

our civil justice system is in need of reform, and studies like this, I think, cloud the issue. If this report comes out as written, the Justice Department should be embarrassed, the people in the Bureau of Justice Statistics should be ashamed that they allowed themselves to be used for political purposes, and I hope the Justice Department will try to reestablish some credibility and integrity by refusing to release this report or at least require it to meet minimum scientific standards.

I also hope and even challenge the media to look into this matter and shine some light on the political maneuvering that is going on over at the Justice Department.

The Assistant Attorney General, or Associate Attorney General, Mr. Schmidt, will be briefed on this tomorrow. He has an opportunity to make sure this study, if it is going to be used as a basis, is done in a more scientific and intellectually honest way and, most importantly, it seems to me, since this study has been supposedly going on for a long period of time, that we do not let it come out at just about this time that the Senate is going to discuss the issue of tort reform.

There has to be the integrity of an agency, as the Justice Department, particularly under this Attorney General, seems to have a great deal of independence and integrity, to make sure that there is not this sort of manipulation that is going to undercut the principal approach to running the Department that our Attorney General has assumed.

I hope that my speaking at this point will encourage another look-see at this report, and I hope that the report that I have seen will not be the one that comes out. I think there are plenty of checks and balances within our system to see that it does not, and I hope those checks and balances will work in this instance. I yield the floor.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, last night, the majority leader and I announced that we had a tentative agreement with regard to the pending legislation. We had hoped that as a result of our negotiations, which have been conducted in good faith on both sides, it would lead, hopefully, to an opportunity to come to some closure in the not-too-distant future on this important matter.

Unfortunately, as a result of differences on both sides of the aisle with regard to the agreement, amendments are likely which would significantly alter the result of the negotiations that have been ongoing.

As a result, the real prospect that the agreement could be successfully con-

cluded in debate on the floor this afternoon becomes increasingly unlikely. I am disappointed because I feel it was an effort made on the part of many Senators—Republicans and Democrats—to bridge our differences to accomplish what we all want.

The amendment that I have had pending has now been pending for a week. Unfortunately, we have not had the opportunity during these negotiations to vote on it or on any other Democratic amendment. We have been hopeful that over the course of the last several days, we could have come to some conclusion about the agreement or about at least a time limit relating to the amendments, and come to some conclusion this week in one way or the other. That now does not look possible.

But the fact is, because we have not been given an opportunity to have votes on these amendments, we will come to the cloture vote this afternoon not having had one vote on one Democratic amendment. As a result, I urge my colleagues to protect our right to offer these amendments. I urge my colleagues to recall how important it is that the amendments that we have offered over the course of the last couple of weeks dealing directly with the concerns that have been raised on this floor now for more than 7 days, that we have the opportunