on January 22 to explore the terms of their participation in the investigation.

We have requested that \$400,000 in FY03 IMET be provided for Indonesia. If approved by Congress, this will be the first time in a decade that we will have the ability to use IMET as a tool to pursue our national objectives in Indonesia. These objectives include strengthening Indonesian cooperation in the war on terrorism, as well as supporting the democratic transition in, and the territorial integrity of, Indonesia. IMET assists these objectives by providing us with access to the Indonesian Armed Forces, which remains among the most prominent national institutions in Indonesia. IMET also provides a vehicle for the United States to impart our ideas about civil-military relations to foreign military audiences, and to promote military reform.

We ask that Congress proceed with its consideration of the Administration's IMET request. The goals of the proposed amendment by Senator Feingold are worthy and we share them. But, they are now, and will remain, works in progress for some time to come, not settled issues. In the interim, if Congress approves our request, we will not obligate these IMET funds without further consultation with Congress.

We hope that this information assists you in your consideration of this amendment. Please contact us if you have any questions.

Sincerely,

PAUL V. KELLY,
Assistant Secretary.

Mr. MCCONNELL. Mr. President, let me sum it up. The Bali bombing underscores that when it comes to terrorism, Indonesia is at ground zero, right there in the middle of it. They are on our side. This amendment should be roundly defeated.

Mr. ALLARD. Mr. President, with much reservation, I rise today in support of the Feingold amendment. On

August 31, 2002 several Americans in West Papua—Indonesia were brutally attacked by heavily armed assailants. Two Americans—Rick Spier and Ted Burgon—were murdered during the 35 minute ambush and many others were seriously wounded.

Last week, I met with Rick Spier's wife, Mrs. Patsy Spier, who was also shot three times during the attack. She described with much emotion the circumstances of the attack and the horrific result. I was saddened by her loss and angered by the Indonesian Government's failure to bring the perpetrators to justice. Following my meeting with Mrs. Spier, I contacted the Department of States and later received a detailed briefing from Deputy Assistant Secretary Matthew Daley. I also contacted the Federal Bureau of Investigation and expressed my interest in meeting the agents charged with investigation this case upon their return from Indonesia.

Following these meetings, I wrote to President Bush to express my strong views about this matter. I urged the President to press the Indonesian Government to conduct a comprehensive investigation into the attack. I further wrote that if the Indonesian Government fails to act, a severe diplomatic response, including the suspension of funding for the International Military Education Training Program for Indonesia, should be considered. I ask unanimous consent to have printed in the Record at the conclusion of my remarks my letter of January 16 to President Bush.

The PRESIDING OFFICER. Without objection, it is as ordered.
(See exhibit 1).

Mr. ALLARD. I am pleased that Senator MITCH MCCONNELL, Chairman of the Foreign Operations Subcommittee, has included strong report language on Indonesia. As I noted in a colloquy with Senator MCCONNELL, the references in the report language to the Americans murdered in West Papua and the demands that justice be served for these crimes were warranted and much appreciated.

The amendment before us would limit Indonesian military personnel to participation in the IMET program only, absent a presidential determination that the Indonesian government and armed forces are "demonstrating a commitment to assist United States efforts to combat international terrorism" and "taking effective measures, including cooperating with the Federal Bureau of Investigation, to bring to justice any member of the Indonesian Armed Forces or Indonesian militia" whom might be involved in the August 31 killings.

I understand that the Department of State opposes this amendment, which it believes would damage important U.S. foreign policy interest in Indonesia. In a letter sent to Senator MCCONNELL, Assistant Secretary of State James Kelly wrote:

... the President has directed that we [the Department of State] emphasize to the

Government of Indonesia that there must be a credible investigation and process of justice to avoid damage in our entire bilateral relationship.

He further wrote:

In response to our repeated demarches, the Indonesian government has agreed to a new investigation of this crime to include FBI participation. FBI agents will arrive in Indonesia on January 22 to explore the terms of their participation in the investigation.

While I applaud the administration for its involvement in this issue and am encouraged by Indonesia Government's agreement to conduct a new investigation, I strongly believe that the murder of innocent Americans is unacceptable and demands serious action on our part. We cannot be seen as rewarding the Indonesian government for covering up the killing of Americans. Such an action would set a frightful precedent and give other nations the impression that the murder of Americans would not warrant a serious response on the part of the United States. Clearly, the IMET funding in this bill sends the wrong signal at the wrong time. Therefore, despite serious reservations, I will vote in support of the Feingold amendment.

Like many of my colleagues here in the Senate, I will continue to monitor this situation very closely, and should the Indonesian Government conduct a full and fair investigation, I will consider supporting new funding for Indonesia in the future.

EXHIBIT 1

U.S. SENATE,

Washington, DC, January 16, 2003.

Hon. GEORGE W. BUSH,
President, the White House,
Washington, DC.

DEAR PRESIDENT BUSH: I am writing to express my growing concern about the lagging investigation into the August 31, 2002 attack on several Americans in West Papua, Indonesia. Three people were killed, including two Americans, during the attack, and eight others were seriously wounded.

As you may know, the Indonesian police completed its preliminary investigation last fall and concluded that the Indonesian military may have been responsible for the attack. Despite being informed of the results of the police investigation, the Indonesian military has failed to look into this matter. In fact, press reports suggest that the Indonesian military may have exonerated itself of any responsibility.

I understand that senior officials at the Department of State have expressed the concerns of your Administration about the dogged pace of the investigation to the Indonesian government. Your effort to determine who was responsible for this brutal attack is commendable. However, more must be done.

I urge you to press the Indonesian government to conduct a comprehensive investigation into the attack. Such an investigation should include active and meaningful participation by United States law enforcement agencies who should have complete access to evidence and witnesses.

The murder of innocent Americans overseas warrants a serious response on our part. If the Indonesian government fails to act, severe diplomatic actions, including the suspension of IMET funding for Indonesia, should be considered. We cannot afford to overlook further delays in this important investigation.

Again, thank you for your efforts, and I look forward to your response.

Sincerely,

WAYNE ALLARD,
U.S. Senator.

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

The question is on agreeing to amendment No. 200.

Mr. FEINGOLD. Mr. President, I ask for the yeas and nays.

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

Mr. STEVENS. We ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUE), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

The result was announced—yeas 36, nays 61, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—36

Allard	Dodd	Leahy
Biden	Dorgan	Levin
Boxer	Durbin	Lincoln
Campbell	Edwards	Mikulski
Cantwell	Feingold	Murray
Carper	Feinstein	Pryor
Chafee	Jeffords	Reed
Clinton	Johnson	Reid
Conrad	Kennedy	Sarbanes
Corzine	Kerry	Smith
Daschle	Kohl	Stabenow
Dayton	Lautenberg	Wyden

NAYS—61

Akaka	Dole	Miller
Alexander	Domenici	Murkowski
Allen	Ensign	Nelson (FL)
Baucus	Enzi	Nelson (NE)
Bayh	Fitzgerald	Nickles
Bennett	Frist	Roberts
Bingaman	Graham (FL)	Rockefeller
Bond	Graham (SC)	Santorum
Breaux	Grassley	Schumer
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Snowe
Byrd	Hollings	Specter
Chambliss	Hutchinson	Stevens
Cochran	Inhofe	Sununu
Coleman	Kyl	Talent
Collins	Landrieu	Thomas
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	McCain	
DeWine	McConnell	

NOT VOTING—3

Harkin	Inouye	Lieberman
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The amendment (No. 200) was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent the next vote be 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Can we have order in the Chamber, please. Will the Senator from Alaska restate his request?

Mr. STEVENS. I ask unanimous consent time for the vote on the Mikulski amendment be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. There is objection. Reserving the right to object, Mr. President, the Senate is not in order.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

Ms. MIKULSKI. I ask unanimous consent the rollcall on the Mikulski amendment be postponed until such time to be called up as agreed upon by the two managers. We think we can work something out.

Mr. STEVENS. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 39

Mr. STEVENS. Mr. President, the next amendment in order is Senator MURRAY's amendment. There is a minute on each side, if the Senator wishes to use it. I wish to state now we will accept this amendment and it will be included in the across-the-board cut as an offset. Because of an amendment that was adopted yesterday, we now have leeway in that ceiling that we self-imposed, and we can take the amendment of the Senator from Washington. I believe her amendment has the approval of the House also. Many of us want to vote for it. We are prepared to accept the amendment.

The PRESIDING OFFICER. Is there debate?

Mr. STEVENS. Let her offer it, please.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the Senator from Alaska, and Senators FRIST and GREGG and others who worked with us on the Community Access Program.

I urge adoption of the amendment.

Mr. STEVENS. I understand the Senator from Rhode Island has a colloquy?

Mr. STEVENS. May I announce there will be no votes for a little while now. We have worked out we will have another series in a few minutes. Right now we would like to have the colloquy out of the way.

I urge we adopt the Murray amendment.

Mr. KENNEDY. Mr. President, I commend Senator MURRAY for her strong leadership in restoring funds for the Healthy Communities Access Program to improve the delivery of care to the uninsured. The program provides grants to coalitions of health providers to improve the coordination of care for

the uninsured. Since its inception, we have seen an overwhelmingly positive response to the program. Through these grants, 150 communities have been able to increase care for the uninsured, reduce unnecessary health costs, and create innovative projects through collaboration and information-sharing. In Massachusetts, the Cambridge Health Alliance used its grant to launch an impressive outreach campaign to enroll 57,000 uninsured residents in a comprehensive and well-coordinated system of care. The Alliance has formed strong partnerships with local schools, law enforcement, and advocacy groups who work together to meet the needs of the most vulnerable members of the community.

The Healthy Communities Access Program embodies exactly the kind of innovative approach to improving the quality of health care that we need. Yet, despite its successes, the administration wants to zero out the program and the Omnibus Bill eliminates its funding. We should not allow the gains made in communities across the country to be lost because of this shortsightedness. I urge the Senate to approve this amendment and support our communities in this effective way to improve care for the uninsured.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment (No. 39) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I inquire how much time the Senator from Rhode Island and the Senator from West Virginia wish for their colloquy?

Mr. CHAFEE. I believe it would be about 10 minutes.

Mr. STEVENS. Ten minutes total?

Mr. ROCKEFELLER. We don't need that much.

Mr. STEVENS. I ask unanimous consent the Senator from Rhode Island and the Senator from West Virginia be recognized for not to exceed 10 minutes total.

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

The Senator from Rhode Island.

S-CHIP

Mr. CHAFEE. Mr. President, I have been working for the last several months with a bipartisan group of Members from the House and Senate to protect funding for the State Children's Health Insurance Program, also known as S-CHIP, which provides critical health care to millions of children. In Rhode Island, over 12,000 children participate in this program. There is strong, bipartisan support for a 2-year S-CHIP proposal developed last fall that would preserve \$2.7 billion in Federal S-CHIP funds that either expired at the end of fiscal year 2002 or will expire at the end of the current fiscal

year. Our proposal also establishes a redistribution formula for the Centers for Medicare and Medicaid Services to use to quickly redistribute unspent fiscal year 2000 funds to those states that have exhausted their allotments and need additional funds.

Under Federal law, CMS is required to redistribute all unspent 2000 funds this year, but there is no Federal requirement on what formula it should use. CMS is currently holding off redistributing unspent 2000 funds because it is awaiting Congressional action. However, a few States, including Rhode Island, need the redistribution of 2000 funds as soon as possible so they have sufficient funds for the rest of the year to maintain services to the children currently enrolled in S-CHIP.

This S-CHIP issue is very time-sensitive. If we do not remedy this situation soon, some States may scale back S-CHIP eligibility because they will assume they will have far less in Federal funds available than previously expected.

Unfortunately, it appears that we cannot address this issue in the omnibus appropriations bill. I appreciate the willingness of the chairman of the Finance and Budget Committees, Senators GRASSLEY and NICKLES, to work with us to address this issue in both the fiscal year 2004 budget resolution and then to move this legislation quickly in the Finance Committee.

I also think it is imperative for us to work with CMS so that they can move forward to begin to redistribute some of the unspent 2000 funds to States like mine that are facing a serious S-CHIP funding problem. As Congress moves ahead to complete action on this proposal, CMS should move forward on the immediate redistribution of these funds.

Mr. KENNEDY. Will the Senator yield for a moment? Does the Senator have the time?

I want to commend my friend from Rhode Island. As one of the authors of the S-CHIP Program, we gave the States an opportunity to use the money and then we provided, if they did not use the money, that States that were attempting to cover the children would have some access to it and then eventually it would go back to the Treasury.

We are finding out now that there are a number of States that are prepared to go ahead and insure these children. This program is so enormously important, because if you put it with the Medicaid Program, there is no real reason why any child in America isn't covered with some form of health insurance.

I commend the Senator from Rhode Island. This program was agreed to and accepted in a strong bipartisan way. As author, along with my friend from Utah, Senator HATCH, if we had just not provided this provision and let the States have a little more time to implement it, we would have a lot more children covered. This makes a great

deal of sense. It is focused and it is a successful program. The point the Senator from Rhode Island makes is that it will ensure that hundreds of thousands of more children will be protected with health insurance.

I thank the Senator.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, following on what the Senator from Rhode Island said, it is extremely important that we get it done immediately. This is a two-part problem. One is the \$1.5 billion shortfall in this fiscal year, and the \$1.6 billion in the second fiscal year. The States have the money. Since we did not put the program under Medicaid at the very beginning, States started at various rates. Some were faster than others. Therefore, not all the money has been used. Rather than return it to the Treasury where it can't help any child at all—we still have 8 million, or 10 million, or 12 million children who need to be insured. We need to do the short-term fix, which is what this colloquy is about. Then we need to get to a longer term fix in the Finance Committee. I look forward to working with Chairman GRASSLEY and Chairman BAUCUS to mark up a bill which will accomplish this objective on an annual basis, and then, of course, move on to the next logical step, which is to include the parent or parents of those same children.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I would like to join in the colloquy that has just been held because it comes under the jurisdiction—or at least some of it—of the committee that I chair.

I thank my colleagues for their attention to this important children's health care policy. They are correct that something must be done to address the funds that have and will revert to the treasury in the near future. They are also correct to note the constraints within the omnibus bill. I strongly support the State Children's Health Insurance Program. It is a program that provides health care for over 16,000 low-income children in my state.

Senators CHAFEE, SNOWE, and ROCKEFELLER are looking to address a necessary maintenance issue within S-CHIP. As Senator SNOWE noted, I worked very closely with Senator BAUCUS, Senator CHAFEE, Senator ROCKEFELLER, Chairman TAUZIN, and Representative DINGELL on a bipartisan, bicameral proposal that would have addressed expired S-CHIP funds.

The proposal reflected a balanced approach to redistributing S-CHIP funding taking into account that some states are spending through their existing allotments and other states are ramping up their programs and will need additional funding in the years to come.

This proposal did not pass the Senate last year, but it is a fair approach to

redistributing S-CHIP funds. Unfortunately, I can not support including this policy at this time. The omnibus bill is a poor vehicle for this necessary maintenance.

I am sympathetic to the intent of this policy, although this is neither the time nor the place to address this issue. The Senate and the House have an agreement with the Administration to keep the omnibus appropriation bill under \$750 billion. The S-CHIP policy costs over \$1.2 billion in budget authority in 2003. An amendment of this nature would break that agreement and that is simply not acceptable. I appreciate Senator SNOWE's, CHAFEE's and ROCKEFELLER's willingness to accept this reality.

I assure my colleagues that I will work with them in the near future to update the S-CHIP redistribution policy in the near future as chairman of the Finance Committee. It my understanding that Senator NICKLES, the chairman of the Budget Committee, is also interested in a regular order approach and that he is interested in putting money aside in the budget to address the needs of S-CHIP.

With this in mind, I believe the most appropriate way to address this issue is to work with the Chairman of the Budget Committee, Senator NICKLES, to secure sufficient funding for this bipartisan S-CHIP proposal and then to address it in the Finance Committee. I will also continue my work with Energy and Commerce Committee Chairman TAUZIN, so the Senate and the House can move forward in a coordinated fashion.

I assure my colleagues that I will work with them once the budget resolution for fiscal year 2004 has been adopted to move legislation quickly through the Finance Committee that reflects a bipartisan, bicameral two-year agreement on S-CHIP.

Mr. NICKLES. Mr. President, will the Senator yield?

Mr. GRASSLEY. Yes.

Mr. NICKLES. Mr. President, I compliment the chairman of the Finance Committee. I will work with him. I tell the chairman of the Appropriations Committee, if these amendments had come up, we would have had problems. There were about three S-CHIP amendments. We will not do the amendments on the appropriations bill. We will work to try to make it possible to do them through the Budget Committee. If we did pass one, it would go over to the House, and the House—which did pass a budget, and they have exceeded their authorization—they would stop it. I think this is the best way to work. When we pass a new budget resolution, we will supersede last year's budget resolution. We will be able to do this in regular order through the Finance Committee.

I look forward to working with the chairman, and also Senator SNOWE, Senator COLLINS, Senator ROCKEFELLER, and others who have strong interests in trying to make sure these

unexpended funds that are set aside for S-CHIP can be appropriately used.

Ms. SNOWE. Mr. President, I rise today to speak about the State Children's Health Insurance Program and to thank my colleagues for their willingness to work with me on restoring funding to this program that is essential to ensuring continued health care coverage for America's children.

For the past week, I have worked with my colleagues to secure this agreement that will restore \$2.7 billion in expired, or soon to expire, SCHIP funding. This compromise, that has been endorsed by our Nation's Governors, would ensure that this funding remains in the program and continues to provide children with access to the care that is vital to their healthy development.

I appreciate the willingness of Majority Leader FRIST, Finance Committee Chairman GRASSLEY and Budget Committee Chairman NICKLES to work with us in developing this agreement. Because of their commitment to finding a solution, we are able to move forward with this important policy.

I believe this agreement is the most appropriate way to restore the SCHIP funding. Because the budget resolution adopted by the House of Representatives does not include adequate budget authority to restore this funding, the floor amendment that I filed to the omnibus appropriations bill would be subject to a budget point of order in the House. Given the that this point of order would lie against the provision, the likelihood that the House would strip this during conference is great. In light of these circumstances, I believe that this agreement is the most appropriate way to ensure that this funding is restored.

The agreement that was struck would, in exchange for withdrawing the amendments that my colleagues and I filed to the omnibus appropriations bill to restore SCHIP funding—provide the support of the majority leader and Chairman GRASSLEY and NICKLES to make necessary changes that will remove the budget hurdles that have prevented this legislation from being enacted.

Specifically, Senator NICKLES has provided his commitment to reallocate through the fiscal year 2004 budget process additional budget authority for SCHIP in fiscal year 2003 and fiscal year 2004. Senator NICKLES, I am confident that under your leadership, the budget process will move smoothly and expeditiously and that we will be able to speed the adoption of this proposal in both the Senate and House of Representatives.

Further, Chairman GRASSLEY has agreed to move this policy through his committee as soon as the necessary changes are made to the budget allocations. Again, under his strong leadership, I am confident that we will get this done.

Finally, Majority Leader FRIST has agreed to place the legislation on the

Senate calendar as soon as it is reported from the Finance Committee.

I might add that while I am aware that this agreement was forged in the Senate, the underlying policy proposal was developed through a bipartisan, bicameral process led by Senators GRASSLEY and BAUCUS last fall. I hope that the House of Representatives will work with us to make the necessary changes to the fiscal year 2003 and fiscal year 2004 budget allocations and to see this vital policy enacted in a timely manner.

Since 1997, States have made historic progress in their effort to insure low-income children under SCHIP. In fact, the National Center for Health Statistics just released data this month showing that the percentage of children 17 years of age and younger with health insurance has increased from 86.1 percent in 1997 to 91.2 percent during the first half of 2002. During this same period of time, statistics show the percentage of children insured by government programs, such as SCHIP, also increased to 27.2 percent. While these statistics are encouraging, a great deal of work remains if we are to address the critical issues of affordability and accessibility of health insurance, especially as they relate to health care for our children.

These compelling statistics reinforce the necessity that Congress must act to restore the expiring SCHIP funds. If we delay, we could jeopardize the substantial progress that has been made since 1997 in increasing the number of insured children in America. It is estimated that without restoration of this funding, almost one million children could lose health insurance coverage.

How it works it this, once passed, the policy would restore \$2.7 billion in SCHIP funding that has either reverted to the Treasury or is scheduled to revert to HHS for redistribution. On October 1, 2002, \$1.2 billion reverted to the Treasury in unspent SCHIP funding from 1998 and 1999. If we do not recapture this funding, it will be lost to the program. Our agreement allows the States to reclaim this unspent money and provides until the end of fiscal year 2004 to spend it on health insurance provided by SCHIP.

It also strikes a compromise between States that have spent all of their 2000 and 2001 allotments, and those that have not, by dividing the funding evenly between them. Those States that have not spent all of their allocations would be able to retain half of their funding, while the remaining States would receive additional allotments from the redistributed funding.

It also rewards those States that used Medicaid to expand access to health care for low-income children prior to the creation of SCHIP, by allowing them to access some of their SCHIP funding to serve this population. This compromise has the endorsement of the National Governors Association and children's health advocates from across the country.

In my home State of Maine, this proposal would allow the State to keep \$13.4 million in SCHIP funding and would provide until the end of fiscal year 2004 to spend, I do not know about your State, but in Maine \$13.24 million will help provide health care assistance to a lot of children, children who otherwise would not have access to immunizations, well-baby visits and yearly check-ups.

While my colleagues and I have agreed to forgo the appropriations process as the vehicle to move this package, we certainly have not abandoned our effort to restore the funding. If fact, we are more committed than ever to seeing the SCHIP funding restored and have added the support of the majority leader and chairs of the Finance and Budget Committees. Adding their endorsement to this effort, which already has garnered strong bipartisan support, will help to speed its passage.

In closing, I wish to highlight a quote from Secretary Thompson when his agency released the positive new data I referenced earlier regarding the level of health insurance for children in our country. He said:

More and more children are getting the health care they need, thanks in large measure to our success in working with states to expand health coverage through the SCHIP program. We are giving governors the flexibility they need to continue to expand coverage to more children, and our strategy is paying off for children and parents alike.

This strong endorsement of SCHIP should act as an impetus to getting this policy enacted and ensuring that we do so in a timely fashion. Again, I appreciate the support of my colleagues and look forward to working with you as we move forward to enact this policy.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that the time on the Kennedy amendment be 30 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. What was the request?

Mr. STEVENS. My request was that the time on the Kennedy amendment be 30 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I also ask unanimous consent that the time on any amendment be limited to 30 minutes unless specifically requested otherwise by myself or the distinguished minority whip.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. Mr. President, I renew that request.

Mr. MCCAIN. I remove my objection.

Mr. STEVENS. The unanimous consent request is that the time on any

amendment be limited to 30 minutes unless specifically requested otherwise by myself or the minority whip.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that on the Clinton amendment numbered 89 the time be equally divided and limited to 30 minutes, and that there be no second-degree amendments in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, on amendment No. 138 offered by Senator BINGAMAN, I ask unanimous consent that debate be limited to 30 minutes and that there be no second-degree amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I have included the Clinton amendment numbered 89 with 30 minutes equally divided; the Bingaman amendment numbered 138 with 30 minutes equally divided, and I would like to do the same on the Cantwell amendment.

Mr. STEVENS. I can't agree on the Cantwell amendment. We can agree on the others.

Mr. REID. Those two will be fine.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, staff has indicated that we were perhaps not clear on the Kennedy amendment. There would be no second-degree amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts.

AMENDMENT NO. 123

Mr. KENNEDY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY) proposes an amendment numbered 123.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To increase funding for reducing health disparities and promoting minority health)

At the appropriate place, insert the following:

SEC. _____. (a) IN GENERAL.—In addition to amounts otherwise appropriated in this Act, there are appropriated \$584,646,000, of which—

(1) \$43,492,000 shall be made available to the National Center on Minority Health and Health Disparities;

(2) \$21,015,000 shall be made available to the Office of Minority Health of the Department of Health and Human Services;

(3) \$15,334,000 shall be made available to the Office for Civil Rights of the Department of Health and Human Services for discrimination-related enforcement and allocated to enforcement actions and the investigation of complaints and potential violations of law relating to discrimination and racial disparities in health care;

(4) \$491,500,000 shall be made available to the Department of Health and Human Services for research and activities under the Minority HIV/AIDS initiative; and

(5) \$13,305,000 shall be made available to the Health Resources and Services Administration for Health Professions Training for Diversity programs.

(b) OFFICE OF MINORITY HEALTH.—The amount appropriated under subsection (a)(2), shall be made available to the Office of Minority Health of the Department of Health and Human Services to be used for activities including—

(1) to undertake, through and in collaboration with the Public Health Service agencies, a coordinated Federal initiative to reduce racial and ethnic disparities in health, particularly in the six focus areas of infant mortality, cancer screening and management, cardiovascular disease, diabetes, HIV/AIDS, and immunizations;

(2) to increase funding for minority health initiatives and collaborations at the multi-State, State, and local level that employ proven public health strategies to reduce health disparities in specific minority populations;

(3) to expand Federal efforts and assist States in the collection and analysis of health status data that includes standard racial and ethnic data;

(4) to conduct or support research on effective health interventions in minority communities;

(5) to assist in the development and dissemination of cross cultural curricula for the training of health professionals;

(6) to provide technical assistance to States to improve public health infrastructures and outreach for health disparity populations; and

(7) to sponsor National Forums on African American Health Care, Latino Health Care, Asian American Health Care, and Native American Health Care.

Mr. KENNEDY. Mr. President, I yield myself 8 minutes.

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

Mr. KENNEDY. Mr. President, this is a health amendment. It is related to the broad disparities that exist in health care in our society, which recently the President of the United States has recognized, and also our majority leader.

I will take a moment or two to demonstrate these very significant health disparities. This amendment is intended to support and expand some of the existing programs which are in effect and a number of which have been cut very deeply in this omnibus appropriations bill, to restore funding to the appropriations, and then also to meet some of the current needs.

Just very quickly, we have nearly one in four African Americans and one in three Hispanics who are uninsured compared to 16 percent of all Americans. The mortality rate for African Americans is 1.6 times higher than for Whites, a ratio that is actually identical to the ratio in 1950. That has not changed since 1950—the last 50 years.

The African-American infant mortality rate is twice that of Whites. Diabetes afflicts Hispanics twice as much as Whites. Minorities are less likely to get heart medicines or cardiac surgery or even essential pain medications. African-American men suffer prostate cancer twice as often as White men.

This is the reality. And I could go on. There are very dramatic and significant disparities. Take, for example, the health disparities in HIV/AIDS. This chart shows the rate per 100,000 of the population. It is 81.9 among Black Americans, 34.7 among Hispanics, 9.4 among American Indians/Alaskans. And it is 8.4 among the White population. There is a tremendous disparity.

What we have seen is that the minority HIV/AIDS initiative faces a devastating cut in this omnibus bill. It is an 85-percent cut. Do we hear that? An 85-percent cut.

In 2002, there was \$381 million available for the initiative. In the omnibus, it is \$50 million. This amendment would put it at \$540 million. It would take the \$380 million and adjust it to the increased demands we are facing.

It is absolutely intolerable that we have seen this dramatic reduction in terms of outreach for services, for prescriptions, for caring among minority populations. I think it is one of the glaring deficiencies of this particular program.

Before continuing, I must make a brief comment on today's Washington Post article on the front page where they say the AIDS panel choice wrote of a "gay plague"—a "gay plague." "Views of White House Commission Nominee Draw Criticism."

I would have thought, with all the debate and discussion we have had here on the floor, going back to the debate and discussion on Ryan White, and how we have debated and discussed the NIH budget and other issues relating to minority health, that we could have moved beyond this kind of serious stereotype of characterizing those with HIV or AIDS as part of a "gay plague." Most of us thought this country had gone well beyond that kind of horrible insensitivity. I believe this appointment should be withdrawn. It is an insult to gay Americans, to those who have worked so hard to treat people with AIDS with sensitivity and support.

Removing one individual is not enough. We must maintain and expand our commitment to deal with the disease. When it comes to AIDS in the minority community, this appropriations bill is missing in action.

This amendment also provides some assistance to the NIH Center on Minorities and Health Disparities to try to make sure that the center, which coordinates a national research agenda on minority health is going to be adequately funded.

It also provides a very small and modest increase in the HHS Office for Civil Rights. Many members of the mi-

nority community are being excluded from treatment, care, and attention. It is difficult to think that is the case, but that is happening all over this country. The HHS Office for Civil Rights has more than 1,000 complaints on its desk that are being unanswered. We provide a few million dollars, from \$33 million up to \$48 million, to be able to deal with this.

Finally, one of the most important provisions in all of this pertains to programs that are directed to try to help meet the deficiencies in training minority health professionals and support historically Black schools. I just want to point out that in the Clinton year of 2000, funding was \$93 million; in 2001, it was \$109 million; and in 2002, it was \$115 million; but the Bush request for this year is \$10 million—\$10 million.

There has been an increase in the revised omnibus, but it still shows a blatant and flagrant failure to understand the serious problem in the declining numbers of minority health professionals. These series of programs and the centers of excellence that enable many minorities to make it to schools of professional training—in nursing, dentistry, and medicine—those programs would have effectively been closed down. And the scholarship programs which have been available to minority students effectively would have been drastically reduced.

It does seem to me, after all we have heard in the debates over the period of the last 2 weeks, on issues of affirmative action, on issues of civil rights, that the one area on which we could all come together is these extraordinary disparities in health care that have been out there. These are the same disparities that have been around for the last 50 years and, under this omnibus bill, programs that help to alleviate the disparities are being cut back or abandoned in a very significant and important way.

This amendment restores those funds and adds additional funding to it to make sure we have realistic levels of assistance to reduce disparities. It does seem that even though we have had debates that have been divisive over recent times, on issues of affirmative action and other judicial issues, we as a Senate ought to be able to come together and say that whether you are going to get care and attention on a particular sickness or disease should not depend on the color of your skin. That is what is happening.

Mr. President, I yield myself 2 more minutes.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, that is what is happening. In too many instances we are finding that those whose skin is not white are being denied medical care. They are being denied the services which are so essential to individuals to improve their kind of health conditions.

This is an area we can do something about. We will have broad debates on

other kinds of policy issues, but in terms of reducing the disparities and having support for the tried and true programs, this amendment will advance that cause. I hope we can accept it and move on.

Mr. President, I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Does anyone yield time?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum and the time to be applied equally.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. FRIST. Mr. President, this amendment by the Senator from Massachusetts would increase funding by nearly \$600 million. It would increase funding for programs at the National Center on Minority Health and Health Disparities, the Office of Minority Health at the Department of Health and Human Services (HHS), the Office for Civil Rights at HHS, the Department's Minority HIV/AIDS initiative, and the Health Resources and Services Administration's (HRSA) Health Professionals Training for Diversity Programs.

I support these programs. In fact, many of these programs were established or authorized by legislation that I authored, including the Minority Health and Health Disparities Act of 2000 and the Health Professions Education Partnership Act of 1998.

However, this amendment provides no offsets for these spending increases. At a time when we are facing significant spending pressures, it is irresponsible to propose such spending without specifying how to pay for them; and, although I support and will continue to support these programs, I must oppose this amendment.

I would also note that the bill we are considering already contains significant increases in many of these programs, and I would commend Senators STEVENS and SPECTER for their good work in this area. In fact, for the National Center on Minority Health and Health Disparities and for the Office of Minority Health, the bill before us today contains exactly the same funding levels as the Democrats provided in their July 2002 Labor-HHS Appropriations bill.

In the case of Health Professions' programs in general, and the Health Professions Training for Diversity program in particular, the bill already contains a drastic increase from that provided in the Democrats' July bill. For the Health Professions Training for Diversity program that this amendment targets, I would point out that the underlying bill contains \$125 mil-

lion—an increase from the previous fiscal year—and that this program was zeroed out by the Democrats in July. For them to now say that we are not providing sufficient funding is disingenuous and disgraceful.

I am disappointed by this attempt to politicize an important issue that we have successfully worked in the past to address on a bipartisan basis. I have made this issue of health disparities a priority over the past several years, and hope that, together, we can make additional strides in an area of health disparities in the coming year.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. Five minutes.

Mr. KENNEDY. I have 5 minutes remaining?

The PRESIDING OFFICER. Yes.

Mr. KENNEDY. I yield myself 2½ minutes.

Mr. President, I would like to call attention to the Labor-HHS appropriations conference report from FY 2002 on the Minority HIV/AIDS Initiative.

What it shows is the appropriations for HIV/AIDS health programs for FY 2002—\$123 million for HRSA; \$96 million for CDC; \$7 million for SAMHSA/Center for Mental Health Services; \$57 million for SAMHSA/Center for Substance Abuse Treatment; \$38 million to the Center for Substance Abuse Prevention; \$50 million for the Office of the Secretary; \$9.7 million for the Office of Minority Health. That adds up to \$381 million.

The Senate fiscal year 2003 omnibus appropriations lists \$50 million for the Minority HIV/AIDS Initiative, Office of the Secretary. That is it. It is all listed in very considerable detail in this 2002 report. On the other hand, under this fiscal year 2003, minority HIV/AIDS has just the \$50 million, Office of the Secretary.

This is extremely important. The 2002 conference report illustrates exactly where the funding has been directed and the support for it. That is completely missing in this proposal.

Our amendment addresses these issues and provides the kind of support which will make an important difference in reducing the disparities in health care in our society.

Having listened to so many who have spoken so often in the last several days on civil rights, there may be differences on one issue or another affecting civil rights, but we should all come together on this issue to address the disparities in health care which exist. We should go beyond our differences.

I reserve the remainder of my time.

The PRESIDING OFFICER. Does anyone yield time?

Mr. KENNEDY. Mr. President, I yield myself 1 additional minute.

What do these cuts mean? They mean 10,000 minority women and children, including HIV-infected pregnant women, will lose medical care under title IV of Ryan White; 11,000 minority patients in the hardest hit cities will lose life-

saving drugs and critical medical care through title I of Ryan White; another 5,000 minority patients will lose medical care funded through State governments under title II of Ryan White. These are just some of what will happen unless we make major changes in the omnibus appropriations bill, and my amendment does that.

I withhold my remaining time.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Mr. STEVENS. Mr. President, this is an important program. As a matter of fact, the amendment I have offered provides \$130 million more than the minority bill in the last Congress for these same programs. In addition, the amendment I have offered, the omnibus amendment, provides over \$3.1 billion for minority health, education, and training initiatives which was not in the bill that was prepared in the last Congress when the leadership was on the other side of the aisle.

This \$3.1 billion is an increase of \$144.3 million over the level of fiscal year 2002, which is the operating level now.

Has the Senator's time expired?

The PRESIDING OFFICER. The Senator has 2 minutes 33 seconds.

Mr. KENNEDY. I have 2 minutes which I will use.

Mr. STEVENS. Would the Senator consider reserving his 2 minutes and have 2 minutes reserved on this side, and let's put this off? I know many people have left the building now for lunch. I would like to see this vote started at 1:15. At that time the Senator would have 2 minutes, and I would have 2 minutes before that vote. Is the Senator agreeable to that?

Mr. KENNEDY. That is fine.

Mr. REID. Mr. President, if the Senator would yield, reserving the right to object, it is my understanding what we are planning on trying to do—Senator CLINTON is in the Chamber, and she is willing to offer her amendment. There is 30 minutes on that which would take us until about 12:30. I understand Senator MCCAIN is available.

Mr. STEVENS. It would be my hope, I say to the distinguished Democratic whip, that we would have a series of amendments stacked and start the votes at 1:15. A series of tabling motions, as a matter of fact, would occur at 1:15.

Mr. REID. My only statement here, in reserving my right to object, is that it is good we are stacking these votes. I have no problem with that. But I would rather we did it when the debate on the third one ends.

Mr. STEVENS. I don't have any objection to that. I think the third one will end when I make the motion to table.

Mr. REID. Let's do that. Let's have Clinton. Let's have McCain.

Mr. STEVENS. Two McCains.

Mr. REID. There are two McCains? OK, fine. We would do those and then have three stacked votes.

Mr. STEVENS. Clinton and two McCains, and we will have the vote take place at the end of the last of those.

Mr. REID. I think that is appropriate.

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

Mr. STEVENS. Is that agreeable with the Senator from Massachusetts?

Mr. KENNEDY. Would the Senator be good enough to repeat?

Mr. REID. We are going to have a series of votes starting at approximately 1:15, 1:30.

Mr. KENNEDY. I thank the leaders.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I have not yet made the motion to table because we have 2 minutes on a side. I will make it later. Is Senator CLINTON prepared to proceed now?

Mrs. CLINTON. Yes.

Mr. STEVENS. We will put off the McCain amendment until the Senator has offered the amendment.

AMENDMENT NO. 89

(Purpose: To improve health care under the medicare and medicaid programs)

Mrs. CLINTON. Mr. President, I call up amendment No. 89 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York (Mrs. CLINTON) proposes an amendment numbered 89.

(The amendment is printed in the RECORD of January 21, 2003 under "Text of Amendments.")

Mrs. CLINTON. Mr. President, I rise to offer the 6-month Medicare and Medicaid extenders amendment No. 89 to H.J. Res. 2. The modified version of the amendment is at the desk. The modification assures that the cost of this amendment is fully offset by extension of the Customs user fee.

The current appropriations bill, like the extension of unemployment insurance we passed earlier, represents unfinished business from last year. We are dedicating so much time to deliberating this bill because we recognize our obligation to take care of issues we left unresolved in the last Congress. I stand before you today to discuss another obligation that we left unfinished. That is Medicare.

Virtually every Senator on both sides of the aisle has in the past expressed deep concern about the shortfalls of the Medicare system, particularly the lack of a long overdue prescription drug benefit.

Now, regardless of the many DSH solutions that have been proposed and debated, I think it is fair to say that all of us stand united in saying Medicare needs fixing. Now, does this amendment provide that long-awaited fix? No. But what it does do is effectively freeze Medicare in its 2002 state.

As badly as we all believe that Medicare was functioning last year because

of the fiscal pressures, without action Medicare will be in even worse shape this year. Many of the Medicare and Medicaid provisions enacted in the Balanced Budget Act of 1999 or the Beneficiary Improvement and Protection Act of 2001 either expired at the end of fiscal year 2002 or will be expiring soon.

Last year, there was bipartisan interest, led by Senators GRASSLEY and BAUCUS, in addressing many of these ill-conceived cuts. But that effort was caught up and procedurally tangled at the end of last year, and many of the cuts we were trying to avert will now go into effect. I believe a number of these cuts, once implemented, will be very difficult to reverse. Yet because of procedural roadblocks, we won't be able to address them, despite the overwhelming bipartisan majorities in this body to fix these cuts and their impact.

This is policy by default and by neglect, not by deliberative democracy. My bill provides a 6-month moratorium on this Medicare cliff to prevent irreversible deterioration of services for beneficiaries while Congress completes the unfinished debate from last year over a more comprehensive Medicare reform package. The measures in this amendment—with the exception of the physician payment update, which lasts from March 1 to September 30—are scheduled to be implemented from April 1 to September 30, 2003, the exact same time period as the other rural hospital provision that is already included in the omnibus.

The specific measures of this amendment include an inflationary update for hospitals and a continuation of the workforce add-on for nursing facilities that are trying to maintain nurses in a time of shortage. It also delays the automatic 15-percent home health cut. It prevents cuts in dialysis services, and it helps stroke victims by continuing a moratorium on the \$1,500 cap for therapy services.

This amendment would also assure that hospitals serving a disproportionate share of Medicaid and Medicare beneficiaries, including teaching hospitals, are not crippled or even have services basically shut down while Congress debates this issue. It assures that doctors who have suffered a 5.4-percent cut last year, and are frozen at last year's rate by this omnibus bill, would get a 2-percent increase from last year's unacceptably low levels. It also extends the QI Program, which I know my colleague Senator BINGAMAN is very interested in; that provides support for low-income seniors who would otherwise be unable to afford Medicare premiums. These seniors will be kicked off Medicare on April 1. Once they are kicked off, it will be hard to identify and reinstate them unless Congress extends their eligibility.

Medicare+Choice plans are also increasing their premiums, cutting benefits, and withdrawing services. I believe beneficiaries need protections against these health plan deductions and we should debate and pass these protections in the coming year.

In the meantime, I am troubled by reports of plans pulling out of markets and leaving beneficiaries stranded. As you can tell from this chart, until we can act to help beneficiaries, this amendment provides for a 3-percent increase, increasing the 2 percent already scheduled, which will hopefully prevent further pull-outs and the disruption they cause to the continuity of care.

So what would happen if we didn't do anything? Well, as this chart shows, hospitals are already struggling to keep up with rising health care demands while trying to invest in the latest lifesaving technology. They would lose roughly \$1 billion, including over \$100 million in New York alone. Medicaid DSH hospitals, which take care of a disproportionately high number of uninsured patients, would lose an additional \$100 million.

Meanwhile, this chart shows the increasing amount of uncompensated care that hospitals are forced to provide. Let me say a word about physicians, many of whom were forced to limit their Medicare practice due to last year's cut. This will—if we don't act, if we only implement what is in the omnibus bill—continue to bring about limitations in practice and decrease the numbers of patients who are served.

Skilled nursing facilities already facing worsening nursing shortages would lose \$700 million. That amounts to about \$32 per day per resident. And for the average nursing facility, this amendment amounts to about a \$117,000 annual cut. That is enough to pay for two registered nurses, three licensed practical nurses, or five certified nursing assistants.

Home health agencies, which are so critical in allowing patients to be taken care of at home rather than in expensive inpatient facilities, would lose \$500 million. These are just a few of the providers who form the fabric of our seniors' health care system. If we allow the fabric to fray, it will be much harder to weave it together again. As this chart shows, the fabric is already frayed. Over the past year, I have talked to numerous providers from New York and from other States who are just on the brink of halting services, not only to Medicare patients but actually going out of business altogether. The common refrain I hear is that once these providers leave the Medicare system, they are not coming back, even if an eventual long-term solution is found. In other words, it is far easier, and I argue far cheaper, to preserve our current system and then strengthen it later than to allow the current system to be destroyed with the hope of rebuilding it in the future.

When a critically ill patient comes into the emergency room, he is first seen in the ER, stabilized, then sent to surgery, if required. Why? Well, we all know from watching television that the ER physician knows that surgery will take a while. If immediate measures are not taken, the patient could

die before the surgeon can even begin operating.

What we have with Medicare right now is a critically ill system, one which I know requires major surgery in the very near future to transplant the dying patient into once again a live and vigorous one. But until we are ready to do that operation, we need to take immediate action to stabilize the system and prevent it from collapsing before we are able to act.

This amendment will act as that stabilizer, will give us time to undertake the long-term task. I therefore urge my colleagues to support the amendment. Continued inaction will leave Medicare so irreversibly damaged that even the best healers among us will be unable to revitalize it. I look forward to stabilizing our patients and getting on to debating the right cure.

Mr. SCHUMER. Will my colleague yield for a question?

Mrs. CLINTON. Yes.

Mr. SCHUMER. Mr. President, I am happy to cosponsor this amendment. I will ask the Senator a question. We in New York—and I think it is true throughout the country—are seeing that our providers, whether they be hospitals or clinics or home health care, are laying off people and are not able to do the job anymore that they once did. There is no more fat in the system. We cut that out in New York in the 1980s, and then we did it further federally in the 1990s.

Aside from the No. 1 job, which is to provide the best health care possible to our seniors and others, aren't our cutbacks in New York and elsewhere causing the economy to go down even further because of the layoffs of many people? These are some of the poorest citizens—people who just climbed the ladder, with health care jobs, particularly at the entry level, which are important to immigrants and so many others. Doesn't she believe her amendment might have a small stimulative effect on the economy, and, conversely, not doing this amendment and allowing the cuts to go deeper would hurt our economy throughout the country?

Mrs. CLINTON. The Senator is absolutely correct. Health care is a primary provider of jobs in every State that I know of and certainly in the cities across the country. Our hospitals, nursing homes, home health programs, physicians offices are all providing employment. That is why it was so important that we tried to address this last year. We could not get past the procedural roadblocks, despite the best efforts of Senator GRASSLEY and Senator BAUCUS. I supported their proposals. Now we have to act because we are on the brink of an emergency.

I want to make sure that the modified version of the amendment with the offsets we have found is at the desk because there seems to have been some confusion.

Mr. DORGAN. Mr. President, will the Senator from New York yield?

Mrs. CLINTON. Yes, I will yield.

Mr. DORGAN. Mr. President, I say to the Senator from New York, it is not a question of whether we address this issue; it is a question of when and how. This is a very serious issue. It has a profound impact especially on rural hospitals but on all hospitals and all facilities that provide patient care. This Congress has to address this issue.

I really appreciate the amendment the Senator has offered. I hope perhaps we can begin the process of addressing it today. If not, it has to be soon.

Mrs. CLINTON. I thank the Senator from North Dakota. Clearly, if we do not act, doctors are going to start pulling out of Medicare in a month. Then we are going to have the rapid unraveling of the system, which we all fear. It is going to be much harder to put it together under the leadership of Senator GRASSLEY and others who are addressing this issue.

Mr. NICKLES. Mr. President, will the Senator from New York yield?

Mrs. CLINTON. Yes.

Mr. NICKLES. I heard the Senator mention a modification, but I have not seen it yet. I am concerned in reading page 15, section 302, about budget scorekeeping, that the Senator is modifying the Budget Act or trying to waive the Budget Act.

Mrs. CLINTON. The Senator is correct to point that out. That is not in the modified amendment. I apologize; the Senator has not gotten a copy of the modified amendment.

Mr. NICKLES. For the Senator's information, none of us has a copy of the modification. This Senator, for one, is going to be very reluctant to agree to anything if we are modifying the budget or waiving the budget.

Mrs. CLINTON. No.

Mr. NICKLES. I warn my colleague, she cannot be throwing up a modification and saying we want you to accept this when the amendment deals with substantive issues. The amendment deals with entitlements, with issues that are under the Finance Committee jurisdiction. I have made five speeches saying we should not be doing authorizing work on an appropriations bill without the appropriate committees having significant time to review the bill.

Mrs. CLINTON. Mr. President, I agree with the Senator. As the Senator knows, as often happens around here, we have been working very closely with staff of the Finance Committee. Many of these provisions have been modified, and also we were able to fully offset the costs by extension of the Customs user fee, knowing full well that is a concern of many of my colleagues with respect to how this would be paid for. I will take the position it is such an emergency that we should find new money, if necessary, to give us the time to do this in a deliberative manner. But we do have the offsets, and the modified amendment provides for those offsets.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mrs. CLINTON. Yes.

Mr. DURBIN. Can the Senator tell me whether this amendment addresses the indirect medical education cost issue?

Mrs. CLINTON. The teaching hospitals will certainly help defray some of the increasing costs that are not going to be taken care of otherwise.

Mr. DURBIN. Mr. President, I say to the Members of the Senate, I hope they have listened carefully to their hospital administrators across their States, particularly at teaching hospitals which we count on to deal with some of the most complicated medical cases that are presented, and also hospitals that are responsible for teaching the next generation of specialists, including children's hospitals.

If the Senator from New York does not prevail, I can tell her that in my State of Illinois, some of the very best and most important care will be compromised, and we will see the next generation of doctors who we want to be the best and brightest in America not being prepared. How can that be in the best interest of medical care in Illinois, New York, Iowa, or Oklahoma?

I salute the Senator from New York. We have talked about a lot of amendments to this appropriations bill, but I wish to ask the Senator in closing—

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. DURBIN. Does she believe, with the offset she has come up with, that we have avoided any budget complaints that this bill is not being paid for?

Mrs. CLINTON. The Senator's question is absolutely pertinent. We worked very hard through the night addressing that point. I have been informed by my staff, in consultation with the Finance Committee staff, that the amount is offset. Clearly, as I have said, I think this is such an emergency that we should spend new money, but we do have such an offset.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, if there is a question before the Senate, I do not want to interfere.

Mr. NICKLES. Mr. President, for the information of my colleagues, correct me—parliamentary inquiry—I do not believe there has been a modification agreed to.

The PRESIDING OFFICER. There has not.

Mr. NICKLES. The modification has a tax increase to pay for it, I understand that, but that may have some problems in itself. I want all of our colleagues to know the amendment has not been modified as of yet.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the modified amendment be accepted at the desk and be considered.

Mr. KYL. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I wish to pose a question to the Senator from New York, if I may. Do I understand the offset is with Customs user fees; is that correct?

Mrs. CLINTON. Yes.

Mr. KYL. Mr. President, I object because the Customs user fees would be one of the worst offsets we could provide, given the obligations of the Homeland Security Department with Customs security at our borders.

The PRESIDING OFFICER. The minority whip.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not have time.

Mrs. CLINTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mrs. CLINTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not have time.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, it is my understanding I have 15 minutes.

The PRESIDING OFFICER. The Senator has 13½ minutes.

Mr. GRASSLEY. Mr. President, I yield myself 5 minutes, and then I will yield Senator KYL 5 minutes.

I want my colleagues to reject this amendment. I, like the Senator from New York, agree we need to strengthen and improve Medicare, and I proved that last year with a bipartisan bill on Medicare give-back. Working with Senator BAUCUS, we put together a \$43 billion bill that would have improved health care in rural America and address many of the issues the Senator from New York wants to address as well.

While I support addressing the needs of all Medicare providers, I cannot support doing it in this way in the amendment being proposed. We have to do this in a comprehensive, studied, and targeted way.

Everyone agrees that Medicare needs improving, and most of us would agree that Medicare payments need to be updated, but we do not have agreement on how that should be done. Some, including this Senator, believe that at least some providers need more money, but other Senators who might disagree with me say that providers are doing well and that their funding should be reduced.

Even very recently, we had the non-partisan Medicare Payment Advisory Committee last week make recommendations to Congress calling for reductions in some provider payments.

I do not take these recommendations as gospel truth, and they are not going to govern my decisionmaking, but I believe we have a responsibility in the Finance Committee to examine all of these issues closely. More important, the only way we get anything done in this body is by a bipartisan approach. So we have to build a consensus before we pass a one-size-fits-all policy such as the one before us. I believe the place

to do that is the Finance Committee. We will do our homework. That means listening to providers, beneficiaries, and experts to craft payment adjustments that ensure access to services for Medicare beneficiaries.

I will certainly ensure that the Finance Committee consider my colleague's proposal. The two Medicare provisions in this omnibus bill are limited in time and duration. They target the cases with the most widespread support—physicians as well as rural and small urban hospitals—while we can do it. These two items stand the best chance of being preserved through conference and in negotiation with the White House.

If this bill turns into some sort of Christmas tree for additional health care provisions, then the reality is that these provisions are likely to come out of the bill entirely, and we will not be helping anybody. Consequently, particularly doctors are going to have to wait until spring or summer. Let's not let the best be the enemy of the good.

That is why I suggest we keep with the compromise in the bill and expect our committee, which we will do, to bring forth recommendations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, to inform my colleague from New York, at least at this point I have not decided to object to a unanimous consent to modify her amendment, but I am concerned about the modification, of which I have just now received a copy. I think I have the first copy on this side of the aisle.

These are entitlement changes. They are expensive and they affect a lot of people.

I will also tell my colleague from New York, there are a lot of us who have a lot of interest in a whole lot of these provisions. Being on the Finance Committee, I have worked with a lot of provider groups that have an interest in Medicare modifications and updates. This should go through the Finance Committee, and it should be bipartisan. Ninety-some-odd percent of the Medicare adjustments that have ever been made since Medicare's inception have been bipartisan.

I might mention that when I read language we are going to waive the budget and/or now we are going to raise taxes, that is not bipartisan; that is not working together.

I reserve the right to object on the modification, but I say to my colleagues, this is the type of bill that should have regular order, should go through the committees, should be bipartisan through the committees, with input from all members of those committees, instead of being on an appropriations bill where we have not had a chance to thoroughly analyze it to a greater degree.

I think we have some mutual objectives that can be accomplished in short order, but I do not believe this is the right way to do it today.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. How much time do I have remaining?

The PRESIDING OFFICER. Eight and a half minutes.

Mr. GRASSLEY. Okay. I yield 5 minutes to the Senator from Arizona and then 3½ minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I have already objected to the modification of the amendment because it includes an offset of U.S. Customs Service fees. I have talked to the Senator from New York about my commitment to try to find a way in the Finance Committee to develop a plan very early in this year to find the reimbursement capability for the health care providers that are included within her amendment because I have in the past cosponsored legislation which would provide for adequate reimbursement to all of the health care professions.

To set the record straight, we have ensured in this legislation that the cut that was going to take place in physician reimbursements will not take place. Additionally, there is funding for the rural hospitals. That will be done because those were the emergency requirements that we deal with in this legislation.

In addition to that, the add-ons to the reimbursements to all of the other providers that are the subject of the amendment of the Senator from New York are set to expire. It is my intention to work with the Senator from New York to find a way to ensure that we can continue those add-ons. That can be done in the Finance Committee, and I am hopeful we will be able to do that.

The first point I want to make is that the true emergency—the physicians—is being taken care of in this legislation. The expiration of the add-ons is something I will work on with the Senator from New York to try to accomplish, but we cannot do it by offsetting Customs user fees. At a time when we are asking the Customs Department to aid us in the war on terror at our borders and they are stretched as thin as they can possibly be stretched, it would be the absolute wrong thing to do. In talking with the Senator from New York, I am sure she agrees that if this is, in fact, what would happen, this would not be a necessarily good thing, that the funding that ordinarily would accrue to the Customs Service would not necessarily accrue to the Customs Service if an offset is permitted for this particular program.

I will quote two things from a statement before the Terrorism Subcommittee last year. Bonni Tischler, the Acting Director of the Customs Service, testified, and I will quote a couple of things she said. I asked her about the effect of an offset on Customs user fees. She said: My personal opinion is it would severely hamper us.

Later on she said: Yes, we would be severely hampered in how we operated.

Then in a letter from the Customs Service from the Acting Commissioner which was sent to all of us—it was actually a memorandum from the Under Secretary for Enforcement—the point was that it would negatively impact the available funding from the Customs Service.

I think my bone fides are pretty good. I helped to defeat a proposal of my chairman, Chairman GRASSLEY, which was also going to be using the Customs user fees as an offset. This is the wrong way to achieve what may well be good objectives, and therefore I was constrained to object.

We are all in agreement that we cannot allow the reimbursements to physicians to be cut in March. We are taking care of that in this legislation. In addition, we should try to find ways to prevent the add-ons, or the other health care providers, from not continuing to be in effect throughout the next year. It is my commitment to try to work with the Senator from New York in a way to ensure that happens as part of the Finance Committee deliberations probably on the Medicare legislation.

Mr. REID. Mr. President, I understand the Senator from Iowa, Mr. GRASSLEY, controls the time; is that right?

Mr. GRASSLEY. The Senator from Arizona used his 5 minutes, and I have yielded 3½ minutes to Senator SANTORUM.

Mr. REID. I ask for 30 seconds.

Mr. GRASSLEY. Of my time?

Mr. REID. Yes.

Mr. GRASSLEY. If it is not more than 30 seconds and we can get the show on the road, let's do it.

Mr. REID. I say to everyone on that side of the aisle, we are going to have a vote on this amendment one way or the other. It is not that hard to do. So I think rather than having two votes, we should have one. I suggest that as the votes have gone in the last week or so, they have not been too favorable for us, and I do not know what the fear is of having a vote. We are going to have a vote sometime today. I thank the Senator very much for the 30 seconds.

Mr. GRASSLEY. I yield the remaining time to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I thank the Senator from Iowa. I take this opportunity today to keep the Senate updated as to the "spendometer" that is flying now at a very high rate of speed as a result of the last few amendments. We have been going through all the different amendments, and now they are at such a level I will not detail them all, but as of the last time I spoke with this chart, we were at \$341 billion. That was yesterday at about this time. So within a 24-hour period, we have gone from \$341 billion added to the deficit, with the inclusion of the amendments that have yet to be voted on—which are the Clin-

ton, the Kennedy, the Cantwell, and the Bingaman amendments—with those votes we will be almost to the grand total of a half a trillion dollars in new spending being proposed over the next 10 years by Members on the other side of the aisle.

These are additions to the baseline which CBO will score as an amount that will be added to with inflation, plus the interest costs of carrying this additional deficit.

So when we hear the other side talk about how we cannot afford any relief for the taxpayer, we cannot afford any economic stimulus package because we will add to the deficit, this is money they want to add to bills that should have been passed 3 months ago.

In a matter of a month or two, we will consider the 2004 budget. I suspect we will see amendments probably double or triple this amount to add to the 2004 budget on top of what they wanted to add to the 2003 budget. We are looking at an enormous expansion of Government that has been voted on almost unanimously by the Members on the other side of the aisle. Some of them, I agree, have been voted by us and I condemn us for the ones that we have voted for, but they have been rather small amounts of money.

I argue that we are heading down a path of Government growth in spending that is simply not sustainable in this economy, and we need to focus on growing the economy, not growing Government.

This is a fundamental difference between the two sides of the aisle. We are about growing the economy through putting more money out in the private sector. They are about growing the Government in the last week to the tune of almost a half trillion dollars in new spending over the next 10 years.

That is fine. If they want to go out to the American public and say we think the answers to the economic woes this country is suffering are going to be met with more Government spending to the tune of a half trillion dollars over the next 10 years, go out and make the case, but do not make the case that we do not have money to help this economy grow because we are concerned about deficits.

No one who proposes half a trillion dollars in new spending—and, by the way, votes for it almost unanimously—can make a legitimate claim that they are worried about deficits. One cannot be worried about deficits and vote unanimously, almost to a person on the other side, for almost half a trillion dollars in new spending over the next 10 years. It is inconsistent. It is not honest.

Let's be consistent. We are either for more spending, we are for higher deficits, or we are for growth in the economy. That is the difference between the two parties. Let's face the facts.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa retains 20 seconds.

Mr. GRASSLEY. Mr. President, I yield back the remainder of my time.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CONRAD. Mr. President, I enjoyed very much the speech of my colleague from Pennsylvania, but it has almost no relevance to what is going on here at all. It was good for the amusement of the Chamber, but those numbers bear no relationship to the amendments that have been offered.

The Senator from Pennsylvania adds up some tote board scoring of costs that bear no relationship to the amendments on which we voted. These amendments were not spending for 10 years. These amendments were to restore cuts that have been made in the budget for this year. This does not have anything to do with spending for 10 years from now, or 5 years from now. So all those cumulative totals bear no relationship to what has occurred in the Senate.

The concern with deficits of the Senator from Pennsylvania is interesting, but it is a change for him because he supported the massive tax cuts that have opened up this chasm, where we have gone from a projection 2 years ago of \$5.6 trillion of surpluses over the next decade to now being \$2 trillion in the hole. Where was he in his concern for deficits then?

The assertion that each of these items that have been voted on can be totaled is erroneous as well. We cannot just take each of these amendments, every one of them which has been defeated, and total them. One amendment is offered, it is defeated. That money cannot be treated as though it has been spent. That is what the Senator from Pennsylvania has done. It defies logic. It defies reason. It defies the facts.

These amendments were not offered in total. They were offered one at a time. As they were defeated, another amendment was offered. So you cannot total them. And you certainly cannot make 10-year totals from any of them because they are 1-year pending proposals.

I am happy to yield to my colleague.

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. DORGAN. If I might ask a question, it has been interesting to hear this discussion. I saw the tote board.

Mr. MCCAIN. What is the regular order?

The PRESIDING OFFICER. It is the understanding of the Chair, based on previous conversations, that we were to proceed with the Senator from Arizona and the offering of his amendment.

Mr. CONRAD. If I might ask the Chair, the Senator from North Dakota

sought recognition, was granted recognition, the Senator from North Dakota still has the floor; is that not the case?

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. That is correct. And I have yielded to my colleague, the Senator from North Dakota, for a question.

Mr. DORGAN. If I might ask a question, the discussion was quite interesting. I will be very brief.

Our colleague said our position is to grow Government. I am wondering if growing Government would be something that occurs as a result of proposals that dramatically increase the Federal deficit. Is it the case that those who would propose and support policies that dramatically increase the deficit, such as a \$1.7 trillion tax cut or \$690 billion tax cut, all of which is borrowed, is it the case that would target the growth of the economy?

Mr. CONRAD. Mr. President, deficits inhibit growth and hurt the economic strength of the country. That is undeniable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 214

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration. The amendment is numbered 214.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 214.

Mr. MCCAIN. I ask unanimous consent to dispense with the reading of the amendment.

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

The amendment is as follows:

(Purpose: To require completion of the feasibility study required by Public Law 105-245, and the other requirements of that law relating to construction of an emergency outlet at Devils Lake, North Dakota, before any appropriated funds are spent for the project)

On page 262, beginning with "That" in line 2, strike through "State," in line 24, and insert "That the Secretary of the Army, acting through the Chief of Engineers, may use up to \$5,000,000 of Construction, General funding as provided herein for construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River except that the funds shall not become available until completion of the feasibility study required by Public Law 150-245, for the continuation of which the Secretary may use \$500,000 of such funding, and except that the funds for such construction shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound, economically justified, and environmentally acceptable and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the economic justification for the emergency

outlet shall be prepared in accordance with the principles and guidelines for economic evaluation as required by regulations and procedures of the Army Corps of Engineers for all flood control projects: *Provided further*, That the economic justification be fully described, including the analysis of the benefits and costs, in the project plan documents: *Provided further*, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, after consultation with the International Joint Commission."

Mr. MCCAIN. Mr. President, as soon as the Senator from Minnesota arrives in the Chamber, I intend to propose a time agreement so we can dispense with this amendment. I would like to consult with cosponsors before we do. I don't think this issue needs to be debated very long. But I will propose a time agreement very shortly.

I offer an amendment to a provision of a bill regarding a project to construct an outlet in Devils Lake, ND. The project is very controversial and its impact extends well beyond North Dakota into Minnesota, Missouri, and Canada. I am pleased to be joined in support of this by Senators DAYTON and COLEMAN.

The outlet from the landlocked lake allows contaminated water to flow into neighboring waterways, causing the introduction of invasive species.

I ask unanimous consent to have letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FRIENDS OF THE EARTH; MINNESOTA CENTER FOR ENVIRONMENTAL ADVOCACY; NATIONAL AUDUBON SOCIETY; NATIONAL WILDLIFE FEDERATION; SIERRA CLUB,

January 22, 2003.

Re McCain-Dayton Devils Lake Amendment to the Omnibus Appropriations Bill.

U.S. Senate,
Washington, DC.

DEAR SENATOR: On behalf of our conservation organizations and the millions of members and supporters we represent, we urge you to support the McCain-Dayton Devils Lake amendment to the Omnibus Appropriations Bill for FY 2003. That amendment would remove an anti-environment, anti-taxpayer rider authorizing the Devils Lake "Emergency" Outlet project in North Dakota. The rider waives the standard requirement that the project's benefits must exceed its costs and changes current law to weaken international consultation requirements with Canada.

Far from a parochial state issue, the rider would authorize a bad precedent-setting out-of-basin water transfer and a key element of North Dakota's longstanding and highly controversial Garrison Water Diversion Plan. The States of Minnesota, Missouri, and the Great Lakes Commission all oppose the Devils Lake project. So too do the Canadian Government and the province of Manitoba.

The Bush Administration did not request any funding for the Devils Lake outlet and the Army Corps of Engineers has delayed issuing a Final Environmental Impact Statement for the project, citing the need for additional analysis of the project's environmental impacts in the U.S. and Canada. The Corps has also calculated that the project benefit/cost would only generate 37 cents of

benefits on the dollar based on the region's hydrologic record.

Because Devils Lake has no natural outlet, it contains high concentrations of salts, dissolved solids and other pollutants. Pumping the lake water into the Sheyenne River, which flows to Minnesota and Manitoba, would take a dramatic toll on water quality downstream—with serious impacts on people, wildlife and the environment that could reach through the Red River to Lake Winnipeg and as far as the Hudson Bay.

Far from an "emergency," the water level of Devils Lake has actually declined over the last two years. In addition, taxpayers have already spent more than \$350 million on mitigation, including buying out affected property owners around the lake. This project is not authorized and has not been reviewed in hearings before the Senate Environment and Public Works Committee. When considered through the proper channels, it will become clear that there are far better and less expensive solutions, such as restoring wetlands around Devils Lake, than transferring its water out of basin.

We urge you to support the McCain amendment, which would preserve a legitimate planning process for the Devils Lake project, honor our international treaty obligations to Canada, and protect wildlife and the environment and the affected communities in Minnesota's Red River Valley.

Sincerely,

Sara Zdeb, Legislative Director, Friends of the Earth; Peter Bachman, Executive Director, Minnesota Center for Environmental Advocacy; Bob Perciasepe, Sr. Vice President for Policy, National Audubon Society; Jim Lyon, Senior Director for Congressional and Federal Affairs, National Wildlife Federation; Debbie Sease, Legislative Director, Sierra Club.

Mr. MCCAIN. The Canadian Government is so concerned that it was a leading item in recent talks between President Bush and the Prime Minister of Canada.

The provision authorizes \$5 million for construction and a total of \$100 million for the Corps of Engineers to have completed their feasibility study or environmental review. In fact, the Corps has indicated they do not believe the outlet would accomplish the purpose for which it was intended.

There is a letter from the Canadian Ambassador addressed to the Honorable BILL YOUNG, chairman of the Appropriations Committee that I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CANADIAN EMBASSY,

Washington, DC, March 8, 2000.

Re Devils Lake Supplemental Appropriation.

Hon. BILL YOUNG,

Chairman, Appropriations Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN YOUNG: I understand that you will soon be considering the Administration's request for \$6.6 million in emergency supplemental funding for preconstruction activities related to the Corps of Engineers' proposed construction of an outlet from Devils Lake, North Dakota, to the Sheyenne River. I am writing to express the strong opposition of the Government of Canada and the Province of Manitoba to a project that could lead to transfers of water, potentially carrying non-native biota, including fish diseases, from Devils Lake into the Red River

and Hudson Bay basin, a result that the International Joint Commission concluded in 1977 could have "irreversible and catastrophic" consequences for Manitoba's commercial fishing industry.

While Canada sympathizes with North Dakota's problems with Devils Lake flooding, it cannot agree to a solution that poses a genuine threat to Canadian water resources, as well as to those of other states. There are alternative, internal solutions available to North Dakota, including the construction of additional flood protection works and the pursuit of upper basin storage approaches. Canada urges that additional funds not be provided for the Devils Lake outlet project unless and until all of the issues it raises are thoroughly addressed through studies repeatedly mandated by Congress, and following meaningful consultation with Canada under the 1909 Boundary Waters Treaty.

There is little question that an outlet to the Sheyenne River from Devils Lake would adversely affect water quality in the Red River (into which the Sheyenne flows), due to the high level of total dissolved solids, sulphates and bioaccumulation of mercury in Devils Lake water. The initial work done by the Corps of Engineers has raised serious doubts about the possibility of operating an outlet in compliance with existing US water quality standards. Water quality in the Red River at the point where it flows into Canada has already failed to meet established objectives, according to the International Joint Commission. Additional, poor quality water from Devils Lake would require municipalities which use the Red River as their drinking water source to increase their level of treatment, and incur increased costs.

Although the US Fish and Wildlife Service's preliminary review in May 1999 did not address the impact of an outlet on the Red River, it concluded that "the combination of high total dissolved solids (TDS), sulfates, and chlorides (plus unknown levels of other toxic or harmful constituents) would likely devastate the freshwater aquatic life in the Sheyenne River." The US Fish and Wildlife Service also concluded that the "introduction of Devils Lake water into the Sheyenne River will significantly degrade water quality, increase erosion and sedimentation, and result in conditions detrimental to aquatic mollusks, such as freshwater mussels, pill clams, and snails." We understand that these concerns are shared by the Minnesota Department of Natural Resources and contribute to opposition to the outlet from Governor Ventura and Senator Wellstone.

In addition to the impact on downstream water quality and its effect on aquatic species, Canada is especially concerned about the potential transfer of unknown biota from Devils Lake to the Red River. While there is some knowledge of the large fish species, very little is understood at this time about microscopic organisms in either system such as fish pathogens, viruses, etc. As you know, there are many examples of prior man-made connections between major watersheds causing severe regional and international problems because of biota transfer, including the introduction of the sea lamprey into the Great Lakes, the spread of zebra mussels to dozens of states, and the invasion by round gobies (which are displacing perch in Lake Michigan) of the Mississippi River and Missouri River watersheds. Zebra mussel management in the Great Lakes alone costs over \$3 billion per year. President Clinton recognized the seriousness of this national problem last year in his Executive Order on Invasive Species. If a Devils Lake outlet to the Sheyenne River is constructed, it will provide a permanent route for existing and future non-native biota to move into the Hudson Bay basin.

From a technical standpoint, there is serious doubt that an outlet with the proposed capacity would have any demonstrable effect on the level of Devils Lake. After thorough review, the Corps of Engineers announced in a June 1999 press release its conclusion that an outlet is not the necessary or appropriate solution, at this time, and recommended a review of alternatives. Restoration of drained wetlands is one possibility. As Devils Lake has no natural outlet, its high levels may well have been exacerbated by the amount of run-off from drained wetlands in the basin.

If the proposed outlet is nevertheless constructed and found ineffective, this could result in pressure to increase the flows, thereby increasing the volume of water flowing into the Red River and Hudson Bay basin, and exacerbating future flooding and water quality problems in both the United States and Canada.

Of critical concern to Canada, Manitoba and US opponents of the outlet is the link between the Bureau of Reclamation's Garrison Diversion Unit and the stabilization of water levels in Devils Lake. It is well known that water level stabilization in Devils Lake was one of the original goals of the Garrison project. Public statements by both local government officials in the Devils Lake basin and by the North Dakota congressional delegation clearly indicate that this has been their long-term goal. While gaining an outlet to Devils Lake is their immediate objective, once water levels recede naturally following the end of the present wet cycle—as they have historically—their next goal will be to create an inlet to raise the lake level using water diverted from the Missouri River. It is important to note that less than ten years ago, North Dakota was examining proposals to construct an inlet to Devils Lake from the Missouri River because of concerns with low water levels. This objective has remained evident in State of North Dakota literature on the Garrison Diversion and on Devils Lake. This raises once again Canadian and other concerns over inter-basin biota transfer that caused such controversy over the Garrison Diversion before the 1986 Reformulation Act.

The potential for imminent overflow of Devils Lake to the Red River basin in minimal U.S. federal agencies had concluded in 1999 that, even with the previous rate of lake level increase, such an overflow would not occur naturally for another 10-18 years, and that planning for such an event would not have to begin for another five or six years. This year, it is predicted there will be a decrease in level for the first time in several years, further supporting that conclusion. This allows sufficient time for serious and thoughtful examination of all potential alternatives and a thorough assessment of environmental impacts.

For all these reasons, Canada is very concerned that the Corps of Engineers has proposed in its Supplemental Fiscal Year 2000 request, and in its request for Fiscal Year 2001, the deletion of language contained in the last several Energy and Water Development Appropriations Acts that requires a showing of an emergency need and economic justification before construction can proceed. Canada urges that those restrictions, which among other things require compliance with U.S. environmental laws and obligations under the Boundary Waters Treaty of 1909, remain intact.

I would be pleased to respond to any questions you may have regarding Canada's position on the Devils Lake outlet or the Garrison Diversion project.

Yours sincerely,

RAYMOND CHRÉTIEN,
Ambassador.

Mr. MCCAIN. In part it reads:

While Canada sympathizes with North Dakota's problems with Devils Lake flooding, it cannot agree to a solution that poses a genuine threat to Canadian water resources, as well as to those of other states. There are alternative, internal solutions available to North Dakota, including the construction of additional flood protection works and the pursuit of upper basin storage approaches. Canada urges that additional funds not be provided for the Devils Lake outlet project unless and until all of the issues it raises are thoroughly addressed through studies repeatedly mandated by Congress, and following meaningful consultation with Canada under the 1909 Boundary Waters Treaty.

From a technical standpoint, there is serious doubt that an outlet with the proposed capacity would have any demonstrable effect on the level of Devils Lake. After thorough review, the Corps of Engineers announced in a June 1999 press release its conclusion that an outlet is not the necessary or appropriate solution, at this time, and recommended a review of alternatives. Restoration of drained wetlands is one possibility. As Devils Lake has no natural outlet, its high levels may well have been exacerbated by the amount of run-off from drained wetlands in the basin.

I have had extended conversations with both Senators from North Dakota. I do not claim to have extensive education and expertise on this issue. I think it is serious when we have these concerns by Canada and neighboring States and there is not a cost-benefit analysis.

My friends from North Dakota point out that it is under the way in which that cost-benefit analysis is conducted. With a basin such as this, that catches water and does not release water, as happens in the case of rivers, this is very difficult, if not impossible, to do. I still believe we should be able to fashion some kind of formula to find out what the cost-benefit ratio is.

I also point out that, thanks to the good efforts of the Senators from North Dakota, \$350 million has been spent in the last several years, raising highways and relocating individuals who live in proximity to Devils Lake.

There are concerns raised. I think the concerns are serious. I also assured my colleagues from North Dakota that I will send my staff out to North Dakota.

Mr. STEVENS. Will the Senator yield?

Mr. MCCAIN. I will be glad to yield.

Mr. STEVENS. Will the Senator entertain a time agreement now?

Mr. MCCAIN. I would like to wait, if it is agreeable to the Senator from Alaska. I understand the senior Senator from Minnesota is on his way. If you could give me about 3 or 4 minutes?

Mr. STEVENS. All right. Thank you.

Mr. MCCAIN. The senior Senator, as well as the junior Senator, from Minnesota, have views on this issue. I would not like to enter into a time agreement until such time as they at least are consulted. But I am sure they would be agreeable to a reasonable time limit.

I did discuss with my colleagues from North Dakota that I sent staff out to

Devils Lake to further look at this situation. I understand and appreciate their long involvement—I understand 9 years—in this issue. I would be more than willing to learn more about this issue.

At this time, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, first of all, I thank our colleague from Arizona for taking the time to listen to our concerns, because this is a disaster of staggering proportion in our State. Let me just say it is the unanimous view of every elected official in the State of North Dakota, every single one, Republican and Democrat, that we must deal with this unfolding crisis.

Here is what has happened to this lake. This lake, by the way, is three times the size of the District of Columbia. This is a massive lake. It has risen dramatically, some 26 vertical feet, since 1992. It started rising then and, as you can see, it has been straight up since then. This is a flood unlike any other in our Nation's history. The reason for that is that there are only two closed basins in the entire United States. The drainage basin for this lake is the size of the State of Massachusetts. This lake, if it continues uncontrolled, will reach the size of the State of Rhode Island. That is not just conjecture. That has happened two times in history. Those two times were at times when North Dakota and Minnesota were unpopulated.

Already the cost to the Federal Government already of this lake rising has been over \$350 million. Threatened structures have been moved. Highways have been raised. A massive dike protecting the town of Devils Lake has been increased twice already. The Federal Government is poised to raise it again. So the hard reality is that unless more is done, we face a catastrophic event.

The year before last, 50 miles outside this basin, there was an event where 18 inches of rain fell in 1 day. If that event had occurred 50 miles to the west, this lake would have gone up, according to the Corps of Engineers' calculations, by 3 feet, perhaps even more. That probably would have overwhelmed the road system, because we now have roads acting as dams, protecting homes, protecting people from catastrophic loss. If that event would have occurred in the middle of the night, it is entirely likely that lives would have been lost.

The consequences of a failure to act here are enormous. This lake, which is already three times the size of the District of Columbia, has had an uncontrolled release out of the east end twice before in its history. If it happened again, it would be devastating to the hundreds of thousands of people downstream.

I remind our colleagues, the first ones downstream are the people in North Dakota, in the towns of Valley City, Fargo, and Grand Forks.

We have insisted that water quality has to be met with any outlet procedure. The provision in this bill provides that the funds shall not become available unless the Secretary of the Army determines that an emergency exists with respect to the need for an outlet and reports to Congress that the construction is technically sound, environmentally acceptable, and in compliance with the National Environmental Policy Act; provided further that the justification for the emergency outlet shall be fully described, including the analysis of benefits and costs to which the Senator from Arizona referred. There will be a requirement that a cost-benefit analysis is done. Provided further that the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State that the project will not violate the treaty between the United States and Great Britain relating to the boundary waters between the United States and Canada.

We have attempted to be environmentally sensitive and cost-friendly to American taxpayers, but also to respond to this burgeoning crisis in the Devils Lake Basin, a crisis that has already cost the taxpayers of the United States \$350 million. If the growth of this lake continues, it has the prospect of costing the American taxpayers hundreds and hundreds of millions of dollars more.

We have already had to buy out an entire town. We have already had to buy out the town of Church's Ferry.

The next town on the list is Minnewaukan. There is the lake. It has already eaten up the playing field of the high school there. That is all under water. This entire town is now threatened.

American taxpayers have already had to buy out Church's Ferry. Next is Minnewaukan, and if this continues, Devils Lake, a town of 10,000, would potentially fall into the requirement of having to be bought out. The cost of that to the American taxpayers would be billions of dollars. That is the hard reality.

Let me close with this photo. We like to say this is the luckiest fellow in North Dakota because he just escaped the advancing flood. This is a lake that, as one Federal official came out and said: My God, this looks like an ocean. Indeed, it is huge, three times the size of the District of Columbia. If it continues to grow, we will see complete devastation for hundreds and hundreds of thousands of acres and for hundreds of thousands of people.

This is a picture of a home having to be burned because it was in line with the floodwaters before it could be moved. Of course it would have created a serious health hazard had it been allowed to go into the water. So homes all across this area had to be burned and hundreds have had to be moved.

This project needs to go forward to protect human life and to prevent a

disaster of stunning proportion. If this lake escapes uncontrolled out of the east end, as it has twice in our history, we expect that the downstream people would have a very serious adverse health effect.

I asked one time, when I heard repeatedly the Corps of Engineers talk about the health effects that would occur, the illness that would be the result of an uncontrolled release of the water out of the east end, what kind of health problems would occur? They explained the water systems downstream cannot handle the dissolved salts that are in this lake. If it went out of the east end of the lake uncontrolled, thousands of people downstream would be made ill.

There are many things that need to be done. Additional storage in the upper basin, millions of dollars have been spent on that. Moving threatened structures, raising roads, millions of dollars have been spent on that. Raising the dike protecting Devils Lake, tens of millions of dollars have been spent on that.

But one part of an overall strategy to deal with this crisis is to provide for an outlet. As the Senator from Arizona correctly states, there is no assurance that will solve the problem, but it is our best hope to prevent a catastrophe of truly stunning proportion, one that would not only adversely affect the people of North Dakota but the people of Minnesota and the people of Canada as well.

I yield the floor.

Mr. REID. Mr. President, I ask unanimous consent that Senator DORGAN be recognized for 5 minutes, Senator DAYTON for 10 minutes, Senator MCCAIN for 2 minutes, and following that the debate on this be ended.

The PRESIDING OFFICER. Under the previous order, the vote will occur at 1:15 on the Kennedy amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that the vote be moved to 1:45.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, no objection.

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

The Senator from North Dakota.

Mr. DORGAN. Mr. President, my colleague has pretty much covered this subject.

Let me say to my colleague from Arizona that I understand he raised some concerns to which I think Senator CONRAD has responded. I appreciate the manner in which Senator MCCAIN has raised this issue. This is not an issue that is irrelevant to others. It is very important to others. It is important to our neighbors. It is important to the State of Minnesota. It is important to the neighboring country of Canada to the north. It is important to the American taxpayers. It is, obviously, important to my colleague from Arizona. I don't dismiss concerns people have raised about these issues.

I want to say—as my colleague, Senator CONRAD, said—that it is not our intention to build an outlet from the lake itself in a manner that injures anyone. We don't come to this project saying we would like to have a project for our State. This is not something we are anxious to do because we believe this project would be something that would be a feather in our cap. We come to this because we have a lake that has been chronically flooding for a long time.

As was mentioned earlier, there are only two closed basins in this country. One is the Great Salt Lake and the other is Devils Lake. The upper basin of Devils Lake is the size of the State of Massachusetts. Water funnels down from that basin into Devils Lake. This picture doesn't do justice to the lake. But it does show what is happening here. What used to be a road and commerce and opportunity in this area of our State that is very important to us is now flooded—inundated—with water. This extends over to an Indian reservation called the Spirit Lake Nation.

I recall one day driving around with the tribal chairman of the Spirit Lake Nation with a man named Elmer White. Elmer is dead now. Elmer passed away a couple of years ago. He said: Our elders told us the water was coming. He said: All of these roads that are no longer passable and all of these roads that are now inundated with water, our elders told us this was going to happen.

What happened is we stranded part of this Indian reservation. We have had to make substantial investments in roads in order to get people to hospitals. They have to move around and meander in strange ways on backroads.

This flooding has been chronic and very difficult. Frankly, I don't expect anybody to understand lake flooding until they have seen it. My notion of a flood is almost always the notion of the Red River Valley flood or some other flood that I have seen on television someplace. There is a coursing and a gushing river—a virtual torrent and wall of water. It sweeps houses and trees and cattle downstream in a rush of water and in a roar of noise. Then, 12 hours later, or 24 hours later, or 48 hours later, the river is back in its banks, in all its calm. That is what river flooding is. That is what we think of with flooding.

This lake has increased 26 feet in height in the last 9 years. It has gobbled up more and more land.

One of the things we have to do to respond—not because we want to but because we must in order to protect others—is try to take some pressure off that lake and do it without hurting anyone else. If we don't take pressure off that lake with a measured outlet, what is going to happen is, if that water continues to rise, it goes over the divide naturally in an uncontrolled way and you have people living downstream—yes, in North Dakota our big population centers, but also up in Can-

ada—and the worst quality water is going to make literally hundreds of thousands of people sick—North Dakotans, Minnesotans, and Canadians. That is what will happen in an uncontrolled release of water over the divide if we don't do something to reduce the risk.

That is what this proposed outlet is about.

I have a couple of final points. This outlet cannot be built unless it meets all environmental standards. Under the NEPA Act, the studies are ongoing. The studies must be done.

Second, this cannot be built and we cannot do anything unless we pledge—as we have and unless our country determines as it has—that we will not violate the boundary waters treaty with Canada. We don't intend to take a problem that exists here and foist that problem on someone else; certainly not on our constituents living downstream, not on our neighbors, not on Minnesotans, and not on the Canadians.

This is a project that is critically necessary to reduce risks.

I understand my colleague from Arizona and the questions he has raised. We had a long meeting this morning. I hope we will be able to resolve all of these issues. But I believe this project is critically important to a whole lot of folks who have been victimized by chronic floods that came and stayed—by lake flooding that has been devastating to this region of the country. We must find a way to reduce the risk for the people who live in this region, for the American taxpayer—especially for people who live downstream who would be the recipients and victims of an uncontrolled release of water if we don't do something to take the pressure off this lake.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. DAYTON. Mr. President, I thank the distinguished Senator from Minnesota for taking on so many of the responsibilities here, and for his involvement in the balance of our portfolios in Minnesota. I welcome the Chair.

I don't like to disagree with my colleagues from North Dakota. We have an excellent working relationship. In fact, our two States—other than fighting over hockey players—generally get along pretty well on everything else, and particularly on this matter related to the water management. We have worked cooperatively on water problems in most cases over the last couple of decades because it is absolutely necessary to get something accomplished. Minnesota shouldn't be foisting problems on North Dakota that are not of its creation and that exacerbate their situation. We in Minnesota would ask the same of our friends across the border in North Dakota. In this case, that is exactly what would happen.

I am very disappointed that my colleagues from North Dakota have chosen to try to insert this funding into

the appropriations bill authorizing a \$100 million project that I am told did not go before the Senate committees. It hasn't had that review. It hasn't gone through the normal Senate process. It has been instead snuck into this measure.

I thank the distinguished Senator from Arizona, Mr. MCCAIN, for his vigilance in this matter. I am going to read bills as carefully and as thoroughly as the Senator from Arizona does because he does a phenomenal job at identifying these attempts to circumvent our Senate process.

In 1999—this preceded my time in the Senate—according to the RECORD, the States of Minnesota and North Dakota, along with the Canadian Government, which may not have been in complete accord, worked out language that was reflected in the 1999 bill which set forth basic procedures that would have to be followed before this project could move forward.

That language says very specifically, among other things, that the economic justification for this emergency outlet shall be prepared in accordance with the principles and guidelines for economic evaluation as required by regulations and procedures of the Army Corps of Engineers for all flood projects.

I am told the project itself does not meet those requirements. Minnesota projects have been turned down by the Army Corps of Engineers because of the cost-benefit analysis. The costs exceed the benefits. In this area, we were told that the project would have a cost benefit of 0.37 percent. According to the EPA, that is an understatement because it fails to take into account the environmental damage that would ensue.

The solution, according to my colleagues, is to waive that requirement and have them report on a cost-benefit analysis but not have to apply the same standard or measure that is applied to the other projects in Minnesota and other States across the country, which would circumvent the will of the Congress in terms of how these projects are managed, and to make it consistent across the Nation.

The funding would then allow water to be diverted initially to North Dakota but then into the Red River, which is the common boundary between Minnesota and North Dakota, and within the site of severe flooding in recent years, which included cities that are on the Minnesota and North Dakota border. But also, then, at the very northern part, as we border Canada, the river diverts from North Dakota—the Rainy River—and runs across our northern border.

I wish I could show my colleagues this picture. It is of this last summer, the flooding that occurred in Roseau, MN. The entire city was under water—everything except the Polaris manufacturing plant, which employs 1,800 people in the northwestern corner of our State. If that had been flooded, the

company's loss would have been just so devastating to the region; its cost is almost incalculable. It was within half an inch of flooding entirely and only because the entire city gave up on their homes and went to sandbags. Just down the river in, Warroad, MN, the dikes were an inch from overflowing and flooding the entire city.

So anything that would divert water from anywhere else and put that water downstream into Minnesota poses a grave risk to our State. That is the reason our Department of Natural Resources has opposed it, along with local officials throughout Minnesota.

There are also concerns about the effect in terms of the solidity of the water in Devils Lake. Because of its own problems, it is much different in quality and characteristic from water elsewhere.

So, again, they are going to solve their problem by passing it on to us. I think, again, this is grotesquely unfair and unwarranted.

This project is opposed by not only the State of Minnesota but by the Environmental Protection Agency. We have castigated EPA recently—some of us—in some of their decisions. In this case, EPA stands four square with the environmental organizations in opposing this project.

The U.S. Fish and Wildlife oppose it. The State of Minnesota, the Canadian Government, the Great Lakes Commission, Taxpayers for Common Sense, the National Wildlife Federation, Minnesota Conservation Federation, the Minnesota Center for Environmental Advocacy—just about everybody opposes it except for North Dakota. I understand the reasons that the North Dakota Senators would want to accomplish this project but not at Minnesota's expense, not at the violation of our procedures here, not at the circumvention of the way we send legislation through our committees and the governmental relations we have between North Dakota and Minnesota and Canada.

We are attempting to work constructively to solve these problems. This is not the way to do that. I urge my colleagues to oppose this measure.

I also point out that the Army Corps of Engineers, which is the very entity that would be carrying out this project, itself has indicated that it would not favor proceeding at this time. It was, I expect, the decision of the Chief of Engineers, Robert Flowers, of the Army Corps of Engineers, in August of last year, who announced he would not approve the environmental impact statement because the Corps had not given adequate consideration to the project's potential for serious environmental damage. He recommended that the International Joint Commission be given the opportunity to examine the report.

That unwillingness to proceed—again, a Federal Government agency doing its job properly, as instructed by the rules and regulations of laws

passed by Congress and the rules and regulations that itself promulgated—brought this project to a halt. So now we are going to circumvent that entire professional judgment here in the Senate.

Mr. President, I conclude my remarks at this point, but I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Arizona has 2 minutes.

Mr. MCCAIN. Mr. President, I yield my 2 minutes to the Senator from North Dakota, Mr. CONRAD.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank, again, Senator MCCAIN, and I thank my colleague, Senator DAYTON. He is here defending his constituency as he sees it. I just want to assure him of a couple of things.

No. 1, on this notion that we are asking for a different standard of measuring the cost-benefit test, that is true. And the reason is that the standard that applies in the law has no relevance to what is happening in North Dakota. The standard that applies in the law is designed to deal with river flooding, where the water comes and the water goes, and once the damage has been done you can rebuild.

That is not the circumstance here. That is why everyone who has examined this circumstance has said the standard cost model is irrelevant.

Mr. DAYTON. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield, but if I can just finish my thought.

What is required here is to understand this is cumulative damage as this lake continues to rise. That is why we have had to raise this dike twice, and the Federal Government is poised to raise it a third time. That is why the roads have had to be raised twice. That is why hundreds of threatened structures have had to have been moved. More will have to be done. And the cumulative cost continues to grow.

Second, on the question of flooding in Minnesota, we share the border with Minnesota. We are not going to do anything that will make the flooding worse for our own people. We share the border with Minnesota. We will do nothing to hurt Minnesota or North Dakota because that would not be in our constituency interest.

Finally, we have to meet NEPA. That is what our amendment provides. That is what is in this law. We have to meet the National Environmental Policy Act. We have to meet the Boundary Waters Treaty with Canada. But we should not be blocked, either, by Canada refusing to make a joint referral to the IGC, which they have done for more than a year.

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

Mr. DAYTON. Mr. President, I understand I have a minute remaining.

The PRESIDING OFFICER. The Senator from Minnesota has 2 minutes remaining.

Mr. DAYTON. Mr. President, then I will entertain questions from my colleagues from North Dakota in return.

I will point out, I was not here in 1999, but my two colleagues from North Dakota were. I do not know the circumstances under which this language was adopted. That requires the Army Corps of Engineers to undertake exactly the same kind of cost-benefit analysis for this project as it does for others. If that was not applicable then, I do not know why that was not raised in 1999 or 2000 or 2001.

Contrary to what the Senator implied, the language in this amendment does not set up a different standard. It weighs the standard. It simply says the Army Corps of Engineers will describe the cost benefit. It is not going to have any standard it has to meet whatsoever other than the fact that that analysis is done.

Mr. DORGAN. Will the Senator yield for a question?

Mr. DAYTON. When I finish my thought.

In terms of the two States, I cannot explain why, since we do share a common border, our departments of natural resources view it differently, although the interests are different. But I know for a fact that part of that is because of the severe flooding which we shared in 1997 in East Grand Forks and Grand Forks and Fargo and Moorhead.

But also, as I indicated, in the last 2 years Minnesota farmers have been devastated in the northwestern part of the State and the cities there have been flooded after the river diverts from the North Dakota-Minnesota border.

We have circumstances that are different; therefore, the interests of our States differ. That is exactly the reason why Minnesota and North Dakota and Canada should be working cooperatively on this and not have one State go off on its own trying to finagle something which I think undermines the trust and working relationship.

I will yield for a question.

Mr. DORGAN. I just point out, if this were to injure downstream citizens in your State or ours, I would not support it. We do not intend to foist a problem that exists in this basin on any other constituency anywhere.

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

Mr. DAYTON. In the judgment of Minnesota, that is what you are doing. I thank the Senator.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I move to table the Senator's amendment and ask for the yeas and nays on that tabling motion. And I ask unanimous consent that vote take place following the vote on Senator CLINTON's amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, the vote will take place after the Clinton amendment.

Mr. STEVENS. Mr. President, Senator McCain has another amendment. It is my understanding that the parties have agreed to a 20-minute time agreement equally divided.

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

The Senator from Arizona.

AMENDMENT NO. 230

Mr. MCCAIN. Mr. President, I call up amendment No. 230 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona proposes (Mr. MCCAIN) proposes an amendment numbered 230.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To reduce the total construction general account in the Corps of Engineers, Flood Control Mississippi River and Tributaries, etc., account by \$14,750,000 and restore the appropriation for the Yazoo Basin Backwater Pumping Plant to the \$250,000 level recommended by the President)

On page 263, beginning with "\$346,437,000," in line 24, strike through line 6 on page 264 and insert "\$331,687,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, using \$250,000 of the funds provided herein, is directed to continue environmental review and project plans for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi."

Mr. MCCAIN. Mr. President, I rise to offer an amendment to reduce funding for the Yazoo Pump Project in Yazoo Basin, MS. I believe the project is wasteful and environmentally harmful. It has not been subjected to standard responsible environmental or economic assessment. And although it was touted as a flood control project, the Yazoo pumps are not designed to save homes and lives. Instead, in my view, the pumps are specifically designed to drain wetlands so that large landowners can increase agricultural production on marginal lands, the majority of which are irreplaceable wetlands.

In fact the U.S. Environmental Protection Agency has indicated this project will likely be subject to a Clean Water Act veto because the project will drain and damage more than 200,000 acres of significant wetlands in the Mississippi flyway. That is more than three times the number of wetlands lost across the country in an entire year from all causes. It is more than seven times as many wetlands as the Corps allows private developers to destroy in an entire year nationwide under the Clean Water Act section 404 permit program.

Wetlands drained will include more than 31,000 acres currently enrolled in the Wetlands Reserve and Conservation Reserve programs which the Federal taxpayers already have paid more than \$30 million to protect. Tens of thousands of acres of forest and wetlands located on Federal and State lands will also be damaged. But the harm won't end there. The pumps will alter the hydrology of the entire 925,000-acre project area and of the Dear Creek, Steele Bayou, Little Sunflower, and Big Sunflower Rivers that flow through that area. The project also encourages increased pesticide use in an area of the country already plagued by significant toxic contamination.

The U.S. Fish and Wildlife Service has also opposed the project due to the severity of the ecological harm it will cause.

I ask unanimous consent to print in the RECORD the opposition statement of the EPA.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Atlanta, GA, January 19, 2001.

Hon. LOUIS CALDERA,
Secretary of the Army,
Washington, DC.

DEAR SECRETARY CALDERA: While there has been extensive communication between the Environmental Protection Agency (EPA) and the Corps of Engineers regarding the Yazoo Backwater Pumping Plant, we are writing to express directly to you the depth of our concern with the environmental consequences of the Corps proposal. It would alter the hydrology of over 200,000 acres of ecologically significant wetlands. It would drain wetlands currently enrolled in the Conservation Reserve Program and the Wetlands Reserve Program, wetlands being managed as mitigation for previously constructed projects in the region, and wetlands on national forest, national wildlife refuge, and state lands. Moreover, an independent evaluation has found serious flaws in the Corps' cost-benefit analysis for this project. Our objections are intensified because the unacceptable environmental impacts are avoidable.

The Yazoo Backwater Pumping Plant would work against the progress that has been made in reducing the losses of our nation's wetlands resulting from the hard work of the Army Corps, other agencies, and our non-federal partners. Just last week Secretaries Babbitt and Glickman announced that the net wetland loss rate has been reduced to less than 60,000 acres per year across the entire U.S., which puts in perspective the massive scale of the wetlands at risk because of the Yazoo project.

The Corps has not responded to our concerns that the project exceeds the Congressional authorization. The Flood Control Act of 1941, upon which the Corps derives its authority to construct the Yazoo Pumps, prohibits the draining of lands below the 90 foot elevation. This prohibition has never been removed or altered. The recommended plan, however, proposes to drain lands well below the 90 foot elevation with significant adverse environmental impacts. Over approximately 150,000 acres of forested and cropped wetlands will be adversely impacted by draining below the authorized elevation.

Explicit Congressional authorization would be required before the Corps could proceed with the project or seek a Clean Water Act

exemption, and any such authorization would be subject to the cost share requirements of 33 U.S.C. §2213.

Because of the environmental effects, EPA strongly opposes Congressional authorization of the project as proposed. We hope that the Department of Army would share our objections.

We are reiterating EPA's offer to work with the Corps to develop an alternative to meet project objectives, while avoiding the significant level of environmental damage associated with the Corps proposal. Other federal agencies with programs that could be part of an alternative approach, including the Federal Emergency Management Agency, the Natural Resources Conservation Service, and the U.S. Fish and Wildlife Service have also expressed their willingness to cooperate with the Corps in exploring less environmentally damaging alternatives.

Thank you for your interest and involvement in this important issue. If you wish to discuss this matter, please contact John Meagher at 202-260-1917.

Sincerely,

J. CHARLES FOX,
Assistant Administrator,
Office of
Water.

JOHN HANKINSON,
Regional Administrator,
EPA Region
IV.

Mr. MCCAIN. The controversy surrounding this project is not limited to the environmental harm the pumps will cause. An independent economic analysis conducted by a highly respected economist, who also chairs the National Academy of Sciences panel, shows that the Yazoo pumps cannot be economically justified. It shows that the Corps has overstated just the agricultural benefits of the project by \$144 million. It also shows that the Corps of Engineers is asking Federal taxpayers to spend well over \$180 million simply to help large landowners earn more farm subsidy payments.

Those subsidies are already substantial. In just the 2-year flood plain of the project area, where 150,000 acres of wetlands will be damaged, 51 landowners split \$15.3 million on Federal farm subsidies in the 6 years from 1996 to 2001. One of those landowners received \$2.7 million during that time while four others received more than \$1 million each.

Perhaps the worst thing about this project is that each and every benefit could be achieved in a way that would avoid each and every impact we are talking about. Nonstructural measures, including the purchase of conservation and flowage easements and targeted flood proofing of buildings, could reduce flood damages in the region. This alternative has been suggested for years but has been brushed aside by the Corps. The Corps has not finished its environmental review of this project, has not finished the feasibility study for this project, and it has not issued a record of decision. The Corps of Engineers has far to go to satisfy its planning requirements. The draft environmental review was so flawed that it was given the lowest possible rating by the EPA.

This makes any directive to enter into a continuing contract for the

pumps supply contract entirely premature. Given the widespread opposition to this project, the detailed and scientifically supported challenges to the Corps project analysis, and the ecosystemwide harm this project will cause, Congress would do an enormous disservice to taxpayers and the environment to direct the Corps to begin construction.

This amendment would allow the planning process to proceed without interference. It would ensure we don't short circuit the ongoing environmental and physical review of this project that could destroy an entire ecosystem and cause taxpayers hundreds of millions of dollars.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not.

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I rise in opposition to the amendment of the distinguished Senator from Arizona. Let me point out that there has been a lot of discussion over the last several years about the impact of the Yazoo Backwater project.

The Corps of Engineers several years ago undertook a reevaluation of this project which was authorized over 40 years ago. As a matter of fact, it is a part of a very large Mississippi River and tributaries project. This is one of the last parts of that authorized project to be constructed. Because it is one of the last projects to be constructed, an intense amount of scrutiny has been devoted to the project. That is just fine. That is an appropriate thing for people who are concerned and interested in the environment and in agricultural production and in the lives and well-being of the people who live in this area.

The point is, the project is not going to authorize the drainage of any new wetlands. There will be no new lands cleared of bottom lined hardwood for this project. There will be a small amount of land cleared, 38 acres, in order to construct the project. But 62,500 acres of existing agricultural land will be reforested. There will be new habitat created, way beyond what exists now.

The purpose of this project is not to create new agricultural opportunities in this part of the Mississippi Delta, but it is to save lives. It is to prevent damage to existing infrastructure such as roads and bridges. It is to prevent the flooding of schools and hospitals and businesses. It is to address the concerns of people who want the project to proceed, such as those who visited my office last week when they heard there might be an amendment to strike the money to begin this construction project.

These were not big shot farmers. These were poor people who have homes and businesses in Mayersville and in Sharkey County in the area where this project will be constructed.

I am hopeful that the Senate will reject this amendment. It is an amendment designed to cut money the committee put in the bill, \$14.5 million. It will cut almost all of that money.

The Corps of Engineers is nearing the point where they will be able to enter into contracts for design and construction of the project and to do some real estate activities that are necessary before the construction is actually begun.

I urge the Senate to carefully look at the facts. I will include for the RECORD 5 pages of misconceptions and the facts that prove those misconceptions to be erroneous. I hope Senators will take the time to look at them and to read these factual statistics and information as relevant to this project. I ask unanimous consent that a document entitled "Yazoo Backwater Area, Mississippi" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

YAZOO BACKWATER AREA, MISSISSIPPI

The Corps of Engineers initiated the reevaluation of flood control plans for Mississippi's Yazoo Backwater Area, a 1,550-square-mile portion of the state's flood-prone lower Delta region. The goal of the study was to provide protection to businesses, infrastructure, and people of the area, while notably improving the future of the region's environment.

Extensive coordination with customers and stakeholders took place over the course of the study to find a solution that addressed both the economic and environmental needs of the Backwater Area. The Corps spent several years in a consensus building process among environmental agencies and economic interests in the Mississippi Delta. The effort resulted in a multi-purpose approach that addresses the desire for a balance between flood control, environmental restoration, and the concerns of the private landowners in the Yazoo Backwater area.

As a part of our public involvement program, it is the goal of the Vicksburg District to provide the public with unbiased, factual information about the Yazoo Backwater Project. A considerable amount of inaccurate and/or incomplete information is currently being circulated about this proposed project.

The following misconceptions were selected based on the comments we received since the release of our draft report.

Misconception 1: Contrary to federal policy, the Yazoo Pumps are designed to drain wetlands to increase agricultural production on lands that have always flooded.

Facts: The structural features of the Yazoo Backwater Area Project are designed to lessen flooding in the Lower Delta for those flood events that exceed a one-year flood. While the lessening of flooding would possibly increase production on existing agricultural lands, Federal agricultural policy remains in place, which would preclude the clearing and draining of any wetlands. In addition, the non-structural flood control feature of the proposed project provides for increasing bottomland hardwood wetland habitat by converting up to 62,500 acres of lands currently in agricultural production to forest lands.

Misconception 2: The project will drain and damage 200,000 acres of wetlands, two times the number of acres destroyed each year across the country by all public and private projects combined.

Facts: The wetland resources in the project area would be increased by 23% under the proposed plan. The Yazoo Backwater Area Project includes both a structural and non-structural feature. The structural feature, the pumping plant, would not change flooding on 62,500 acres of farmed or prior converted wetlands or the 142,000 acres of bottomland hardwoods that are now flooded by the 1-year flood. These lands would continue to be flooded. The Corps of Engineers would purchase conservation easements on up to 62,500 acres of farmed or prior converted wetlands from willing sellers and reforest this land. Lands above the 1-year flood plain would receive reduced levels of flooding. In this area, there could be some increase in the level of production on these lands and there could be some shifting of crop types by the farmers; however, no additional land would be cleared.

Misconception 3: The project would not make a single home free from flooding.

Facts: There are 1,441 homes that would be impacted under existing conditions by a 100-year flood. The average value of these homes is approximately \$36,000. With the implementation of the proposed Yazoo Backwater Area Project, over 1,000 of these homes would be free from flooding by the 100-year event.

The proposed project would lower the elevation of the 100-year flood by 4 to 4½ feet. For example, if a flood similar to the 1973 flood occurred again, those homes that had 4 to 4½ feet of water in them in 1973 would no longer be flooded. Those homes and structures that had more than 4½ feet of water would still have water in them; however, they would not be flooded as deep or for as long.

The Eagle Lake area would see significant reductions in flooding. Almost all residences in this area would be protected from the 100-frequency flood event. Only 5 of the homes would still be subjected to the 100-year flood, but even these 5 homes would benefit overall from the lessened flooding. Flooding in other communities in the project area would also be reduced significantly. No homes in the towns of Cary, Valley Park, Anguilla, Rolling Fork, Mayersville, or Hollandale would be flooded by the 100-year flood with the project in place.

Flooding impacts even those residents whose homes have not flooded in the past. Those residents have to contend with significant flooding of roads and bridges. Flooding of roads in the area disrupts transportation of children to schools, causes access problems for emergency vehicles, and creates problems for area residents in their daily lives. It becomes difficult to get to the supermarket for food, or to see a doctor or dentist. This proposed project would help to alleviate much of the flooding of area roads and bridges.

Misconception 4: This project would promote increased pesticide and fertilizer use in a region already plagued by toxic contamination.

Facts: With the reforestation of up to 62,500 acres of cropland, an increase in the usage of agricultural chemicals associated with implementation of the recommended Yazoo Backwater Project is unlikely. No additional land would be cleared for agricultural production.

Misconception 5: The project would waste millions of tax dollars to increase agricultural production when the federal government is spending billions on farm subsidies and on taking excess croplands out of production.

Facts: The amount of agricultural cropland in the Yazoo Backwater Area would be reduced, not increased. In the case of the Yazoo Backwater Area, the proposed project would not change the flood patterns on the 62,500 acres of cropland or the 142,000 acres of bottomland hardwoods in the 1-year floodplain. These lands would still flood as they have in the past. The Federal government would offer to purchase conservation easements from willing sellers on these 62,500 acres of cropland and where these easements are purchased, the agricultural intensification benefits associated with this project would be limited to either increasing the amount of a crop grown per acre of remaining cropland or switching to grow a more valuable crop on the remaining cropland.

Misconception 6: The project is wasteful because it benefits a few people at tremendous taxpayer expense.

Facts: In addition to local benefits, the project would also provide additional national benefits. Everyone who uses stores, schools, roads, medical facilities, or owns businesses and farms would benefit. The project as proposed would reverse the prior clearing of bottomland hardwood forests in this important area by replanting up to 100 square miles of the alluvial flood plain, which accounts for approximately 20% of farmland that is now in use. Such local benefits would be accomplished over and above a return of \$1.48 in economic benefits to the country for every \$1 invested.

Misconception 7: The pumps would destroy some of the best remaining bottomland hardwood forest in the lower Mississippi River basin, which provide habitat for bald eagles, alligators, bobcat, deer, and the threatened Louisiana black bear.

Facts: The construction of the pump plant would result in the loss of a 38-acre tract of forested land. No additional clearing would be required for implementation of the project and no additional clearing is expected due to project implementation. The reforestation of up to 62,500 acres of agricultural lands would provide a significant environmental benefit to the backwater area. This land use conversion from agricultural to bottomland hardwoods would result in a significant increase in environmental habitat by connecting fragmented tracts of forested land. This reforested land would also create a significant buffer between agricultural activities and the aquatic environment, which would result in improved water quality in the lower Delta.

The project calls for raising low water levels during the summer months, which would provide more wildlife habitat. The excessive low water stages on the Mississippi River experienced over the past two summers would have resulted in an extreme hardship on the terrestrial and aquatic environment had it not been for the operation of the Steele Bayou Structure. Water was ponded approximately 20 feet higher than that of the Mississippi River. The entire basin would have essentially dried up if it were not for the structure and the series of weirs in Steele Bayou constructed by the Corps. The proposed project would allow for increased stages to even further reduce the hardship on aquatic habitat.

Separate habitat-based analyses for waterfowl, wetland, terrestrial, and aquatic resources, have documented both the positive and negative impacts to the environment from the recommended plan. These studies showed that terrestrial resources would increase 17 percent, wetland resources would increase 23 percent, and aquatic resources would increase 19 percent; however, waterfowl resources would decrease 42 percent. The waterfowl decrease is the result of a reduction in foraging habitat with the refor-

esting of agricultural lands. The U.S. Fish and Wildlife Service has indicated that the reforestation of agricultural lands is more important to waterfowl than the loss of foraging habitat since sufficient foraging habitat would remain in the area.

Misconception 8: The project would damage productive lakes and swamps that support hunting, fishing, and ecotourism industry.

Facts: The pump project would not drain the delta. The pumps would only operate during flood conditions when the Steele Bayou Control Structure gates are closed and water levels are above elevation 87. At this level, there are still about 170,000 acres that remain flooded on a yearly basis. The pump would be used to reduce flooding for only the more serious events.

Misconception 9: The pumps would be used for all floods.

Facts: The pump feature of the project is designed to remove only that water which is above elevation 87.0 and trapped behind the closed gates of the Steele Bayou Structure. The Steele Bayou Structure gates are closed only when the Mississippi River is at flood stage to prevent backwater flooding into the protected area. Should the water level be above elevation 87.0 while the gates of Steele Bayou Structure are open, it is unlikely the pump would be utilized because normal gravity flow would occur.

Misconception 10: The Vicksburg District is behind in its mitigation requirements for other projects.

Facts: The Yazoo Backwater project requires no compensatory mitigation. Several other projects under construction by the Vicksburg District do require compensatory mitigation; the Vicksburg District is committed to fulfilling all of its authorized mitigation requirements. Lands required for mitigation by the Vicksburg District are from willing sellers and must meet certain environmental criteria such as use as a moist soil area or frequency of flooding prior to purchase. The lands purchased to meet this mitigation requirement are acquired concurrent with project construction. As of June 2000, the Vicksburg District has purchased 82,050 acres of mitigation lands for all projects requiring land acquisition. This acreage is 12,450 acres more than the amount required to be concurrent with construction of our projects.

THE PRESIDING OFFICER. The Senator from Mississippi, Mr. LOTT, is recognized.

Mr. LOTT. Mr. President, I, too, rise in opposition to this amendment and support the funds that are provided in this section of the energy and water appropriations bill for the Yazoo Backwater Pump Project. I thank the committee for the time they spent on this project and for the funds they provided. Actually, they have a lot of knowledge about this project because it is not new.

Let me take a minute to add a few points to the very good points my colleague, the senior Senator from Mississippi, already made. First of all, the Great Flood of 1927 that hit the Mississippi Delta covered 27,000 square miles, killed more than 500 people, and left 700,000 people homeless.

In response to this event and because water from 41 percent of the United States drains through the Delta—I was listening to the discussions about the Devil's Lake project in North Dakota and thinking that the drainage begins

way up there, but it all winds up down in this funnel-like area of the Mississippi Delta. Being aware of that, Congress passed the Flood Control Act of 1929 making flood protection in the Mississippi River Valley a Federal responsibility.

The Yazoo Pump Project was actually authorized in 1941 as a part of this overall effort. So, you see, this is not something that hasn't been considered and worked on for years and years. The point was made earlier that the Corps of Engineers hasn't finished its review. I wonder, how long does it take? Year after year, these people who live in this area are threatened with floods, as are their homes and businesses and hospitals, as the Senator pointed out. It is a very dangerous situation.

This pump actually will protect 1,000 homes—not just a few rich farmers, as has been alleged, but 1,000 homes, and includes, very importantly, the reforestation of over 62,000 acres currently in agricultural production.

This is a win-win situation. It protects the people from flooding while restoring large amounts of land to natural habitat. I thought that was what we should be trying to do.

This is a project that is being moved forward very carefully. The funding here is slightly short of \$15 million. So it is being done incrementally and in a way that will include the ability to improve this natural habitat.

This pumping plant, by the way, is not unique. There are currently 15 similar plants in operation throughout Arkansas, Louisiana, and Mississippi within 200 miles of the Yazoo pump. In fact, the W.G. Huxtable Pump in Arkansas is almost the same size as the Yazoo but drains only half the acreage of the Yazoo. The Yazoo will protect 2.6 million acres, while the Huxtable plant drains only 1.3 million acres.

This project has bipartisan support from Democrats such as Congressman BENNIE THOMPSON, who has been there and looked at the damage and the threat to the people. He supports this project, as do Democratic State elected officials.

Aside from that type of statistic, I think the most important thing is the human side of this. Year after year—and it is almost every year that people have water in their homes. You cannot believe what it is like. I was looking at some of the pictures being shown earlier with the Devil's Lake project. We can show you the same type of pictures from Mississippi—people with sandbags around their houses and the water is up above the porch level. These are hard-working, mostly poor people in this area of the Mississippi Delta—five counties right down at the end of the funnel, really.

By the way, in most of these counties, the African-American population is the majority—the lowest is 54 percent, up to as much as 71.8 percent. The delegation Senator COCHRAN referred to who came to see us was led by Ms. Ruby Johnson of Cary, MS. She met

with us to talk about these projects. She had a delegation of five. All five of them were African Americans who literally were concerned about being able to continue to live there. They were talking about how their kids have left the Delta and can't come back. They cannot attract businesses and industry because of, among other things, the threat of the flooding year in and year out. They told us stories about having to put their children in boats to take them to school when the water is rising. They told us of fearing snakes, which find their way into their homes after the waters recede.

The Federal Government has made a promise to these good people. This project has been delayed, analyzed, and criticized in the media. Special interest groups are saying it is not being done in an environmentally sound way. It is. A project like this one which will provide flood protection while restoring thousands of acres to its natural habitat should be held up as a model for future environmental projects.

I urge defeat of this amendment and support of the Yazoo Backwater Pump. If we don't, we are going to end up with five counties in this area that will have no people and no opportunity for a decent living, or any kind of business, or economic development. We can have all of these in this area if only we keep the promises first made by the federal government over 70 years ago. The people of the Mississippi Delta have waited long enough.

So I appreciate the opportunity to speak, and I plead for my colleagues to oppose the amendment.

Mr. MCCAIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Arizona has 4½ minutes.

Mr. MCCAIN. Mr. President, I know of no two Members of the Senate who have worked harder on behalf of their constituents than my friends from Mississippi. I also understand that they have special problems and special needs in one of the least economically well-off parts of America. I understand their dedication to this and other efforts they have made on behalf of their constituents.

It is with that understanding that I still oppose this project. It has nothing to do with the admiration and respect I have for both of my dear friends.

Mr. President, I hope this amendment will be sustained by my colleagues. I yield the remainder of my time.

Mr. STEVENS. I yield the remainder of our time.

The PRESIDING OFFICER. The time is yielded back.

Mr. STEVENS. Mr. President, we are going to proceed to a vote on four amendments soon. There is an agreement for 2 minutes on each side before Kennedy amendment No. 123.

I ask unanimous consent that there be 2 minutes before the Clinton amendment No. 89, which will follow the Kennedy amendment. And then on the

McCain amendment No. 214, I have already made a motion to table that amendment. The yeas and nays are in order. I move to table the McCain amendment No. 230, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that following the Kennedy amendment, the votes on all three succeeding amendments be limited to 10 minutes each.

Mr. REID. Reserving the right to object, Mr. President, I want to say a couple things to the manager. First of all, the Clinton amendment—have you moved to table that?

Mr. STEVENS. No.

Mr. REID. There is a question as to whether or not she is going to be able to modify. Senator NICKLES is not in the Chamber.

Mr. STEVENS. It is my hope that she will be able to modify the amendment. We are trying to work that out. I have not asked for the yeas and nays on the Clinton amendment yet.

Mr. REID. I also say that we have been through this and we are trying to limit the votes to 10 minutes. We hope the majority leader will condense the votes to 10 minutes; otherwise, we are going to be here really late tonight.

Mr. STEVENS. We are saying 10 minutes. I think the Senate will see what 10 minutes means this afternoon. If we are going to finish, we must stick to that. So there will not be voting beyond 10 minutes.

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

Mr. STEVENS. Senator KENNEDY has 2 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

AMENDMENT NO. 123

Mr. KENNEDY. Mr. President, my good friend from Alaska has alleged that the appropriations bill already has funds for minority health. The fact is that this bill dramatically cuts funding for minority AIDS treatment and prevention. It cuts the Office of Civil Rights and the Office of Minority Health, and it has a small, inadequate increase for other minority health problems.

Let me focus on what this bill does for minority AIDS. Bear in mind that we have an epidemic of AIDS in the minority community that is killing and infecting minority men and women and children every day. Last year's appropriations bill set aside \$123 million for AIDS efforts out of the Health Resources and Service Administration for the minority AIDS program. That is the Ryan White Program. You can search this Senate appropriations bill from cover to cover. You will not find it; it is not there. You will find \$96 million for prevention and tracking of AIDS through the CDC set-aside for minorities in last year's bill. You can look cover to cover in this Senate bill

and you won't find it; it is not there. The list goes on.

So what does it mean to reject this amendment? It means that thousands of minority students will not enter the health professions to become doctors and nurses and scientists.

It means civil rights violations will continue to go uninvestigated and unpunished. It means tens of thousands of minority men, women, and children with AIDS will not get the medical care they need, and prevention efforts will be reduced.

On this Dr. Martin Luther King birthday week, let us stand up for minority health. Let us do what the new majority leader has said we should do and put new emphasis on minority health. Let us do what the true spirit of America calls us to do. Let us try to bring the blessing of good health to all of our people.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I hope my good friend from Massachusetts will agree that this amendment would provide an additional \$584 million for various programs, and the amendment I offered provides \$130 million more than the bill that was before the Senate last year when it was managed by the Democratic Party.

My amendment also, I stated, provides \$3.1 billion for a minority health, education, and training initiative which was not in the July bill that was before us. This is an increase of \$144.3 million over the 2002 level. That is the current level of funding for these programs.

Mr. President, I move to table this amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (INOUE), and the Senator from Connecticut (Mr. LEIBERMAN) are necessarily absent.

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

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—51

Alexander	DeWine	Lugar
Allard	Dole	McCain
Allen	Domenici	McConnell
Bennett	Ensign	Miller
Bond	Enzi	Murkowski
Brownback	Fitzgerald	Nickles
Bunning	Frist	Roberts
Burns	Graham (SC)	Santorum
Campbell	Grassley	Sessions
Chambliss	Gregg	Shelby
Cochran	Hagel	Smith
Coleman	Hatch	Snowe
Collins	Hutchison	Specter
Cornyn	Inhofe	
Craig	Kyl	
Crapo	Lott	

Stevens
SununuTalent
ThomasVoinovich
Warner

NAYS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
DaytonDodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Hollings
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
LeahyLevin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—3

Harkin

Inouye

Lieberman

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 89

Mr. STEVENS. Mr. President, the Senate will now consider Senator CLINTON's amendment numbered 89, with 2 minutes on each side. I ask that Senator NICKLES take the time on our side.

I remind the Senate that all votes now will be 10 minutes for the rest of the afternoon, and 10 minutes means 10 minutes. If we are to finish this evening, we cannot go on and on and on with these amendments. Ten minutes means 10 minutes.

The PRESIDING OFFICER. Who yields time? The Senator from New York.

Mrs. CLINTON. Mr. President, I rise in support of my amendment. I urge the Senate to take action now because, in the event we do not freeze the cuts that would go into effect, we will be facing disastrous impacts throughout our Nation with respect to our physicians, our home health agencies, our skilled nursing homes, our Medicare+Choice programs, our teaching hospitals, our community hospitals, our rural hospitals—all of which need to keep up with inflation and increasing costs and demands.

If you look across our country you can see specifically the amount of money that our hospitals and all of our other health care providers will lose if we do not take this action now to freeze these cuts before they go into effect on the first of March.

This amendment provides for the freeze. It also provides for a 2-percent increase for physicians who otherwise are going to be leaving Medicare.

I really appreciate the commitment we have received from the Finance Committee to address this issue. We will all be working diligently to ensure we do address it. But in the meantime, our system is deteriorating. The quality of service is decreasing. The numbers of providers are not there to take care of the increased demand, and I urge the Senate to take this intermediary step to vote this 6-month action while we try to fix the program.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma.

Mr. NICKLES. Mr. President, the Senate is not order in order.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first I want to make sure from the Senator from New York this is the original proposal, not the modified proposal?

Mrs. CLINTON. Yes, it is the original proposal.

Mr. NICKLES. I urge our colleagues to vote to sustain a budget point of order that I will raise in just a moment. This is a bill that should go through appropriate order, regular order. This is an entitlement program. These are big changes. These are changes we should do in the Finance Committee. These are changes for which we have bipartisan support in the Finance Committee, many, but they have to be worked out.

This is an amendment many of us saw just moments ago. It deals with billions of dollars—actually I think it is about \$4.1 billion.

The chairman of the Finance Committee and also the ranking member of the Finance Committee did a fix for doctors, but there are a lot of other provisions we need to consider, dealing with some of the provisions mentioned by the Senator from New York, but they need to be dealt with in a bipartisan way through the regular order through the committee. If we are going to bypass all the committees all the time, maybe we don't need to have committees. Those on the Finance Committee who have been working on this issue would like to have some input on it as well.

Therefore, the pending amendment by Senator CLINTON includes an increase in mandatory spending and, if adopted, would certainly increase the deficit. Therefore I raise a point of order pursuant to section 207 of H. Con. Res. 68, the fiscal year 2000 budget resolution as amended by S. Res. 304 from the 107th Congress.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I ask to speak using leader time for approximately 3 minutes.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, before doing that, I would be happy to yield to the Senator from New York. Was she about to respond?

Mrs. CLINTON. Mr. Majority Leader, I was going to move to waive the relevant section of the Budget Act and ask for the yeas and nays, but let me wait until you are finished.

Mr. FRIST. It would be more appropriate for you to go ahead.

Mrs. CLINTON. Pursuant to section 207(C) of H. Con. Res. 68, the concurrent resolution on the budget for fiscal year 2000, I move to waive section 207(B) of that concurrent resolution for purposes

of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Using leader time, I just want to make a very brief comment because this is a very important issue, an important issue to the many seniors who are listening to this debate, and individuals with disabilities, the physicians, the hospitals, the health care providers.

It is very clear to me that health care providers today are being inadequately paid under the Medicare Program, and that is why I, as has been pointed out earlier, regret the fact that we finished, adjourned the 107th Congress, without passing legislation to provide seniors with prescription drug coverage and have more comprehensive strengthening of the Medicare system.

But now, once we get finished with some of the unfinished business such as the appropriations bills, we have a new Congress, we have new leadership, and we absolutely will address strengthening Medicare head on, including provider payments, including a prescription drug benefit package for our seniors and individuals with disabilities.

This particular amendment has not been considered by the Finance Committee. There are urgent needs that we are addressing in the underlying Stevens amendment. It has been mentioned one of those is a flattening of this decrease in payments that we have seen for doctors over time, by freezing what otherwise would be a 4.4-percent cut for physicians. The underlying Stevens amendment addresses that.

What the Senator from New York has proposed—part of that is contrary to the specific recommendations of MEDPAC, which is the advisory commission specifically set up for us, in terms of learning what we should be doing. A package such as this, as the Senator from Oklahoma pointed out, does deserve careful vetting, careful consideration. We simply have not had that opportunity to date.

Let me make it clear once again. My priority as majority leader, as a physician, is to address in a comprehensive way, legislation that will do things such as provide access to seniors, strengthen and improve the Medicare Program, as well as address provider payments, which this particular amendment attempts to do. I look forward to working with my Finance Committee colleagues. I do want this to go through the Finance Committee where we can have careful vetting and consideration as we develop this legislation which will strengthen Medicare.

In closing, I urge Senators to vote no to waive the Budget Act.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I hadn't intended to speak, but I will be

brief, and I will use some of my leader time to do so. Let me say three things.

First, I don't know that there is a greater crisis in our country today than in what we are witnessing with providers in rural and urban areas alike. Whether it is doctors or nurses, facilities, nursing homes—the crisis is as severe as any that I have seen in our lifetime.

Secondly, there are those who say this process ought to go through an appropriate legislative process, the way we would normally do things. I couldn't agree more that the legislative process is a good one and we ought to respect it.

But we have talked about providing relief, now, for years. There is a great deal in this bill that we are now supporting that had nothing to do with the legislative process or committee consideration. This is an emergency that has to be addressed. I don't know how much longer we can wait. Of course, it is always better to go through the committee process, and where that is possible we ought to do so. But this doesn't preclude going through the committee process as we look at this issue over and over again in the coming months and years.

So it is critical we send the right message. At least the Senate ought to go on record today that, at this point, with as difficult a time as our health care industry is having, with the crisis we are facing at the provider level, at the facility level, at the institutional level—throughout our country—we need to say without equivocation that we are going to be partners in fixing it. There is no better time to do that than right now. There is no better message to send than the one we can send with this amendment. I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive. The yeas and nays have been ordered.

Mr. STEVENS. Mr. President, I have the authority of the leader to yield 1 minute to me on this amendment.

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

Mr. STEVENS. I am trying to finish this bill tonight. We are trying to get this bill into conference with the House and to settle the 11 bills that were not passed last year, for whatever reason they were not passed.

This, with all due respect to the Senator from New York, is a Finance Committee amendment. It would require the Ways and Means and Finance Committees to meet, separate from us, in conference. It is not something that belongs on this bill. This is an appropriations bill. For years we had points of order that would take these out of our consideration, but I urge the Senate not to do this. There are a whole series of other amendments coming up just like this one that deal with other subjects from other committees. They are legislative amendments.

We are going to finish this tonight by saying we are passing an appropriations bill or we are going to sit here and debate other legislative items that should go to Finance or Energy or other committees all night.

I urge that the Senate vote no on this motion. I hope we will table the other ones because we will have a series of them unless people listen to us. Let us get out of here tonight.

I might add one little thing. In my lifetime, we have never met before the State of the Union Message. Do you know why? Because Presidents in the past were just like this one—trying to figure out what should be in the State of the Union Message and what should be in the budget. This President can't decide what should be in the State of the Union Message because we haven't yet finished last year's budget. I hope we can go home tonight.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUE), the Senator from Connecticut (Mr. LIEBERMAN), are necessarily absent.

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

The yeas and nays resulted—yeas 41, nays 56.

[Rollcall Vote No. 21 Leg.]

YEAS—41

Akaka	Dorgan	Lincoln
Bayh	Durbin	Mikulski
Biden	Edwards	Murray
Bingaman	Feinstein	Nelson (FL)
Boxer	Hollings	Nelson (NE)
Byrd	Jeffords	Pryor
Cantwell	Johnson	Reed
Chafee	Kennedy	Reid
Clinton	Kerry	Rockefeller
Conrad	Kohl	Sarbanes
Corzine	Landrieu	Schumer
Daschle	Lautenberg	Stabenow
Dayton	Leahy	Wyden
Dodd	Levin	

NAYS—56

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Miller
Baucus	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Feingold	Roberts
Breaux	Fitzgerald	Santorum
Brownback	Frist	Sessions
Bunning	Graham (FL)	Shelby
Burns	Graham (SC)	Smith
Campbell	Grassley	Snowe
Carper	Gregg	Specter
Chambliss	Hagel	Stevens
Cochran	Hatch	Sununu
Coleman	Hutchison	Talent
Collins	Inhofe	Thomas
Cornyn	Kyl	Voinovich
Craig	Lott	Warner
Crapo	Lugar	

NOT VOTING—3

Harkin	Inouye	Lieberman
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The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment fails.

Mr. DOMENICI. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, parliamentary inquiry: How long did that vote take?

The PRESIDING OFFICER. Fourteen minutes.

AMENDMENT NO. 214

The Senator from Arizona.

Mr. MCCAIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. One minute.

Mr. MCCAIN. Mr. President, I yield my minute to the Senator from Minnesota, Mr. DAYTON.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I thank the Senator from Arizona whose vigilance brought this matter to light.

This project is opposed by those who are supposed to carry it out, the Army Corps of Engineers, the chief engineer of which, last August, said this project does not meet environmental standards. It does not meet the cost-benefit analysis standards that are applied to every other water diversion project across the country.

So that North Dakota solution is, I am sorry to say: Well, let's waive the standards and waive the tests. So we would not have a cost-benefit analysis requirement. They do one, but it would not account for anything. And they pass this problem on to Minnesota and to Canada, both of which oppose this project. The Canadian Government is opposed, the State of Minnesota is opposed, the EPA is opposed, the Army Corps of Engineers is opposed, the major environmental groups in this area are opposed, everyone is opposed to this project, except for the State of North Dakota, which wants to pass this problem on to Minnesota.

That is why I ask my colleagues to join in opposition.

I yield the floor.

The PRESIDING OFFICER. Who yields time in opposition to the amendment?

Mr. CONRAD. Mr. President, the time in opposition is on our side.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, what has just been stated is not the case. The Corps of Engineers is not opposed to this project. They have been working on this project for years. EPA has not registered opposition to this project. We have met with the Director.

Let me show my colleagues the problem we face. We have a lake called Devils Lake that has risen 26 vertical feet since 1992. The Federal Government has already had to spend \$350 million raising roads, raising protective dikes, and moving threatened structures and

populations. The Corps of Engineers has determined that if we have to continue to buy out communities—we have already had to buy one; the water is lapping at the edge of a second town—if we have to buy out the town of Devils Lake, it will cost billions of dollars.

The answer is, more storage in the upper basin and outlet.

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

Mr. CONRAD. I urge my colleagues to support the tabling motion.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Iowa (Mr. HARKIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

The result was announced—yeas 62, nays 34, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—62

Akaka	Crapo	Lott
Allard	Daschle	Lugar
Allen	Dodd	McConnell
Bayh	Domenici	Mikulski
Bennett	Dorgan	Miller
Bingaman	Durbin	Murkowski
Bond	Edwards	Nelson (FL)
Boxer	Enzi	Nelson (NE)
Breaux	Feinstein	Pryor
Brownback	Frist	Reed
Bunning	Graham (FL)	Reid
Burns	Grassley	Roberts
Byrd	Hagel	Rockefeller
Campbell	Hollings	Santorum
Chambliss	Jeffords	Sarbanes
Clinton	Johnson	Schumer
Cochran	Kennedy	Specter
Conrad	Kohl	Stevens
Cornyn	Landrieu	Thomas
Corzine	Lautenberg	Warner
Craig	Lincoln	

NAYS—34

Alexander	Fitzgerald	Nickles
Biden	Graham (SC)	Sessions
Cantwell	Gregg	Shelby
Carper	Hatch	Smith
Chafee	Hutchison	Snowe
Coleman	Inhofe	Stabenow
Collins	Kerry	Sununu
Dayton	Kyl	Talent
DeWine	Leahy	Voivovich
Dole	Levin	Wyden
Ensign	McCain	
Feingold	Murray	

NOT VOTING—4

Baucus	Inouye
Harkin	Lieberman

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, what is the next amendment?

AMENDMENT NO. 230

The PRESIDING OFFICER. The question recurs on a motion to table the McCain amendment No. 230.

Mr. STEVENS. May we have order? The Senator has time.

The PRESIDING OFFICER. The Senate will be in order.

Who yields time?

Mr. NICKLES. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Who yields time?

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I understand I have 1 minute.

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCAIN. Mr. President, this amendment would eliminate \$14.5 million for construction activities for the Yazoo Pump Station in Mississippi. It would require the completion of feasibility studies, environmental review, and the economic analysis that is required of other core projects.

If the project proceeds unimpeded, there are 200,000 acres of environmentally sensitive wetlands that would be destroyed and a host of other environmental problems that will ensue.

It is telling that the other Federal agencies charged with evaluating projects and protecting the Nation's environment are opposed to the project. The EPA has given, in the core analysis of this project, its lowest possible rating. And the analysis also revealed that the costs of the project far outweigh the benefits, questions that should be answered before this project proceeds. I urge my colleagues not to table the amendment.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, Senators should understand this is a project that actually protects the environment in a more aggressive way than it would have without the project being funded. Mr. President, 62,500 acres of farmland will be reforested under this project, when this project is complete. This is money that begins a process of developing, design, and construction. It is at the early stage of work.

There are homes, hospitals, schools, businesses, roads, and bridges that are flooded but for the construction of this project. It will get worse rather than better. These are mostly poor people who are affected in this area of Mississippi.

I urge the Senate to reject this amendment and vote aye on a motion to table.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent for 1 minute while I explain the process.

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

Mr. STEVENS. This is the last of the stacked votes. After this vote is over, we will start the process of bringing before the Senate the amendments we have on both sides agreed to accept in groups. We expect that will take an hour or so to accomplish. As I understand it, between 4 and 5 there will be a briefing. We have asked for no votes during that time.

I think Members know if their amendment is going to be accepted. If there is anyone on either side who intends to ask for a vote on an amendment, I urge them to notify either me or the Senator from Nevada, and we will then, hopefully, have a process to get those amendments voted upon before 6 o'clock.

Mr. REID. Will the Senator yield?

Mr. STEVENS. I ask unanimous consent that the Senator from Nevada have a minute also.

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

Mr. REID. Mr. President, Senator MIKULSKI offered an amendment earlier in the proceedings. There was some hope we could work that out. We have not been able to do that.

Mr. STEVENS. The Senator is right. I thought it was worked out. During this vote, we will try our best to work it out.

Ms. MIKULSKI. Mr. President, I say to the very cooperative Senator from Alaska, we have not been able to work out our amendment because of a disagreement with OMB. Our colleagues have been most collegial, but we have not been able to work it out. We have been able to work out the nurses amendment, but I do not believe we have been able to work out the civil service quota amendment.

Mr. REID. The question is, Should we dispose of that after this vote?

Mr. STEVENS. If we do not dispose of it, it will be the first vote when we come back at 5 o'clock.

Mr. REID. I also say, because there are a lot of Members in the Chamber now, we have scrubbed our side quite well. I have amendments still by Senators BINGAMAN, CANTWELL, NELSON, LAUTENBERG, DURBIN, DODD, LANDRIEU, and WYDEN. They know the numbers of those amendments. I think that is all we have. I hope that is all we have. That is eight. Even if we have 10 minutes a side—my colleagues can add it up themselves—it is going to be quite a long night. I hope this is all. If it is not, we need to know right away.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 230. The yeas and nays have been ordered. The clerk will call the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUE), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

The result was announced—yeas 67, nays 30, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—67

Alexander	Brownback	Cochran
Allard	Bunning	Collins
Allen	Burns	Conrad
Baucus	Byrd	Cornyn
Bennett	Campbell	Corzine
Bond	Chafee	Craig
Breaux	Chambliss	Crapo

Daschle	Inhofe	Reid
DeWine	Johnson	Roberts
Dole	Kennedy	Rockefeller
Domenici	Kohl	Santorum
Dorgan	Landrieu	Sarbanes
Durbin	Lincoln	Sessions
Enzi	Lott	Shelby
Fitzgerald	Lugar	Smith
Frist	McConnell	Snowe
Graham (SC)	Mikulski	Specter
Grassley	Miller	Stevens
Gregg	Murkowski	Talent
Hagel	Nelson (FL)	Thomas
Hatch	Nelson (NE)	Thomas
Hollings	Nickles	Warner
Hutchison	Pryor	

NAYS—30

Akaka	Dodd	Leahy
Bayh	Edwards	Levin
Biden	Ensign	McCain
Bingaman	Feingold	Murray
Boxer	Feinstein	Reed
Cantwell	Graham (FL)	Schumer
Carper	Jeffords	Stabenow
Clinton	Kerry	Sununu
Coleman	Kyl	Voinovich
Dayton	Lautenberg	Wyden

NOT VOTING—3

Harkin	Inouye	Lieberman
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The motion was agreed to.

CHANGE OF VOTE

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, on rollcall vote No. 23, I voted yea. It was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome of the vote.

The PRESIDING OFFICER. Without objection, so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. COCHRAN. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, if I could have the attention of the Senate, the managers have now reviewed the 245 amendments that were filed by the deadline on the omnibus bill. At this juncture, we continue to work to clear as many of these amendments as we can.

To facilitate the Senate's consideration of these amendments, we will now present them grouped by the subcommittee with jurisdiction over each amendment. We intend to proceed in the following order this afternoon as we complete the review of each section.

The first section we will consider, and I will bring it to the desk in a moment, will be the Legislative Branch-Treasury bill; the second, Commerce, Justice, State; the third, Foreign Operations; the fourth, Labor-Health and Human Services; the fifth, Transportation-HUD-VA; sixth, Defense-Energy and Water; seventh, Agriculture; and the eighth, Interior.

There are also separate groups of amendments that require modification to be adopted. We are going to handle them in a separate group.

The managers intend to call up amendments by number in each group and ask for adoption en bloc. Any Senator, of course, is entitled to object to

these amendments and needs to be on the floor so we can proceed to debate and vote on amendments that may be objected to. These have been cleared on both sides of our Appropriations Committee by the subcommittee staffs, by myself, and I believe the manager on the other side.

If we can adopt this process, it is still possible to finish today. We do not know on this side yet how many amendments we may wish to have a vote upon. I think this process may identify some of those.

I yield the floor.

Mr. REID. Is the Senator wishing to move forward on the first block at this time?

AMENDMENTS NOS. 165, 23, 70, 96, 113, 190, AND 174

Mr. STEVENS. I will call that up now. I ask unanimous consent that the following amendments be considered en bloc: No. 165 and 166 offered by Senator BYRD; No. 23 offered by Senators GRASSLEY and BAUCUS; No. 70 offered by Senator FRIST; No. 96 offered by Senator VOINOVICH; No. 113 offered by Senator KOHL; No. 190 for Senators BOXER and DORGAN; and No. 174 offered by Senator AKAKA. They all come under the heading of the Legislative Appropriations bill.

Mr. REID. Every amendment is fine, except No. 166; we need to look at that, the second amendment.

Mr. STEVENS. Senator BYRD's? I will pull that out of the package, then.

The PRESIDING OFFICER. Is there objection to considering the amendments en bloc with the noted exception?

Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent they be agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments agreed to en bloc are as follows:

AMENDMENT NO. 165

(Purpose: To provide for the Office of the President pro tempore emeritus)

On page 641, line 10, insert "President Pro Tempore emeritus, \$7,500;" before "Chairmen of the Majority and Minority Conference Committees".

On page 641, line 13, strike "\$120,000" and insert "\$127,500".

On page 641, line 22, strike "\$116,891,000" and insert "\$117,041,000".

On page 642, between lines 3 and 4, insert:

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

For the Office of the President Pro Tempore emeritus, \$150,000.

On page 645, line 2, strike "\$18,513,000" and insert "\$18,355,500".

On page 650, between lines 23 and 24, insert:

SEC. 8. OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS OF THE SENATE.

(a) ESTABLISHMENT.—There is established the Office of the President pro tempore emeritus of the Senate.

(b) DESIGNATION.—Any Member of the Senate who—

(1) is designated by the Senate as the President pro tempore emeritus of the United States Senate; and

(2) is serving as a Member of the Senate, shall be the President pro tempore emeritus of the United States Senate.

(c) APPOINTMENT AND COMPENSATION OF EMPLOYEES.—The President pro tempore emeritus is authorized to appoint and fix the compensation of such employees as the President pro tempore emeritus determines appropriate.

(d) EXPENSE ALLOWANCE.—There is authorized an expense allowance for the President pro tempore emeritus which shall not exceed \$7,500 each fiscal year. The President pro tempore emeritus may receive the expense allowance (1) as reimbursement for actual expenses incurred upon certification and documentation of such expenses by the President pro tempore emeritus, or (2) in equal monthly payments. Such amounts paid to the President pro tempore emeritus as reimbursement of actual expenses incurred upon certification and documentation under this subsection, shall not be reported as income, and the expenses so reimbursed shall not be allowed as a deduction under the Internal Revenue Code of 1986.

(e) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and shall apply only with respect to the 108th Congress.

AMENDMENT NO. 23

(Purpose: To strike the provision relating to the treatment of certain excise taxes)

On page 820, strike lines 3 through 13.

AMENDMENT NO. 70

(Purpose: To provide additional funding for innovative programs at the state and local level)

At the appropriate place add the following:

UNITED STATES POSTAL SERVICE

The United States Postal Service (USPS) is required under Title 5, Chapter 83 United States Code, to fund Civil Service Retirement System benefits attributable to USPS employment since 1971;

The Office of Personnel Management has reviewed the USPS financing of the Civil Service Retirement System and determined current law payments overfund USPS liability;

Therefore, It is the Sense of the Senate that the Congress should address the USPS funding of the Civil Service Retirement System pension benefits.

AMENDMENT NO. 96

(Purpose: To designate the Federal building and United States courthouse located at 10 East Commerce Street in Youngstown, Ohio, as the "Nathaniel R. Jones Federal Building and United States Courthouse")

On page 852, between lines 4 and 5, insert the following:

SEC. 4. DESIGNATION OF NATHANIEL R. JONES FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

(a) IN GENERAL.—The Federal building and United States courthouse located at 10 East Commerce Street in Youngstown, Ohio, shall be known and designated as the "Nathaniel R. Jones Federal Building and United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the Nathaniel R. Jones Federal Building and United States Courthouse.

AMENDMENT NO. 113

(Purpose: To provide a savings provision for certain transfer of functions under the Homeland Security Act of 2002 (Public Law 107-296))

At the appropriate place, insert the following:

SEC. ____ SAVINGS PROVISION OF CERTAIN TRANSFERS MADE UNDER THE HOMELAND SECURITY ACT OF 2002.

The transfer of functions under subtitle B of title XI of the Homeland Security Act of

2003 (Public Law 107-296) shall not affect any pending or completed administrative actions, including orders, determinations, rules, regulations, personnel actions, permits, agreements, grants, contracts, certificates, licenses, or registrations, in effect on the date immediately prior to the date of such transfer, or any proceeding, unless and until amended, modified, superseded, terminated, set aside, or revoked. Pending civil actions shall not be affected by such transfer of functions.

AMENDMENT NO. 190

SEC. . SALARIES.

No funds shall be used to pay any federal employee or any employee, member or chairperson of any federal commission, board, committee, or council and annual salary in excess of the annual salary of the President of the United States.

AMENDMENT NO. 174

(Purpose: To express the senses of Congress that there should be parity in the adjustment in pay rates for members of the uniform services and civilian employees of the United States, including prevailing rate employees, and for other purposes)

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS ON PAY PARITY. It is the sense of Congress that there should be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States, including blue collar federal employees paid under the Federal Wage System.

Mr. STEVENS. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENTS NOS. 46, 72, 100, 159, 160, 191, AS
MODIFIED, 233, AND 107

Mr. STEVENS. Mr. President, I turn now to the amendments we have agreed to accept within the jurisdiction of the State, Justice, Commerce Subcommittee. I have at the desk the following package: Amendment No. 46 by Senators WYDEN and SMITH; No. 72 by Senator LEAHY; No. 100 by Senator GRASSLEY; Nos. 159 and 160 for myself; No. 191 for Senators BREAUX and LANDRIEU; No. 233 for Senators CORZINE and CLINTON; and amendment No. 107 for Senator KENNEDY.

I send a modification to the desk of amendment No. 191 and ask that it be substituted for the amendment in this package.

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

Mr. STEVENS. I know of no objection to these items. They have been cleared on both sides. I ask unanimous consent that these amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments agreed to en bloc are as follows:

AMENDMENT NO. 46

(Purpose: To establish the West Coast Groundfish Fishing Capacity Reduction Program)

On page , between lines and , insert the following new section:

SEC. . WEST COAST GROUND FISH FISHERY CAPACITY REDUCTION.

(a) The Secretary of Commerce shall implement a fishing capacity reduction program for the West Coast groundfish fishery pursuant to section 212 of P.L. 107-206 and 16 U.S.C. 1861a(b)-(e) except that, the program may apply to multiple fisheries, except that: Within 90 days after the date of enactment of this Act, the Secretary shall publish a public notice in the Federal Register and issue an invitation to bid for reduction payments that specifies the contractual terms and conditions under which bids shall be made and accepted under this section; except that: Section 144(d)(1)(K)(3) of Title I, Division B of P.L. 106-544 shall apply to the program implemented by this section.

(b) A reduction fishery is eligible for capacity reduction under the program implemented under this section, except that no vessel harvesting and processing whiting in the catcher-processors section (section 19 660.323(a)(4)(A) of title 50, Code of Federal Regulations) may participate in any capacity reduction referendum or industry fee established under this section.

(c) A referendum on the industry fee system shall occur after bids have been submitted, and such bids have been accepted by the Secretary, as follows: members of the reduction fishery, and persons who have been issued Washington, Oregon, or California Dungeness Crab and Pink Shrimp permits, shall be eligible to vote in the referendum to approve an industry fee system; referendum votes cast in each fishery shall be weighted in proportion to the debt obligation of each fishery, as calculated in subsection (f) of this section; the industry fee system shall be approved if the referendum votes cast in favor of the proposed system constitute a simple majority of the participants voting; except that notwithstanding 5 U.S.C. 553 and 16 U.S.C. 1861a(e), the Secretary shall not prepare or publish proposed or final regulations for the implementation of the program under this section before the referendum is conducted.

(d) Nothing in this section shall be construed to prohibit the Pacific Fishery Management Council from recommending, or the Secretary from approving, changes to any fishery management plan, in accordance with applicable law; or the Secretary from promulgating regulations (including regulations governing this program), after an industry fee system has been approved by the reduction fishery.

(e) The Secretary shall determine, and state in the public notice published under paragraph (a), all program implementation aspects the Secretary deems relevant.

(f) Any bid submitted in response to the invitation to bid issued by the Secretary under this section shall be irrevocable; the Secretary shall use a bid acceptance procedure that ranks each bid in accordance with this paragraph and with additional criteria, if any, established by the Secretary: for each bid from a qualified bidder that meets the bidding requirements in the public notice or the invitation to bid, the Secretary shall determine a bid score by dividing the bid's dollar amount by the average annual total ex-vessel dollar value of landings of Pacific groundfish, Dungeness crab, and Pink shrimp base on the 3 highest total annual revenues earned from such stocks that the bidder's re-

duction vessel landed during 1998, 1999, 2000 or 2001. For purposes of this paragraph, the term "total annual revenue" means the revenue earned in a single year from such stocks. The secretary shall accept each qualified bid in rank order of bid score from the lowest to the highest until acceptance of the next qualified bid with the next lowest bid score would cause the reduction cost to exceed the reduction loan's maximum amount. Acceptance of a bid by the Secretary shall create a binding reduction contract between the United States and the person whose bid is accepted, the performance of which shall be subject only to the conclusion of a successful referendum, except that a person whose bid is accepted by the Secretary under this section shall relinquish all permits in the reduction fishery and any Dungeness crab and Pink shrimp permits issued by Washington, Oregon, or California, except that the Secretary shall revoke the Pacific groundfish permit, as well as all Federal fishery licenses, fishery permits, area, and species endorsements, and any other fishery privileges issued to a vessel or vessels (or to persons on the basis of their operation or ownership of that vessel or vessels) removed under the program.

(g) The Secretary shall establish separate reduction loan sub-amounts and repayment fees for fish sellers in the reduction fishery and for fish sellers in each of the fee-share fisheries by dividing the total ex-vessel dollar value during the bid scoring period of all reduction vessel landings from the reduction fishery and from each of the fee-share fisheries by the total such value of all such landings for all such fisheries; and multiplying the reduction loan amount by each of the quotients resulting from each of the divisions above. Each of the resulting products shall be the reduction loan sub-amount for the reduction fishery and for each of the fee-share fisheries to which each of such products pertains, except that, each fish seller in the reduction fishery and in each of the fee-share fisheries shall pay the fees required by the reduction loan sub-amounts allocated to it under this paragraph, except that, the Secretary may enter into agreements with Washington, Oregon, and California to collect any fees established under this paragraph.

(h) Notwithstanding 46 U.S.C. App. 1279(b)(4), the reduction loan's term shall not be less than 30 years.

(i) It is the sense of the Congress that the States of Washington, Oregon, and California should revoke all relinquishment permits in each of the fee-share fisheries immediately after reduction payment, and otherwise to implement appropriate State fisheries management and conservation provisions in each of the fee-share fisheries that establishes a program that meets the requirements of 16 U.S.C. 141861a(b)(1)(B) as if were applicable to fee-share fisheries.

(j) The term "fee-share fishery" means a fishery, other than the reduction fishery, whose members are eligible to vote in a referendum for an industry fee system under paragraph (c). The term "reduction fishery" means that portion of a fishery holding limited entry fishing permits endorsed for the operation of trawl gear and issued under the Federal Pacific Coast Groundfish Fishery Management Plan.

AMENDMENT NO. 72

(Purpose: To provide necessary funding for the Crime-free Rural States by offsetting funds by reducing the account for buildings and facilities of the Federal Prison System)

At the appropriate place in the joint resolution, insert the following:

SEC. _____. In addition to the funds provided elsewhere in this joint resolution, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2003: \$10,000,000 to provide for grants as authorized by section 11027 of Public Law 107-273, to implement the Crime-free Rural States Program.

(b) The amount made available under the account for buildings and facilities of the Federal Prison System in this joint resolution is reduced by \$10,000,000.

AMENDMENT NO. 100

(Purpose: To increase funding for methamphetamine reduction efforts, and for other purposes)

On page 107, line 5, insert "of which \$10,000,000 will be provided for the continuance of methamphetamine reduction efforts" before the semicolon.

AMENDMENT NO. 159

On page 237, at the end of line 15, insert the following: "Such amount shall be made available as a direct lump sum payment to the Alaska Fisheries Marketing Board (hereinafter "Board") which is hereby established to award grants to market, develop, and promote Alaska seafood and improve related technology and transportation with emphasis on wild salmon, of which 20 percent shall be transferred to the Alaska Seafood Marketing Institute. The Board shall be appointed by the Secretary of Commerce and shall be administered by an Executive Director to be appointed by the Secretary. The Board shall submit an annual report to the Secretary detailing the expenditures of the board."

AMENDMENT NO. 160

On page 183, line 25, insert the following after "contributions,":

"Such amounts shall be subject only to conditions and requirements required by the Maritime Administration."

AMENDMENT NO. 191

On page 127, line 17, insert after the ":", the following:

"*Provided further*, That of the funding provided for the National Marine Fisheries Service, \$3,000,000 may be made available to the oyster industry in the State of Louisiana for economic assistance to the oyster fishery affected by Hurricane Isidore, and Hurricane Lili: *Provided further*, That such funds may be used only for (A) personal assistance with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs; (B) assistance for small businesses including oystermen, oyster processors, and related businesses serving the oyster industry; (C) domestic product marketing and seafood promotion; and (D) State seafood testing programs."

AMENDMENT NO. 233

(Purpose: To prohibit funds appropriated under this Act from being used to remove, deport, or detain an alien spouse or child of an individual who died as a result of a September 11, 2001, terrorist attack, unless certain circumstances exist)

On page 115, between lines 23 and 24, insert the following:

SEC. 110. None of the funds appropriated by this Act may be used to remove, deport, or detain an alien spouse or child of an individual who died as a result of a September 11, 2001, terrorist attack, unless the alien spouse or child is—

(1) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) or deportable under paragraph (2) or (4) of section 237(a) of that Act (8 U.S.C. 1227(a)) (including any terrorist perpetrator of a September 11, 2001, terrorist attack against the United States); or

(2) a member of the family of a person described in paragraph (1).

AMENDMENT NO. 107

(Purpose: To restore a provision regarding fees to cover the full costs of all adjudication services)

At the appropriate place, insert the following new section:

SEC. _____. RESTORATION OF PROVISION REGARDING FEES TO COVER THE FULL COSTS OF ALL ADJUDICATION SERVICES.

The Homeland Security Act of 2002 is amended by striking section 457, including the amendment made by such section.

METHAMPHETAMINE REDUCTION

Mr. GRASSLEY. Mr. President, I would like to have a word with the Chairman concerning funding for the war on methamphetamine production and trafficking. I appreciate your accepting my amendment to allocate \$10 million for the continuance of methamphetamine reduction efforts. I understand that these funds will come from the \$50 million in the bill designated for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in drug hot spots. It is also my understanding that this \$10 million will be used to combat meth production and distribution in the State of Iowa. This money will go to the Iowa Office of Drug Control Policy to fund programs that I consider essential to treating and controlling the drug problem in the State of Iowa. These programs would include a Drug-Free Workplace Coordinator to help educate employees to deter and detect use, and put procedures in place to take corrective action if there is a workplace-related substance abuse problem; various community prevention, intervention, and treatment programs; and for a Meth Safe House in Iowa to provide a safe and drug-free environment for recovering meth addicts, and help push them away from the negative influences that previously fed their addiction.

Mr. STEVENS. I was pleased to be able to make the Senator's amendment a part of the manager's package. The Senator's understanding is correct. This \$10 million will go to the Iowa Office of Drug Control Policy to fund programs to combat methamphetamine production and trafficking.

Mr. CORZINE. Mr. President, I rise today to introduce an amendment along with Senator CLINTON that would prevent the Immigration and Naturalization Service from deporting the spouses of children of the victims of the September 11 attacks. This simple legislation would allow some 300 people who are still grieving the loss of their loved ones to remain in the United States to sort out their affairs.

The Patriot Act responsibly included a provision that allowed nonimmigrant survivors of victims of the September 11 attacks to remain in the United States until September 11, 2002. That length of time, however, was not sufficient for those families to sort out their affairs before returning to their countries of origin.

I remain steadfast in my belief that these families should be permitted to stay in the United States indefinitely as legal permanent residents. I intend to raise that issue in the future. This amendment, however, is crafted narrowly as a stopgap humanitarian response to the everyday challenges these families face before being able to return to their native countries. Tough in mourning for well over a year, many widows and children have not recovered the remains of their loved ones. Instead, they are awaiting DNA analyses of the samples collected from the attack site.

The children of these widows and widowers are enrolled in American schools. In fact, some are native-born American citizens and would have to return to a country they don't know or face the prospect of separating from their one surviving parent.

The great majority of these families is still awaiting awards from the victims' compensation fund. They have homes that will need to be sold and other unfamiliar financial matters to settle before returning to their native countries. And many are participating in support groups with other survivors, groups that simply will not exist in their birth country. It would be inhumane to deport them at this time.

This amendment will provide these brave families with additional time to attend to their affairs and undertake the unenviable task of dismantling their lives in the United States.

I urge my colleagues to support this simple but important legislation.

Mr. LEAHY. Mr. President, I rise to discuss a provision that the Senate agreed to earlier today and that is of particular importance for my State of Vermont—my amendment to appropriate \$10 million for the Crime-Free Rural States Program. I worked to authorize this program last year in the 21st Century Department of Justice Appropriations Authorization Act, which was signed into law last November.

This program will provide crucial law enforcement assistance to rural States that are struggling with a variety of crime problems. It provides for grants to State criminal justice, Byrne, or other designated agencies to develop rural States' capacity to assist local communities in the prevention and reduction of crime, violence, and substance abuse.

This program gives States the flexibility to use the funding where it is most needed. For example, Vermont is suffering terribly from a rapid increase in the abuse of heroin that has put an extraordinary burden on our communities and our law enforcement agencies. Vermont could use the money provided by this program to help local governments address this crisis.

Rural States face unique problems in their efforts to reduce crime, with small numbers of law enforcement officers responsible for protecting widely-dispersed communities. As drugs and

violent crime have become more prevalent in remote regions of our Nation, law enforcement officers in those areas have seen their jobs become increasingly difficult. This program, which States would administer with the assistance of the National Crime Prevention Council, would help State and local law enforcement by promoting innovation in the development of crime-fighting technology and by funding the development of statewide strategic plans, including performance targets to ensure the funding is well-spent.

This program will provide crucial assistance to rural States. I thank Senators STEVENS, BYRD, GREGG, and HOLLINGS for accepting it as part of the managers' package. In addition, I urge the conference committee that will reconcile the House and Senate-passed bills to retain this provision, and give rural States assistance they so desperately need.

Mr. STEVENS. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 191, AS MODIFIED

Mr. STEVENS. Mr. President, I have been asked, notwithstanding the actions taken so far, to ask unanimous consent that amendment No. 191 be reconsidered—brought back to the desk in order that one word might be changed.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Mr. STEVENS. I send the modification to the desk. It changes the word "shall" to "may."

The PRESIDING OFFICER. Without objection, the amendment is further modified.

Mr. STEVENS. I ask unanimous consent that the modification I made to amendment No. 191 be adopted.

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

Mr. STEVENS. I urge passage of that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 191), as modified, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

AMENDMENT NO. 138

Mr. REID. I have spoken to the managers of the bill. In an effort to save

time, we ask that we move to the Bingaman amendment No. 138 and there be 20 minutes equally divided.

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

Mr. REID. And prior to the vote, that there be no second-degree amendment filed.

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

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, before discussing the Bingaman amendment No. 138, I ask unanimous consent first, with regard to amendment No. 126, that Senator DOMENICI and Senator LANDRIEU be added as cosponsors.

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

Mr. BINGAMAN. Mr. President, I ask that that amendment be called up.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Ms. COLLINS, Mr. KENNEDY, and Ms. LANDRIEU, proposes an amendment numbered 138.

Mr. BINGAMAN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

AMENDMENT NO. 138

(Purpose: To extend the QI-1 program under title XIX of the Social Security Act through the end of fiscal year 2003)

On page 1047, between lines 19 and 20, insert the following:

SEC. 404. Section 136 of Public Law 107-229, as added by section 5 of Public Law 107-240, is amended by striking "60 days after the date specified in section 107(c) of Public Law 107-229, as amended" and inserting "September 30, 2003".

Mr. BINGAMAN. Mr. President, I offer this amendment on behalf of myself, Senator COLLINS, Senator KENNEDY, and Senator LANDRIEU. The purpose is to extend a critical Federal-State program that assists low-income Medicare beneficiaries to pay their health premium costs.

This program that has been on the books, now, since 1997 and that I am trying to extend to the end of this fiscal year, the end of September, is one which allows States to use Medicaid funds to assist these low-income individuals in paying their Medicare premiums. It is for low-income seniors. It was enacted as part of the 1997 Balanced Budget Act. It was slated for reauthorization at the end of this last year, 2002. Unfortunately, we did not enact any Medicare or Medicaid legislation as part of the 107th Congress, so the program was extended by the last two continuing resolutions.

The current continuing resolution under which we are operating the Government right now provides for extension of this until March 12. The amendment I am offering would further extend this through September 30 of 2003.

The program to which I am referring is called the QI-1 Program, Qualifying

Individual Program, within Medicaid. It is a block grant payment to States to pay the Medicare Part B premium. This Part B premium is \$58.70 per month this year.

This program only applies to individuals who have monthly incomes between \$887 and \$997. So if you have an income over \$997 per month, you are not qualified to participate in the program I am trying to extend. In the case of a couple, the income of the couple can be anywhere between \$1,194 and \$1,344. This represents an effort to cover Medicare beneficiaries with incomes between 120 and 135 percent of the Federal poverty level. This amounts to a little over \$700 annually for many of these older and disabled Americans who depend upon this payment for a portion of their health care costs. This is for such things as prescription drugs and supplemental coverage. We have over 120,000 people nationwide who currently rely on this QI-1 Program. They will be hard pressed to afford Medicare coverage unless this assistance is continued.

In short, to prevent the erosion of existing low-income protections, Congress needs to extend the 5-year Federal allocation for the QI-1 Program this year.

We do not know the exact number of people who are eligible for this particular program—that is, the number of Medicare beneficiaries who have incomes between 120 percent and 135 percent of poverty—but the estimate we have is there are about a million of these individuals. We have about 120,000, as I indicated before, who are actually enrolled, although the numbers are likely far higher than that. We have missing data from several States, and it is very difficult to calculate it.

In my State of New Mexico, for example, we know there are almost 1,000 New Mexicans who are currently enrolled in the QI-1 Program. This disenrolling of these low-income Medicare beneficiaries, which is what we would do if we did not adopt my amendment—we would disenroll these people from the program—it would cost each and every one of them \$700 annually. It could have a significant impact on their health.

In a letter from the Medicare Rights Center, they gave an example of the kind of person who is affected by this amendment. The example was a 69-year-old widow with severe arthritis, hypertension, and high cholesterol who lives here in our Nation's Capital. This woman, referred to as Mrs. B, does not qualify for Medicaid, yet she cannot afford premiums for a Medicare HMO or a Medigap plan. The QI-1 Program does cover her Part B premium of over \$700 per year. If she loses that assistance, as she will unless the amendment we are offering here is adopted—if she loses that assistance, she does not know how she could make ends meet since she already struggles to buy food, to pay her Medicare copayment, and to purchase

prescription drugs. As I indicated before, in order to qualify for this payment which she is now receiving, she cannot have an income of over \$997 per month.

This is a bipartisan issue. President Bush has included the QI-1 reauthorization in his fiscal year 2003 budget. When we had the confirmation hearing in the Health and Education Committee on the new Commissioner for the Food and Drug Administration, Mark McClellan, he testified that the administration continues to support the reauthorization of this program.

In addition, QI-1 reauthorization was also included in S. 3018, which is the Beneficiary Access to Care and Medicare Equity Act. This was a bill that Senators GRASSLEY and BAUCUS introduced late last year.

During every Senate race around this country last fall, candidates on both sides of the aisle promised our Nation's seniors and disabled Medicare beneficiaries improved health coverage with the addition of a prescription drug benefit. While they are waiting for us to enact that prescription drug benefit, low-income Medicare beneficiaries should not be blindsided by the loss of critically needed premium protection that is provided in the QI-1 Program.

I urge the passage of this amendment to extend the program another 6½ months. I urge my colleagues to join me in addressing the issue on a more permanent basis in the coming months. There are at least 120,000 low-income Medicare beneficiaries who are counting on us.

Let me also respond very briefly to some comments my colleague from Pennsylvania made earlier, where he said all of these amendments that are being offered are new money.

This is not new money. This is an existing program. It is a program that has been in place for 5 years. There are 120,000 individuals out there who are depending upon us continuing to assist them in making these Medicare premium payments. This is not an example of growing government, as was suggested. This is an example of maintaining a benefit for low-income seniors and disabled individuals in our society.

Let me indicate a few of the numbers we are talking about in different States so my colleagues have a sense of what is involved.

In the State of Alabama, there are 9,817 individuals currently receiving this benefit; in the State of Arizona, there are 5,620; in the State of Florida, there are 13,769; in the State of Kentucky, 4,329; Louisiana, 5,596; New Jersey, 7,214; North Carolina, 9,059; Ohio, 8,362; and Oklahoma, 3,169. There are many individuals who depend upon this payment. The correct thing to do, and the right thing to do, is for us to adopt this amendment.

How much time remains?

The PRESIDING OFFICER. The Senator has 1 minute 10 seconds.

Mr. BINGAMAN. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. STEVENS. Mr. President, I reserve the remainder of our time on that amendment and ask unanimous consent that it be set aside temporarily so Senator CANTWELL might present her amendment.

Mr. REID. Mr. President, Senator CANTWELL has agreed to bring up amendment No. 104 with 20 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. BINGAMAN. May I ask what the unanimous consent request is?

Mr. REID. Cantwell for 20 minutes.

Mr. BINGAMAN. I would still have the initial minute or so?

The PRESIDING OFFICER. That is correct.

Mr. REID. One minute prior to the vote.

Mr. BINGAMAN. I have no objection. The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

AMENDMENT NO. 108

Ms. CANTWELL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Ms. CANTWELL], for herself and Mr. NELSON, proposes an amendment numbered 108.

Ms. CANTWELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

AMENDMENT NO. 108

(Purpose: To increase appropriations for workforce investment activities)

On page 549, between lines 14 and 15, insert the following:

In addition to any amounts otherwise appropriated under this Act for title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), \$678,551,000 is appropriated to carry out that Act, of which—

(1) \$156,965,000 (which is available for obligation for the period April 1, 2003 through June 30, 2004) shall be for making allotments and grants in accordance with subparagraphs (B) and (C) of section 127(b)(1) of that Act (29 U.S.C. 2852(b)(1)) (relating to youth activities);

(2) \$76,000,000 (which is available for obligation for the period July 1, 2003 through June 30, 2004) shall be for making allotments and grants in accordance with section 132(b)(1) of that Act (29 U.S.C. 2862(b)(1)) (relating to employment and training activities for adults);

(3) \$206,096,000 (which is available for obligation for the period July 1, 2003 through June 30, 2004) shall be for making allotments and grants in accordance with section 132(b)(2) of that Act (29 U.S.C. 2862(b)(2)) (relating to employment and training activities for dislocated workers);

(4) \$181,890,000 (which is available for obligation for the period April 1, 2003 through June 30, 2004) shall be for use under section 169 of that Act (29 U.S.C. 2914) (relating to youth opportunity grants); and

(5) \$57,600,000 (which is available for obligation for the period July 1, 2003 through June 30, 2006) shall be for carrying out subtitle C

of title I of that Act (29 U.S.C. 2881 et seq.) (relating to the Job Corps).

Notwithstanding any other provision of this Act, funds provided under the preceding sentence shall not result in a further across-the-board rescission under section 601 of division N.

Ms. CANTWELL. Mr. President, I ask unanimous consent to add the following Senators as cosponsors of my amendment: Senators KENNEDY, BINGAMAN, MURRAY, BOXER, AKAKA, CLINTON, SARBANES, and FEINSTEIN.

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

Ms. CANTWELL. Mr. President, I rise today to urge my colleagues to support this important amendment sponsored by myself, the Senator from Florida, and others, which restores essential funding for education and job training in America.

Job training should be our first priority, not our last priority. American workers want to learn new skills, and businesses are looking for skilled workers. So it would be a terrible decision today to deny them the opportunity to provide job training so that they can go back to work. But that is exactly what we are doing in this omnibus bill today. In fact, this bill is a 10-percent cut in the fiscal year 2002 funding level. That is a 10-percent cut in the fiscal year 2002 level after the Senate Appropriations Committee voted last year to increase that number to a higher amount. My amendment restores the original committee level.

Some would argue that these funds have no material impact because they would like to say that fiscal year 2002 funds that haven't yet been distributed could also be used to offset this cut that is being proposed by the administration. That is like saying there is a magic slush fund for job training when there isn't. The fact is that job training dollars—because the programs continue for several years—are committed over a 2- or 3-year period of time. That is how they make the programs effective. In fact, if this amendment does not pass today and we do not make a decision to restore these cuts, over 65,000 job training opportunities will be lost in America.

To further bolster this notion of the fact that these cuts really will take effect and have full impact, I point out to my colleague the GAO study on this very issue on whether the States were spending their workforce investment dollars. In fact, quoting from the report, it said:

States are spending their funds faster than required by law. And even though 44 percent of the program funds for year 2001 are being carried over to 2002, many of these funds have already been committed. Furthermore, because of reporting inconsistencies, the Department of Labor data do not adequately reflect the funds and how they have been obligated in long-term commitments.

What does this mean? It means that GAO is saying there is no magic slush fund. If we make this cut today, we will actually see a cut in reduction in programs.

Some of my colleagues ask: What is so serious about that? Maybe we need a little belt tightening. I point out to my colleagues that we are going through rough economic times. Actually retraining workers who are then rehired by a company to add to their bottom-line profitability is a good economic stimulus package. As Stephanie Powers, CEO of the National Association of Workforce Boards, wrote me:

We strongly agree with the GAO's report and we support maintaining current funding levels. We are on the front line of serving over 2.3 million workers who have lost their jobs over the last two years, and this cut would dramatically impede our ability to meet these services at a very critical time.

If there is a silver lining to this economic recession we have been in, it is the fact that there are companies and there are businesses that say they still want to hire workers but can't find the skilled workers they need.

Take the health care industry, for example. The American Hospital Association estimates that there are currently over 126,000 unfilled nursing positions in the country. Why would we take money away from the training programs to retrain individuals who have lost their jobs and who could go into nursing to give their families an income and give the health care industry the workers they need?

While we are facing tough economic times, we are also simply facing a skills gap. The best way to deal with that skills gap is to give the dislocated workers the opportunity to improve their skills. That is why, given the high unemployment rate, and the unemployment claims just last week increasing by 18,000 and over 2 million people having lost their jobs in the last 2 years, this amendment would actually be the economic stimulus we are looking for.

I don't think job training is a political issue or a partisan issue. In fact, last year I was enthused by the fact that a majority of Members of the Senate signed a letter asking the Senate Appropriators to increase funding for Job Training Programs. Of those Senators who signed the letter, I want to read from it and quote that they said:

We are writing to express our support for increasing the funding for 2003. The ability of a skilled workforce is critical to our Nation's economy and will provide the adequate support for job training. We are concerned that the unemployment landscape may not turn around rapidly and that these displaced workers will not be able to return to their former jobs. Many of them need to prepare for new jobs in the workforce.

If the same colleagues who signed this letter will vote for this amendment today, we can put this issue to rest and give the American workers the kind of job training and skills they need.

This amendment will accomplish a stimulus for our economy that is much needed. It will make sure that we don't say no to workers and no to the businesses that are looking for help, and it will make sure that we will say yes to

tomorrow's economic opportunities for all of us. I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, how much time does Senator CANTWELL have remaining?

The PRESIDING OFFICER. Three minutes three seconds.

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I am a cosponsor of Senator CANTWELL's amendment and the Workforce Investment Act program amount she is seeking. The bottom line is workforce training in a time when our economy is in a recession. One of the things we want to do is, when people are thrown of work, we want to get them retrained with skills so they can obtain work. So that is what this is all about.

This funding that we are trying to restore was already provided in the Senate Appropriations Committee-passed bill; but subsequently, with these across-the-board cuts, it has been severely nicked, to the tune of what we are trying to restore.

Why do we want to restore this amount, other than because of the commonsense answer that you want to provide job training for folks out of work? It assists workers who lose their jobs as a result of circumstances beyond their control. It helps Americans gain an element of self-sufficiency.

This is not the time to cut funding for programs that give Americans the tools, the guidance, and the skills they need to handle these problems.

I am very much a proponent of this Workforce Investment Act because I have seen what it can do. I have seen the workforce centers in Florida. We have about four. I have been to one of those centers. And what do they do? They train young people to have a saleable skill in the job market. And they have an incredible success rate of placing 80 percent. And those 80 percent are in jobs that last some number of months. That is an incredible success rate.

Since its inauguration way back in 1964, the Job Corps has provided over 2 million disadvantaged youth with the integrated, academic, vocational, and social skills training they needed to gain independence.

In closing, I wish to share an e-mail I recently received from an organization committed to providing education to young adults down in Tampa. This is what the e-mail said:

We have helped 178 youths get a High School Diploma, 171 youths enter college, 605 youths complete Job Readiness Training and almost 800! youths have found jobs.

These are real results, results that may not be duplicated if we do not continue to invest in providing employment training and opportunity for disadvantaged Americans.

I yield the floor.

The PRESIDING OFFICER. The time has expired.

Who yields time in opposition?

All time in support of the amendment has been utilized.

Who yields time in opposition?

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

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

Mr. STEVENS. Mr. President, I ask unanimous consent that amendment be set aside, the time reserved as it is now, pending another amendment to be offered and debated.

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

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

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

Mr. STEVENS. Does the Senator from Wyoming wish to speak on the Cantwell amendment?

Mr. ENZI. Yes.

Mr. STEVENS. Mr. President, how much time remains on the Cantwell amendment?

The PRESIDING OFFICER. Eight minutes nine seconds.

Mr. STEVENS. I yield the Senator from Wyoming such time as he wishes.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. I thank the chairman.

Mr. President, the amendment before us is the Workforce Investment Act amendment which appropriates an additional \$678 million for programs under title I of the Workforce Investment Act. It has some money for all of the different processes: youth activities, employment and training activities, opportunity grants, and Job Corps.

The managers' amendment to the omnibus appropriations bill provides \$5.12 billion for training and employment services. That is \$144.3 million above the budget request. Of this total amount, the bill provides \$1.38 billion for dislocated worker activities.

As chairman of the Subcommittee on Employment, Safety and Training, I have been a strong supporter of the Workforce Investment Act. In fact, I have joined with my colleagues on both sides of the aisle in efforts to provide sufficient funding for the Workforce Investment Act.

Therefore, I have to carefully explain why I am opposing this amendment. Let me be clear, I am not questioning the importance of job training in these

difficult economic times, nor am I questioning the importance of the Workforce Investment Act as our Federal workforce development system. However, I am opposing an amendment that increases funding without offsetting such increased amounts. I am opposing an amendment that increases funding by \$678 million that is not targeted to the individuals who are most in need of job training and assistance. Of the \$678 million increase in funding, only \$206.1 million will go to dislocated worker programs, those individuals who are most in need of assistance to get back to work.

The President's economic stimulus proposal gives \$3.6 billion to fund personal reemployment accounts to individuals who need the most help getting back to work. These accounts can be used for job training, child care, transportation, or other expenses associated with finding a new job. These accounts will be administered through the Workforce Investment Act's One-Stop Career Center. The personal reemployment accounts proposed by the President are both targeted and flexible, unlike the amendment before us.

Most importantly, the Workforce Investment Act is up for reauthorization this year. My subcommittee will shortly be commencing hearings on the reauthorization. During the reauthorization process, we will be considering funding issues for the Workforce Investment Act to determine how resources are most effectively used for people who need it most. This is not the time to address these issues. We need to complete our work on fiscal year 2003 appropriations now. The time to address the Workforce Investment Act is during the reauthorization of the bill this coming year which will be one of my priorities as chairman of the Subcommittee on Employment, Safety, and Training.

Again, I encourage my colleagues to oppose the amendment. It is not offset. It is new money. It is not directed toward the problem, and we will be doing reauthorization.

I yield the floor and reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask Democratic Senators LAUTENBERG, DODD, WYDEN, and KOHL to come to the floor. We have amendments that need to be offered, and we have now an hour. If we don't do that, it will be an extra hour or more we will have to work later tonight.

Mr. STEVENS. Mr. President, on the Cantwell amendment, what is the time situation?

The PRESIDING OFFICER. Four minutes fifty seconds remain for the opponents.

Mr. STEVENS. Does Ms. CANTWELL have any time remaining?

The PRESIDING OFFICER. No.

Mr. STEVENS. I yield back the remainder of our time. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. I ask unanimous consent that amendment be set aside until a time agreed upon by the two managers after 5 o'clock.

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

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 98, 99, AND 162, EN BLOC

Mr. STEVENS. Mr. President, I have on the desk a group of amendments that come under the jurisdiction of the Foreign Operations Subcommittee. I ask unanimous consent that we now consider, en bloc, amendment No. 98 by Senators MCCONNELL and LEAHY; amendment No. 99 by Senators MCCONNELL and LEAHY; and amendment No. 162 by Senators FITZGERALD, DOLE, and CLINTON. I further ask that they be agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, en bloc, as follows:

AMENDMENT NO. 98

On page 366, line 26, strike "this heading" and insert in lieu thereof: the heading "Economic Support Fund"

AMENDMENT NO. 99

On page 366, strike everything after "the" on line 3, through "Agency" on line 4 and insert in lieu thereof:

headings "Trade and Development Agency", "International Military Education and Training", "Foreign Military Financing Program", "Migration and Refugee Assistance", and "Nonproliferation, Anti-Terrorism, Demining and Related Programs"

AMENDMENT NO. 162

(Purpose: To restrict the availability of funds for the International Committee of the Red Cross)

On page 335, line 10, before the period at the end of the line insert the following: "Provided further, That funds appropriated under this heading may be made available for a headquarters contribution to the International Committee of the Red Cross only if the Secretary of State determines (and so reports to the appropriate committees of Congress) that the Magen David Adom Society of Israel is not being denied participation in the activities of the International Red Cross and Red Crescent Movement".

AMENDMENTS NOS. 35, 52, 58, 87, AND 220, EN BLOC

Mr. STEVENS. Mr. President, we have another group of amendments before the Senate: Amendment No. 35 by Senator KENNEDY; amendment No. 52 by Senator GRASSLEY; amendment No. 58 by Senators COLLINS and BOND; amendment No. 87 by Senators MCCONNELL, BOXER, and Ensign; and amend-

ment No. 220 by Senator SPECTER. I ask unanimous consent that they be considered and agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 35

(Purpose: To provide funding for the mass layoff statistics program)

On page 563, line 14, insert before the period the following: ", and \$6,600,000 to be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 491-2). On page 640, line 2, increase the amount by \$6,600,000".

AMENDMENT NO. 52

Beginning on page 1043, strike line 19 and all that follows through page 1044, line 3, and insert the following:

TITLE IV—TANF AND MEDICARE

SEC. 401. Section 114 of Public Law 107-229, as amended by section 3 of Public Law 107-240 and by section 2 of Public Law 107-294, is amended—

(1) by striking "the date specified in section 107(c) of this joint resolution" and inserting "September 30, 2003"; and

(2) by striking "Provided further, That notwithstanding" and all that follows through the period and inserting a period.

AMENDMENT NO. 58

(Purpose: To provide for an extension of the temporary increase in payments for medicare home health services furnished in a rural area)

At the appropriate place, insert the following:

SEC. ____ . EXTENSION OF TEMPORARY INCREASE FOR HOME HEALTH SERVICES FURNISHED IN A RURAL AREA.

(a) IN GENERAL.—Section 508(a) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A-533), as enacted into law by section 1(a)(6) of Public Law 106-554, is amended—

(1) by striking "24-MONTH INCREASE BEGINNING APRIL 1, 2001" and inserting "IN GENERAL";

(2) by striking "April 1, 2003" and inserting "October 1, 2003"; and

(3) by inserting before the period at the end the following: "(or 5 percent in the case of such services furnished on or after April 1, 2003, and before October 1, 2003)".

(b) CONFORMING AMENDMENT.—Section 547(c)(2) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A-553), as enacted into law by section 1(a)(6) of Public Law 106-554, is amended by striking "the period beginning on April 1, 2001, and ending on September 30, 2002," and inserting "a period under such section".

AMENDMENT NO. 87

(Purpose: To amend title II of the Social Security Act to permit Kentucky to operate a separate retirement system for certain public employees)

At the appropriate place, insert the following:

SEC. ____ . (a) Section 218(d)(6)(C) of the Social Security Act (42 U.S.C. 418(d)(6)(C)) is amended by inserting "Kentucky," after "Illinois".

(b) The amendment made by subsection (a) takes effect on January 1, 2003.

AMENDMENT NO. 220

At the appropriate place, insert the following:

SEC. . FUNDING FOR AFTER-SCHOOL PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) There remains a great need for after-school programs. The Census Bureau reported that at least 8 to 15 million children have no place to go after school is out.

(2) According to the FBI, youth are most at risk for committing violent acts and being victims of violent crimes between 3:00 p.m. and 8:00 p.m.—after school is out and before parents arrive home.

(3) Studies show that organized extra-curricular activities, such as after-school programs, reduce crime, drug use, and teenage pregnancy.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that every effort should be made to—

(1) accommodate the waiting lists of children needing access to after-school programs; and

(2) fund after-school programs at the level authorized in the Leave No Child Behind Act.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 26, 48, 92, 69, AND 224, EN BLOC

Mr. STEVENS. Mr. President, I have a group of amendments at the desk now that pertain to the Transportation and VA-HUD Subcommittee: Amendment No. 26 by Senator LOTT; amendment No. 48 by Senator SARBANES; amendment No. 92 by Senator FEINSTEIN; amendment No. 69 by Senator CLINTON; and amendment No. 224 by Senators BOND and MIKULSKI.

I ask unanimous consent that those amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 26

(Purpose: To amend the Aviation and Transportation Security Act)

At the appropriate place add the following: Section 145(c) of P.L. 107-71 is amended by striking the number (18) and inserting the number (36).

AMENDMENT NO. 48

(Purpose: To redirect funds to the Susquehanna Greenway, Maryland)

On page 787, after line 25, add the following:

SEC. 3. SUSQUEHANNA GREENWAY, MARYLAND.

The table contained in section 1602 of the Transportation Equity Act for the 21st Century is amended in item 1603 (112 Stat. 316) by striking "Construct pedestrian bicycle bridge across Susquehanna River between Havre de Grace and Perryville" and inserting "Develop Lower Susquehanna Heritage Greenway, including acquisition of property, construction of hiker-biker trails, and con-

struction or use of docks, ferry boats, bridges, or vans to convey bikers and pedestrians across the Susquehanna River between Cecil County and Harford County".

AMENDMENT NO. 92

(Purpose: To strike the section that redefines the Alameda Corridor East and Southwest Passage, California, that has previously been designated as a high priority corridor on the National Highway System)

On page 772, strike lines 10 through 23.

AMENDMENT NO. 69

(Purpose: To authorize the use of certain previously appropriated funds by the Federal Emergency Management Agency to be used for health examinations of emergency services personnel who responded to the terrorist attacks on the United States on September 11, 2001)

On page 1014, after line 13, insert the following new section:

"SEC. 423. From amounts previously appropriated under the heading "Emergency Response Fund" in Public Law 107-038, \$90,000,000 shall be made available, until expended, for the Federal Emergency Management Agency to administer baseline and follow-up screening and clinical examinations and long-term health monitoring and analysis for emergency services personnel and rescue and recovery personnel, of which not less than \$25,000,000 shall be made available for such services for current and retired firefighters."

AMENDMENT NO. 224

(Purpose: To permit certain qualified aliens and immigrants access to public and assisted housing consistent with the intent of the 1996 welfare and immigration reform legislation)

On page 1014, after line 13, insert the following new section, with the section renumbered as appropriate:

"SEC. 423. Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended by—

(1) in subsection (a)(6), by striking "or" at the end;

(2) by renumbering paragraph (7) as (8) in subsection (a);

(3) by adding after paragraph (6) in subsection (a), the following new paragraph:

"(7) a qualified alien described in 8 U.S.C. 1641, or";

(4) in subsection (c)(1)(A), by striking "paragraphs (1) through (6)" and inserting "paragraphs (1) through (7)"; and

(5) in subsection (c)(2)(A), by inserting "(other than a qualified alien as described in 8 U.S.C. 1641(c))" after "any alien."

AMENDMENT NO. 48

Mr. SARBANES. Mr. President, the purpose of this amendment is to redirect funding that was made available in the Transportation Equity Act for the 21st Century for the construction of a pedestrian and bicycle bridge across the Susquehanna between Havre de Grace and Perryville, MD to a related project.

During a tour of Havre de Grace and Perryville in April 1998, the mayors of the two towns and members of the Lower Susquehanna Heritage Greenway Committee, briefed me on the Heritage Greenway plan and expressed a hope that the two towns would one day be connected by a pedestrian/bicycle bridge. There are three bridges spanning the Susquehanna River at U.S. Route 1, I-95 and U.S. Route 40, but for safety reasons Maryland State High-

way Administration policy prohibits pedestrian/bike traffic on these bridges. The Lower Susquehanna Greenway Resource Report dated January, 1994 identified the need to link greenway trails along the river in Harford and Cecil Counties via a river crossing and identified a potential crossing site which would utilize the old Route 40 piers that parallel the existing Amtrak bridge.

In order to help facilitate construction of a pedestrian and bicycle bridge at this site, Senator MIKULSKI and I succeeded in getting a provision included in TEA-21 which provided \$1.25 million for this project. Using a portion of the funds, the State Highway Administration conducted an engineering analysis of the existing piers and determined that the piers could not support such a bridge without significant and costly structural and other improvements. Since that time the Susquehanna Heritage Greenway Committee has been examining other options, including a ferry boat and a pedestrian/bicycle bridge crossing further upstream. My amendment would give the committee additional flexibility to undertake these potential crossing alternatives and related Lower Susquehanna Heritage Greenway projects. I urge adoption of the amendment.

Mr. STEVENS. 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.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 59, 34, 37, 38, 42, 49, 84, 128, 161, AND 206, EN BLOC

Mr. STEVENS. Mr. President, I present another group of amendments to the desk. They are: Wyden amendment No. 59; Craig amendment No. 34; Bunning and Bingaman amendment No. 37; Bunning amendment No. 38; Domenici amendment No. 42; Sarbanes amendment No. 49; Reid amendment No. 84; Levin and others amendment No. 128; Domenici and Bingaman amendment No. 161; and Voinovich amendment No. 206.

I ask unanimous consent that these amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 59

(Purpose: To provide certain limitations and prohibitions on the development and deployment of the Total Information Awareness program)

At the end of title I of division M, add the following:

SEC. 111. (a) LIMITATION ON USE OF FUNDS FOR RESEARCH AND DEVELOPMENT ON TOTAL INFORMATION AWARENESS PROGRAM.—Notwithstanding any other provision of law, commencing 60 days after the date of the enactment of this Act, no funds appropriated or otherwise made available to the Department of Defense, whether to an element of the Defense Advanced Research Projects Agency or any other element, or to any other department, agency, or element of the Federal Government, may be obligated or expended on research and development on the Total Information Awareness program unless—

(1) the report described in subsection (b) is submitted to Congress not later than 60 days after the date of the enactment of this Act; or

(2) the President certifies to Congress in writing, that—

(A) the submittal of the report to Congress within 60 days after the date of the enactment of this Act is not practicable; and

(B) the cessation of research and development on the Total Information Awareness program would endanger the national security of the United States.

(b) REPORT.—The report described in this subsection is a report, in writing, of the Secretary of Defense, the Attorney General, and the Director of Central Intelligence, acting jointly, that—

(1) contains—

(A) a detailed explanation of the actual and intended use of funds for each project and activity of the Total Information Awareness program, including an expenditure plan for the use of such funds;

(B) the schedule for proposed research and development on each project and activity of the Total Information Awareness program; and

(C) target dates for the deployment of each project and activity of the Total Information Awareness program;

(2) assesses the likely efficacy of systems such as the Total Information Awareness program in providing practically valuable predictive assessments of the plans, intentions, or capabilities of terrorists or terrorist groups;

(3) assesses the likely impact of the implementation of a system such as the Total Information Awareness program on privacy and civil liberties; and

(4) sets forth a list of the laws and regulations that govern the information to be collected by the Total Information Awareness program, and a description of any modifications of such laws that will be required to use the information in the manner proposed under such program;

(5) includes recommendations, endorsed by the Attorney General, for practices, procedures, regulations, or legislation on the deployment, implementation, or use of the Total Information Awareness program to eliminate or minimize adverse effects of such program on privacy and other civil liberties.

(c) LIMITATION ON DEPLOYMENT OF TOTAL INFORMATION AWARENESS PROGRAM.—(1) Notwithstanding any other provision of law and except as provided in paragraph (2), if and when research and development on the Total Information Awareness program, or any component of such program, permits the deployment or implementation of such program or component, no department, agency, or element of the Federal Government may deploy or implement such program or component, or transfer such program or component to another department, agency, or element of the Federal Government, until the Secretary of Defense—

(A) notifies Congress of that development, including a specific and detailed description of—

(i) each element of such program or component intended to be deployed or implemented; and

(ii) the method and scope of the intended deployment or implementation of such program or component (including the data or information to be accessed or used); and

(B) has received specific authorization by law from Congress for the deployment or implementation of such program or component, including—

(i) a specific authorization by law for the deployment or implementation of such program or component; and

(ii) a specific appropriation by law of funds for the deployment or implementation of such program or component.

(2) The limitation in paragraph (1) shall not apply with respect to the deployment or implementation of the Total Information Awareness program, or a component of such program, in support of the following:

(A) Lawful military operations of the United States conducted outside the United States.

(B) Lawful foreign intelligence activities conducted wholly overseas, or wholly against non-United States persons.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Total Information Awareness program should not be used to develop technologies for use in conducting intelligence activities or law enforcement activities against United States persons without appropriate consultation with Congress or without clear adherence to principles to protect civil liberties and privacy; and

(2) the primary purpose of the Defense Advanced Research Projects Agency is to support the lawful activities of the Department of Defense and the national security programs conducted pursuant to the laws assembled for codification purposes in title 50, United States Code.

(e) DEFINITIONS.—In this section:

(1) TOTAL INFORMATION AWARENESS PROGRAM.—The term “Total Information Awareness program” —

(A) means the computer hardware and software components of the program known as Total Information Awareness, any related information awareness program, or any successor program under the Defense Advanced Research Projects Agency or another element of the Department of Defense; and

(B) includes a program referred to in subparagraph (1), or a component of such program, that has been transferred from the Defense Advanced Research Projects Agency or another element of the Department of Defense to any other department, agency, or element of the Federal Government.

(2) NON-UNITED STATES PERSON.—The term “non-United States person” means any person other than a United States person.

(3) UNITED STATES PERSON.—The term “United States person” has the meaning given that term in section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

AMENDMENT NO. 37

At the appropriate place, insert the following:

SEC. . GAO STUDY ON SUBTITLE D OF THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT.

(a) STUDY.—The General Accounting Office (in this section referred to as the “GAO”) shall conduct a study on the effectiveness of the benefit program under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o) in assisting the Department of Energy (in this section referred to as the “DOE”) contractor employees in obtaining compensation for occupational illness.

(b) REPORT TO CONGRESS.—Not later than 120 days after the date of enactment of this Act, the GAO shall submit a report to the Senate Energy and Natural Resources Committee and the House of Representative Energy and Commerce Committee on the results of the study conducted under subsection (a).

AMENDMENT NO. 38

At the appropriate place, insert the following:

SEC. . GAO STUDY OF CLEANUP AT THE PADUCAH GASEOUS DIFFUSION PLANT IN PADUCAH, KENTUCKY.

(a) STUDY.—The General Accounting Office (in this section referred to as the “GAO”) shall conduct a study of the cleanup progress at the Paducah Gaseous Diffusion Plant in Paducah, Kentucky.

(b) REPORT TO CONGRESS.—Not later than six months after the date of enactment of this Act, the GAO shall submit a report to the Senate Energy and Natural Resources Committee and the House of Representative Energy and Commerce Committee on the results of the study conducted under subsection (a).

AMENDMENT NO. 42

(Purpose: To correct extension date and provide civil penalties in Division M, Title II)

On Page 1027, line 17, strike “August 1, 2002” and insert “December 31, 2004”.

On Page 1032, at the end of line 8, insert the following new section:

“SEC. 210. CIVIL PENALTIES.

“(a) REPEAL OF AUTOMATIC REMISSION.—Section 234A b.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(b)(2)) is amended by striking the last sentence.

“(b) LIMITATION FOR NOT-FOR-PROFIT INSTITUTIONS.—Subsection d. of section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(d)) is amended to read as follows:

“d.(1) Notwithstanding subsection a., in the case of any not-for-profit contractor, subcontractor, or supplier, the total amount of civil penalties paid under subsection a. may not exceed the total amount of fees paid within any one-year period (as determined by the Secretary) under the contract under which the violation occurs.

“(2) For purposes of this section, the term ‘not-for-profit’ means that no part of the net earnings of the contractor, subcontractor, or supplier inures, or may lawfully inure, to the benefit of any natural person or for-profit artificial person.”.

“(c) EFFECTIVE DATE.—The amendments made by this section shall not apply to any violation of the Atomic Energy Act of 1954 occurring under a contract entered into before the date of enactment of this section.”

AMENDMENT NO. 49

(Purpose: To direct the Secretary of the Army to provide immediate corrective maintenance to the project at Herring Creek-Tall Timbers, Maryland, at full Federal expense)

At the appropriate place in the division relating to energy and water, insert the following:

SEC. . HERRING CREEK-TALL TIMBERS, MARYLAND.

(a) IN GENERAL.—Using funds made available by this Act, the Secretary of the Army, acting through the Chief of Engineers, shall provide immediate corrective maintenance to the project at Herring Creek-Tall Timbers, Maryland, at full Federal expense.

(b) INCLUSIONS.—The corrective maintenance described in subsection (a), and any other maintenance performed after the date of enactment of this Act with respect to the project described in that subsection, may include repair or replacement, as appropriate,

of the foundation and structures adjacent and structurally integral to the project.

AMENDMENT NO. 84

At the appropriate place, insert the following:

SEC. —. NORTH LAS VEGAS WATER REUSE PROJECT.

SEC. 1. (a) AUTHORIZATION.—The Secretary of the Interior, in cooperation with the appropriate local authorities, may participate in the design, planning, and construction of the North Las Vegas Water Reuse Project (hereinafter referred to as the 'Project') to reclaim and reuse water in the service area of the North Las Vegas Utility Division Service Area of the city North Las Vegas and county of Clark, Nevada.

(b) **COST SHARE.**—The Federal share of the cost of the Project shall not exceed 25 percent of the total cost.

(c) **LIMITATION.**—Funds provided by the Secretary shall not be used for the operation or maintenance of the Project.

(d) **FUNDING.**—Funds appropriated pursuant to section 1631 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-13) may be used for the Project.

SEC. 2. Reclamation Wastewater and Groundwater Study and Facilities Act.—Design, planning, and construction of the Project authorized by this Act shall be in accordance with, and subject to the limitations contained in the Reclamation Wastewater and Groundwater Study and Facilities Act (106 Stat. 4663-4669, 43 U.S.C. 390h et seq.), as amended.

AMENDMENT NO. 128

(Purpose: To set aside funds for the Chicago Ship and Sanitary Canal, Illinois)

On page 259, line 19, strike "projects;" and insert "projects; and of which \$500,000 may be available for dispersal barriers in the Chicago Ship and Sanitary Canal, Illinois:".

AMENDMENT NO. 161

On page 295 at the end of line 24 insert the following new section:

"SEC. 3. None of the funds appropriated by this or any other Act may be used to defer, deobligate, withdraw to headquarters, reserve for contemplated future rescissions, or otherwise adversely affect the planned and continuing expenditure of funds previously made available for Cerro Grande Fire Activities in P.L. 106-246 and P.L. 106-377.

AMENDMENT NO. 206

(Purpose: To extend the prohibition on oil and gas drilling in the Great Lakes through fiscal year 2005)

On page 424, between lines 12 and 13, insert the following:

SEC. 5 . EXTENSION OF PROHIBITION OF OIL AND GAS DRILLING IN THE GREAT LAKES

Section 503 of the Energy and Water Resources Development Appropriations Act, 2002 (115 Stat. 512), is amended by striking "2002 and 2003" and inserting "2002 through 2005".

PRICE-ANDERSON

Mr. DOMENICI. Mr. President, I rise to discuss provisions in the Omnibus Appropriations bill relating to Price-Anderson nuclear liability. As you know Price-Anderson coverage for NRC licensees ended last August 1. Extension of Price-Anderson had been agreed upon by conferees on last Session's Comprehensive Energy Bill, but the demise of that Bill ended hopes of extension of Price-Anderson before it lapsed.

I've discussed this situation with Senator INHOFE and Senator VOINOVICH,

from their perspectives involving the Environment and Public Works Committee with jurisdiction over Nuclear Regulatory Commission issues. I'm pleased that they concur that the nation is best served by prompt renewal of Price-Anderson legislation, retroactive to August 1 of last year, to ensure that both NRC licensees and Department of Energy contractors are subject to its full provisions. I believe we agreed that the language agreed to by the energy bill conferees last year was adequate to accomplish this goal.

Mr. INHOFE. The Environment and Public Works Committee has had Price-Anderson reauthorization bills referred to it in three consecutive Congresses now—my bill, S. 2292, in the 106th Congress as well as Senator VOINOVICH's bills, S. 1591 and S. 1360 from the 107th Congress and S. 156 in this 108th Congress. I laud Senator VOINOVICH's diligent and effective work on this legislation. I would also like to thank Environmental and Public Works Committee staff and associated staff who have worked on this legislation, especially Andrew Wheeler, Lewis Renjel, Marty Hall, Brian Mormino, and Aloysius Hogan.

It is quite appropriate that the passage of this legislation be one of the first actions of the new Republican majority in the U.S. Senate. Indeed, I had scheduled the passage of Senator VOINOVICH's bill S. 156 for my first Environment and Public Works Committee mark-up as Chairman in this 108th Congress. Moreover, in the Environment and Public Works Committee I look forward to further productive oversight and legislation regarding the Nuclear Regulatory Commission, control of nuclear energy, infrastructure, and continued environmental enhancement for our flora, fauna, air, water, and soil.

I support the opportunity to enact this legislation promptly on this omnibus appropriations bill in lieu of Environment and Public Works Committee action. By fostering the clean-up of our soil and water and by fostering clean air energy sources, the legislation we pass in this bill is good for our environment. The sooner we enact this legislation, the better for our environment.

Mr. VOINOVICH. I concur with both of my colleagues, Senators INHOFE and DOMENICI, that prompt, retroactive renewal of the Price-Anderson program is in the best interest of the Nation. We need to do whatever we can to promote a safe and efficient nuclear energy industry and encourage the development of new nuclear reactors. Reauthorizing the Price-Anderson Act is a major step in that direction.

Almost a year before the program was to expire, on August 3, 2001, I introduced S. 1360 and shortly thereafter S. 1591 to reauthorize the Act. During consideration of the Energy bill, I then proposed an amendment that included the provisions of my bills. While my colleagues recognized the importance of the amendment and passed it by a

vote of 78-21, the Energy bill was ultimately not considered. Thus, I recently reintroduced my bill from last Congress as S. 156.

I am pleased that this matter is finally being handled in the Omnibus Appropriations bill with the inclusion of the House and Senate compromise language of my amendment.

AMENDMENT NO. 49

Mr. SARBANES. Mr. President, the purpose of this amendment is to ensure the integrity of a shoreline protection system that was constructed by the Army Corps of Engineers in 1985 at Tall Times, MD to mitigate the erosion induced by the Herring Creek entrance jetties.

The Herring Creek Navigation Project, located on the left bank of the Potomac River in St. Mary's County, MD, was constructed in 1960 by the U.S. Army Corps of Engineers to maintain a navigable channel at the inlet. Although the jetties functioned as designed, they blocked the natural drift of sand along the shoreline and caused significant erosion in the area downstream of the project. To correct this erosion problem, in 1985 the Corps of Engineers implemented a mitigation project under the authority of section 111 of the River and Harbors Act of 1968. The modification consisted of construction of 250 feet of beach fill and 2,187 linear feet of stone revetment, and upgrading 350 linear feet of existing revetment along the Tall Timbers waterfront, south of the project inlet. The revetment was constructed essentially on top of an existing wooden bulkhead built by St. Mary's County in 1950. Herein lies the problem: the wooden bulkhead is failing in sections, causing huge sinkholes on private property, and undermining the integrity of the revetment.

Although the Local Cooperation Agreement specified that the Army Corps of Engineers was responsible for maintaining the revetment, it did not specify who would be responsible for maintaining the bulkhead. St. Mary's County and local residents assert that this is a Corps responsibility. The Corps asserts that it does not have the authority to repair the bulkhead.

The amendment that Senator MIKULSKI and I are offering would clarify the responsibilities of the Army Corps of Engineers to provide maintenance of the project. It should be pointed out that, should the entire bulkhead fail, the revetment will also fail and the Corps would be responsible for replacing the entire revetment at a cost of well over \$1 million. This is an instance where an ounce of prevention now will prevent a pound of federal expenditures later. I urge adoption of the amendment.

AMENDMENT NO. 59

Mr. REID. Mr. President, I rise to speak in support of an amendment that was offered by my colleague from Oregon, Senator WYDEN.

I want to begin with a USA Today article from February 27, 2002 entitled

"Bush Cheney Champion Privacy—for themselves" by Tony Mauro.

The article describes how the administration is very concerned about protecting privacy when it comes to protecting their meetings to develop an energy policy for our Nation. As Mr. Mauro writes, "Cheney and Bush want privacy for their conversations, but not for anyone else's."

This article also sheds light on how the administration places a premium on privacy. Unfortunately, its leaders seem to value secrecy mainly to protect themselves from embarrassing revelations or to protect their corporate cronies from public scrutiny.

And yet while the White House was fighting vigorously to prevent the American people from getting access to government records, the administration was working arduously to ensure that government would have unprecedented access into the personal lives of the American people through electronic records.

Today, my colleague from Oregon is offering an amendment to ensure that such a program does not go forward unless the privacy of the American people is assured.

This week, many of my colleagues have joined me in speaking on civil rights and civil liberties. I feel strongly that we must defend the civil liberties of Nevadans and all Americans, including their fundamental right to privacy.

After September 11, our Nation was forced to reflect on the freedoms we so often take for granted.

Americans have accepted many restrictions on those freedoms, because they recognized some limits were necessary to provide security against terrorists and other realistic threats, and because they believed these restrictions would be administered justly.

So we tolerate waiting several hours to board airplanes, because we know it necessary to check our luggage more rigorously than ever before.

But the program my distinguished colleague from Oregon is describing concerns me, and I have heard from many Nevadans expressing their opposition to the White House plan unless we have greater assurances that it will not infringe upon our precious privacy.

Senator WYDEN's amendment aims to curtail the Total Information Awareness program being funded at the Defense Advanced Research Projects Agency, which is an effort to develop a digital description of each and every one of us, available in nanoseconds.

This digital "you" will be made up of every credit card purchase, every bank transaction, every driver's license application, every court record, and every library book loan you ever borrowed.

The Federal Government will store all this information—ready to be processed in a moment's notice.

Sound like a good idea?

I don't think so for a very simple reason: No one has figured out how this information is going to be protected, so

that you don't become the victim of an overzealous Government snoop.

The Total Information Awareness program is doing nothing to protect that privacy. Instead of being an electronic Fort Knox, TIA is going to be a gold mine for privacy violations.

In fact, the White House decided to pick a John Poindexter to run the project. He may be a brilliant man, but he was also convicted of lying to Congress in the Iran-Contra scandal.

How are we supposed to believe a man who lied to Congress when he tells us that your privacy is safe—that this clearinghouse of confidential computer records won't be used improperly?

There other problems. Just look at the way this agency will work.

All the research to build this computer web will be done by contractors—businesses who are allowed to market, sell and distribute their work for commercial development.

That means the same technology the government is developing to snoop on your video rentals could be used by the video rental companies to peek on your publicly available government records.

You can bet the companies who buy this technological peeping tom won't be using it to protect the public good, but merely to pad their corporate profits.

Your privacy is not a privilege but a principle that must be protected.

Senator WYDEN's amendment is an important and necessary step to prevent the Federal Government from trampling your privacy while still allowing the Federal Government to protect us against terrorists.

AMENDMENT NO. 59

Mr. WYDEN. Mr. President, as the Senate moves forward on the Omnibus Appropriations bill, I wish to explain in greater detail the amendment I first discussed the other day. I offered this amendment with Senators FEINSTEIN, REID, BOXER, and CORZINE to establish clear and unambiguous congressional oversight over the Pentagon's Office of Total Information Awareness, TIA. It is an amendment on which I have worked with colleagues on both sides of the aisle, and I want to especially recognize the invaluable guidance Senator INOUE has provided us in crafting this amendment.

It is an amendment that would limit the scope of the Office of Total Information Awareness. This is a program that is now being directed by retired Admiral John Poindexter, the former National Security Adviser to former President Reagan. It is one that raises a number of important issues that have arisen in our country since the horrific events of 9/11.

Let me be clear. The amendment does not kill the program; rather, the amendment shifts the burden to the executive branch to make the case for the program. The amendment would restrict funding for the program unless the Secretary of Defense, the Attorney General and the Director of Central Intelligence send to Congress within 60

days a report answering a series of questions about the TIA program, or the President certifies to Congress in writing that that cessation of TIA's research and development work would endanger U.S. national security. Further, the amendment would prohibit DOD from sharing this technology with any Federal agency that wishes to deploy or implement it until the Secretary of Defense informs Congress about the element of the program's technology that would be deployed and the intended method and scope of the deployment, and an authorization and an appropriations law have been enacted to provide for the specific deployment or implementation.

Given the fact that our country is engaged in fighting a war against an enemy without boundaries, clearly we must, as a nation, take steps that constantly strive to balance the rights of our citizens against the need to protect the national security of our Nation.

My concern is the program that is being developed by Mr. Poindexter is going forward without congressional oversight and without clear accountability and guidelines. That is why I think it is important for the Senate, as we reflect on the need to fight terrorism while balancing the need to protect the rights of our citizens, to emphasize how important it is that a program like this be subject to congressional oversight, and that there be clear accountability.

On the Web site of this particular program, the Total Information Awareness Program, is cited a Latin slogan—"Knowledge is power"—something we would all agree with, and it states:

The total information awareness of translational threats requires keeping track of individuals and understanding how they fit in to models. To this end, this office would seek to develop a way to integrate databases into a "virtual centralized grand database."

The "centralized grand database" would enable the federal government to look at the education, financial, travel, medical, and other activities of U.S. citizens, and develop risk profiles for millions of Americans in the quest to examine questionable conduct and certainly suspicious activity that would generate concern for the safety of the American people. Our country must fight terrorists, but America should not unleash virtual bloodhounds to sniff into the personal financial, medical, and other records of millions of Americans.

I am of the view the Senate has a special obligation to be vigilant in this area so we do not approve actions or condone actions by this particular office that could compromise the bedrock of this Nation: our Constitution.

I sit on the Senate Intelligence Committee. I know it is a difficult job to find and maintain the proper balance between constitutional rights and the need to thoroughly track down every valid lead on terrorism, but I will tell you, I think it is critically important

that the Senate have oversight over this program, and we make sure there is not a program of what amounts to virtual bloodhounds.

We need to make sure there are guidelines and rules so that there has to be, for example, evidence there is activity that could threaten the country before additional intrusive steps are taken and, second, that there are safeguards in place at a time when it is possible, because of modern technology and new databases, to share information very quickly.

The fact is much of this information is already being shared in the private sector, and that is why so many Americans are troubled about the prospect of losing privacy right now. What is of concern to many about the Office of Total Information Awareness is it will take the current policies that threaten the privacy of the Americana people and magnify those problems, given the fact we have not been informed as to what safeguards and constitutional protections would be in place when this program goes forward.

I am of the view that the Senate must act to suspend this massive data-mining project unless and until the executive branch comes forward to make the case for it and Congress determines whether the proposed benefits of this technology come at too high a price to the privacy and personal liberty of U.S. citizens.

Clearly, to fight terrorism, we have to have the confidence of the American people. In doing so, we must protect their rights. My concern is the Office of Total Information Awareness, as it is constituted today, tips that balance against the procedural safeguards that are needed to protect the rights of millions of Americans while fighting terrorism.

That is why I and my distinguished colleagues believe Congress must act now to limit the scope of the TIA office. The amendment will ensure that as this program is developed in its early days it is done in a fashion that is sensitive and respectful of constitutional protections and safeguards, while still ensuring that our Nation can continue to fight terrorism.

In closing, I again thank the distinguished ranking member of the Senate Defense Appropriations Subcommittee for his generous assistance.

AMENDMENT NO. 59

Mr. FEINGOLD. I support the Wyden-Feinstein Amendment. This amendment would represent a critical first step towards addressing the concerns that so many of our citizens have about one specific data-mining system, the Total Information Awareness program in the Department of Defense. The amendment would require specific congressional authorization before the Total Information Awareness program could be deployed.

Time after time at listening sessions I told throughout my home State of Wisconsin people have expressed serious concerns about the prospect of data

mining. People want a government that can protect us, but not at the expense of our most cherished liberties.

The untested and controversial intelligence procedure of data-mining is capable of maintaining and accessing extensive files containing both public and private Government records on each and every American. The Total Information Awareness program represents a dangerous step that threatens some of the very freedoms that we are fighting to preserve in the fight against terrorism. Through comprehensive data mining, as envisioned by the Information Awareness office at the Department of Defense, everything from people's video rentals or drugstore purchases made with a credit card to their most private health concerns could be fed into a computer and monitored by the Federal Government.

It is important to emphasize that this amendment is only a first step. I will continue to fight for further congressional oversight and action on the important issue of data mining. The administration must suspend not only the Total Information Awareness program but all other data-mining initiatives in the Department of Defense and the Department of Homeland Security until Congress can determine whether the proposed benefits of aggressive data mining comes at too high a price for our privacy and personal liberties.

I urge my colleagues to support the amendment.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I have another series of amendments. These are the amendments we stopped. Senator WYDEN's amendment No. 59, Senator BUNNING's amendment, with Senator BINGAMAN, amendment No. 37, Senator BUNNING's amendment No. 38, Senator DOMENICI's amendment No. 42, Senator SARBANES' amendment No. 49, Senator REID's amendment No. 84, Senator LEVIN's, and others, amendment No. 128. I read them before. I am leaving out the second amendment. That is why I am reading them through again. Domenici and Bingaman amendment No. 161, and Senator VOINOVICH, No. 206.

There are nine amendments. Does the clerk agree? Amendment No. 34 is set aside temporarily. It is not in the package.

AMENDMENTS NOS. 49, 128, 65, AND 139, AS MODIFIED

Mr. STEVENS. Mr. President, I ask unanimous consent that where the word "shall" appears in amendments Nos. 49, 128, 65, and 139, it be changed to "may."

The PRESIDING OFFICER. Is there objection?

Mr. REID. I urge approval of the amendments en bloc.

The PRESIDING OFFICER. Without objection, the foregoing amendments are modified.

The amendments, as modified, were agreed to as follows:

AMENDMENT NO. 49, AS MODIFIED

At the appropriate place in the division relating to energy and water, insert the following:

SEC. ____ HERRING CREEK-TALL TIMBERS, MARYLAND.

(a) IN GENERAL.—Using funds made available by this Act, the Secretary of the Army, acting through the Chief of Engineers, may provide immediate corrective maintenance to the project at Herring Creek-Tall Timbers, Maryland, at full Federal expense.

(b) INCLUSIONS.—The corrective maintenance described in subsection (a), and any other maintenance performed after the date of enactment of this Act with respect to the project described in that subsection, may include repair or replacement, as appropriate, of the foundation and structures adjacent and structurally integral to the project.

AMENDMENT NO. 128, AS MODIFIED

On page 259, line 19, strike "projects;" and insert "projects; and of which \$500,000 may be available for dispersal barriers in the Chicago Ship and Sanitary Canal, Illinois:".

The PRESIDING OFFICER. The foregoing request to take amendment No. 34 out is agreed to.

Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I want to make sure the clerk heard my modifications. I do not remember the clerk acknowledging the words were changed per my request.

The PRESIDING OFFICER. The clerk made the changes from "shall" to "may."

That request has been granted.

Mr. STEVENS. Mr. President, I acknowledge my error. We have two of those in the next block. The amendments have been changed, as I requested, and they now have been adopted.

The PRESIDING OFFICER. The clerk made all the corrections.

The amendments have been adopted.

Mr. STEVENS. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, parliamentary inquiry: Was amendment No. 161 included in the last group?

The PRESIDING OFFICER. Yes.

Mr. STEVENS. I thank the Chair.

AMENDMENT NO. 74

Mr. STEVENS. Mr. President, I send amendment No. 74 to the desk, which I introduce on behalf of the distinguished majority leader, to reinforce the discretion of the Secretary of Homeland Security in applying criteria to designate college- and university-based centers for homeland security research.

Mr. REID. Mr. President, it is my understanding that we are not doing this en bloc, that this is standing alone?

Mr. STEVENS. This is one item standing alone.

Mr. REID. We have no objection to the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. FRIST, proposes an amendment numbered 74.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

AMENDMENT NO. 74

(Purpose: To further reinforce the discretion of the Secretary of Homeland Security in applying criteria to designate college- and university-based centers for homeland security research)

In Division L, Homeland Security Act of 2002 Amendments, in Section 101(1)(b)(2)(C), strike the first sentence and insert in lieu thereof:

"To the extent that exercising such discretion is in the interest of Homeland Security, and with respect to the designation of any given university-based center for homeland security, the Secretary may except certain criteria as specified in 308(b)(2)(B) and consider additional criteria beyond those specified in 308(b)(2)(B)."

Mr. STEVENS. I ask for adoption of the amendment.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 74) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. The group of amendments on defense and—energy and water have been adopted; is that right?

Mr. STEVENS. Except for 34?

Mr. REID. Except for 34.

The PRESIDING OFFICER. That is correct.

Mr. REID. I say to my friend from Alaska that amendment No. 158 has been cleared on this side. It is in the next batch on Interior.

Mr. STEVENS. I thank the Senator. We have one item we have to check.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

AMENDMENT NO. 137

Ms. LANDRIEU. I call up amendment No. 137 by Senator LIEBERMAN and myself.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana (Ms. LANDRIEU), for herself, Mr. LIEBERMAN, Mr. HOLLINGS, and Mr. GRAHAM of Florida, proposes an amendment numbered 137.

Ms. LANDRIEU. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

AMENDMENT NO. 137

(Purpose: To authorize additional appropriations for historically black colleges and universities and to decrease the cost-sharing requirement relating to the additional appropriations)

On page 486, between lines 8 and 9, insert the following:

SEC. ____ HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

(a) DECREASED COST-SHARING REQUIREMENT.—Section 507(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 470a note) is amended—

(1) by striking "(1) Except" and inserting the following:

"(1) IN GENERAL.—Except";

(2) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)";

(3) by striking "(2) The Secretary" and inserting the following:

"(2) WAIVER.—The Secretary";

(4) by striking "paragraph (1)" and inserting "paragraphs (1) and (3)"; and

(5) by adding at the end the following:

"(3) EXCEPTION.—The Secretary shall not obligate funds made available under subsection (d)(2) for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places unless the grantee agrees to provide, from funds derived from non-Federal sources, an amount that is equal to 30 percent of the total cost of the project for which the grant is provided."

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 507(d) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 470a note) is amended—

(1) by striking "Pursuant to" and inserting the following:

"(1) IN GENERAL.—Under"; and

(2) by adding at the end the following:

"(2) ADDITIONAL FUNDING.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated from the Historic Preservation Fund to carry out this section \$10,000,000 for each of fiscal years 2003 through 2008."

Ms. LANDRIEU. Mr. President, I thank the managers for working with us on this amendment. I believe it has been accepted now on both sides. I ask for 2 minutes to explain the amendment, and I think we are prepared to accept it.

Mr. STEVENS. I have no objection to 2 minutes for the Senator.

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

Ms. LANDRIEU. Mr. President, as you may know, as the Chairman knows, there is currently a very important program—it is not a large program, but it is a very important program to historically Black colleges and universities within the parameters of our Historic Preservation Fund. It helps these universities, as they come up with private sector dollars, to match the authorization that our program creates. It gives them an opportunity to preserve these historic build-

ings, which are of tremendous significance to this Nation, for our heritage, our culture, and the current educational needs of over 300,000 students who attend these fine institutions.

This amendment by Senator LIEBERMAN and myself and many others on both sides of the aisle basically reauthorizes the program. It expands it from \$5 million a year to \$10 million a year, an authorization for 5 years to \$50 million, reduces the match from 50 percent to 30 percent, without adding any money to the current bill. It is strictly an authorization.

This amendment reflects two bills that passed both the House and the Senate that reflect this language. It has broad-based support and would be very helpful to these universities.

I thank the managers for working this out. I urge adoption of the amendment.

Mr. LIEBERMAN. Mr. President, I am proud to join with Senator LANDRIEU in offering this amendment to provide historic preservation funding for Historically Black Colleges and Universities. Sixteen of us from both parties sponsored similar legislation last session, which passed the Senate as well as the House. But the two pieces did not come together in the closing days of the session.

American history has been a constant, if not always consistent, march toward an ideal. That ideal is equal opportunity for all.

In every generation, it has taken the work of pioneers to open the gates of the American community to people who had previously been excluded. We have seen it happen with one immigrant group after another. Pioneers have stepped forward when others would not, to defiantly State, in effect, that we as a nation will not be defined by surface characteristics. We will look deeper and try harder. The pioneers have held us to our national promise, and reminded us that America and Americanism are not about where you came from, what language you speak, what religion you practice, or what you look like, but about belief in basic ideals of responsibility, opportunity and community.

Historically Black Colleges and Universities have been such pioneers for generations, and they continue today to help America become its best self.

In April of this year, I went to Allen University in Columbia, SC to talk about reforming higher education to help more Americans at all income levels not only go to college, but graduate—and get a good job when they do. Today, about 30 percent of undergraduates at 4-year colleges are minorities. That is an increase of 10 percent over the last 10 years. HBCUs have helped expand that access to college. However, we are still living in a country where if you are white, you are twice as likely to obtain a bachelor's degree by the time you're 24 than if you are African American. And if you are wealthy, you are five time more likely to actually

get a bachelor's degree than if you are from a low-income family. In other words, we don't have equal opportunity—not yet.

Historically Black Colleges have always held us to the high human standards to which America deserves to be held—and to which our people demand we be held.

Today, America has over 100 Historically Black Colleges and Universities, which educate about 300,000 undergraduate students and thousands of graduate, professional and doctoral students.

In fact, 8 of the top 10 producers of African-American engineers are HBCUs. And 42 percent of all the PhDs earned each year by African Americans are earned by graduates of HBCUs.

Despite playing such a central role in our economy, society, and culture, HBCUs have been physically eroding for years. In 1998, the National Trust for Historic Preservation reported that most of the HBCUs in the United States are showing serious signs of neglect. The trust said that campus landmarks are decaying and college grounds are badly in need of attention. And a 1998 General Accounting Office report estimated that in HBCUs nationwide, there were more than 700 historic buildings in disrepair.

That is why I am proudly sponsoring this amendment to provide more restoration funding for historic sites at Historically Black Colleges and Universities throughout the Nation.

These beautiful, architecturally significant structures are in most cases over a hundred years old, and were often built using the help of the students themselves. Their architectural beauty is a sign of something deeper—the fact that they have served as critical portals of opportunity for African Americans throughout our history. That is why they deserve our strong protection and sensitive preservation.

I saw this firsthand. When I visited Allen University, I went to Arnett Hall—a building that had been transformed from an eyesore into a beautiful and stately facility with the help of Federal funds. In the past, students and faculty would walk into the hall and get the message that we as a nation were neglecting these historic treasures. Now, they absorb the message that we consider historically black colleges and universities central to our history and to our future.

Thanks in no small part to these institutions, the overarching history of African Americans in this country has been not a tragedy, as it once was, but a brilliant movement toward dignity, inclusion, freedom, and opportunity.

That is the right message for African Americans and all Americans.

In closing, I would also like to reiterate that this amendment is not new. Bills providing historic preservation funding to Historically Black Colleges and Universities unanimously passed both Houses at the end of last year. By approving this amendment, we will

clean up last year's unfinished business. Please join with me and Senator LANDRIEU to adopt this amendment.

Mr. STEVENS. Mr. President, I thank the Senator from Louisiana. I am prepared to ask that amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 137) was agreed to.

Mr. STEVENS. 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.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, what is the regular order?

The PRESIDING OFFICER. There is a motion to table the Cantwell amendment, and the yeas and nays have been ordered on that motion.

Mr. STEVENS. Following that, there are two other amendments that would be the pending business?

The PRESIDING OFFICER. The Senator is correct. First, the Bingaman amendment, followed by the Mikulski amendment.

Mr. REID. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. REID. I say to my friend, the manager of the bill, it is my understanding that the matter that recurs now is Mikulski?

The PRESIDING OFFICER. There is a pending motion to table the Cantwell amendment.

Mr. REID. I say, then, for the benefit of Senators, we have Mikulski, Bingaman, and Cantwell that are now pending, and we are going to dispose of Cantwell now. What would be the parliamentary order after that?

The PRESIDING OFFICER. The Bingaman amendment would be next, and then the Mikulski amendment.

Mr. STEVENS. Mr. President, it would be my intention to attempt to adopt the Bingaman amendment without a recorded vote. We will see how that happens. May we proceed with the Cantwell vote now?

AMENDMENT NO. 108

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 108. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) and the Senator from Hawaii (Mr. INOUE) are necessarily absent.

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

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—50

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Fitzgerald	Roberts
Breaux	Frist	Santorum
Brownback	Graham (SC)	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Campbell	Hagel	Specter
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Cornyn	Kyl	Thomas
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeWine	McCaIn	

NAYS—48

Akaka	Dodd	Levin
Baucus	Dorgan	Lieberman
Bayh	Durbin	Lincoln
Biden	Edwards	Mikulski
Bingaman	Feingold	Murray
Boxer	Feinstein	Nelson (FL)
Byrd	Graham (FL)	Nelson (NE)
Cantwell	Hollings	Pryor
Carper	Jeffords	Reed (RI)
Chafee	Johnson	Reid (NV)
Clinton	Kennedy	Rockefeller
Collins	Kerry	Sarbanes
Conrad	Kohl	Schumer
Corzine	Landrieu	Snowe
Daschle	Lautenberg	Stabenow
Dayton	Leahy	Wyden

NOT VOTING—2

Harkin Inouye

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 138

Mr. STEVENS. Mr. President, I ask that we bring up Bingaman amendment No. 138. We previously discussed this amendment. Does the Senator wish to say anything?

Mr. BINGAMAN. Mr. President, I ask to add Senators JOHNSON, CLINTON, and HOLLINGS as cosponsors.

I very much appreciate the managers' willingness to agree to this amendment. It is a very good amendment. I know it is supported on both sides of the aisle.

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

Mr. STEVENS. I ask for agreement on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 138) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. KYL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 61

Mr. STEVENS. The third amendment was the amendment of Senator MIKULSKI. I inquire if there is a modification at the desk?

Ms. MIKULSKI. I believe there is a unanimous consent.

Mr. STEVENS. Let me ask unanimous consent that we proceed to Senator MIKULSKI's amendment and that it be in order to offer, if a second-degree amendment is agreed to, it be in order for her to offer a further second-degree perfecting amendment, and that there be 20 minutes equally divided between Senators THOMAS and MIKULSKI prior to a vote in relation to this amendment.

Mr. REID. Reserving the right to object, we need consent that the Mikulski amendment, the order with respect to that, be vitiated first. There is an order already in effect in that regard.

Mr. STEVENS. I am afraid I didn't read the whole unanimous consent.

The PRESIDING OFFICER. The only agreement was barring the second-degree amendments, which the Senator has addressed.

Mr. REID. That will be fine.

Mr. STEVENS. I ask that that unanimous consent request be withdrawn and I be permitted to offer a different one.

The PRESIDING OFFICER. The unanimous consent request is withdrawn.

Mr. STEVENS. I ask unanimous consent that the order—

The PRESIDING OFFICER. May we have order, please.

Mr. STEVENS. I ask unanimous consent that the order with respect to the Mikulski amendment be vitiated and that Senator THOMAS be recognized to offer a perfecting second-degree amendment regarding public-private competition; provided further that there be a 20-minute period for debate equally divided between Senators THOMAS and

MIKULSKI prior to a vote in relation to the second-degree amendment. I further ask that following that debate time, the Senate proceed to a vote in relation to the Thomas amendment. I further ask consent that if the second-degree amendment is agreed to, Senator MIKULSKI be recognized in order to offer a further second-degree perfecting amendment, provided there be 20 minutes for debate equally divided between Senators THOMAS and MIKULSKI prior to the vote in relation to that amendment; finally, if the Thomas second-degree amendment is not agreed to, the Senate proceed immediately to vote in relation to the Mikulski first-degree amendment and, notwithstanding the drafting of the Mikulski amendment, if it were adopted, the first-degree amendment would be subject to further amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, it was my understanding we were going to have three rollcall votes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Yes. I say to the Senator, one of them was approved by voice vote, so this is the third vote.

Mr. BYRD. This is the third vote. But this new request, what is this?

Mr. REID. This is to set up the order of debate on the Mikulski amendment which is going to be second-degreed by Senator THOMAS. This is something we have worked on almost all day. So there will be two votes on the Mikulski amendment, one on Thomas and one on Mikulski.

Mr. BYRD. For the moment, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Reserving the right to object, is there any way—if I can get the attention of the Senator from Wyoming and the Senator from Maryland—is there any way we could save 10 minutes by having 15 minutes between each of them rather than 20?

Mr. THOMAS. Yes, that is fine.

Ms. MIKULSKI. I didn't hear the Senator.

Mr. REID. We have 40 minutes. I am asking if we can reduce that to 15 on each rather than 20, for a total of 30.

Ms. MIKULSKI. Yes.

Mr. REID. I ask that that be agreed to: Rather than 20 minutes on each, it be 15 on each of the amendments for debate.

Mr. BYRD. Mr. President, I stated earlier that for the moment I object.

The PRESIDING OFFICER. There is objection.

Mr. STEVENS. 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.

Mr. REID. I renew the Stevens request, as amended by me.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. As what?

Mr. REID. The time.

Mr. STEVENS. OK.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Wyoming.

NOTICE

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

ORDERS FOR FRIDAY, JANUARY 24, AND TUESDAY, JANUARY 28, 2003

Mr. COLEMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m., Friday, January 24, for a pro forma session only. I further ask consent that immediately upon convening at 9:45, the Senate automatically adjourn over until 10:30 a.m. on Tuesday, January 28. I further ask consent that on Tuesday, following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period for morning business until 12:30, with the time equally divided and with Senators permitted to speak therein for up to 10 minutes each. Further, I ask that

the Senate recess from the hours of 12:30 to 2:15 for the weekly policy luncheons to meet; further, that when the Senate reconvenes at 2:15, there be a period of morning business until the hour of 5 o'clock, again, with the time equally divided and with Senators limited to 10 minutes.

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

PROGRAM

Mr. COLEMAN. As announced earlier, the Senate will be in a pro forma session tomorrow—no business will be conducted—there will be no session on Monday, and the Senate will reconvene on Tuesday. The Senate will be in a period of morning business on Tuesday. Also as a reminder, the President will deliver his State of the Union Address on Tuesday. Members are asked to be

in the Senate Chamber no later than 8:30 on Tuesday evening.

The majority leader has announced that there will be no rollcall votes prior to Wednesday of next week. The Senate could consider any legislative or executive matters that become available.

ADJOURNMENT UNTIL 9:45 A.M.
TOMORROW

Mr. COLEMAN. Mr. President, if there is no further business, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:31 p.m., adjourned until Friday, January 24, 2003, at 9:45 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 23, 2003:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

CELESTE COLGAN, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008.

JEWEL SPEARS BROOKER, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008.

ELIZABETH FOX-GENOVESE, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008.

STEPHEN MCKNIGHT, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006.

SIDNEY MCPHEE, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008.

LAWRENCE OKAMURA, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008.

MARGUERITE SULLIVAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008.

STEPHAN THERNSTROM, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008.

DAVID HERTZ, OF INDIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006.

TERRY L. MAPLE, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2005.

NATIONAL INSTITUTE FOR LITERACY

PHYLLIS C. HUNTER, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF TWO YEARS.

BLANCA E. ENRIQUEZ, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF THREE YEARS.

DOUGLAS CARNINE, OF OREGON, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF THREE YEARS.

DEPARTMENT OF HOMELAND SECURITY

ASA HUTCHINSON, OF ARKANSAS, TO BE UNDER SECRETARY FOR BORDER AND TRANSPORTATION, DEPARTMENT OF HOMELAND SECURITY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. GEORGE W. CASEY, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN P. ABIZAID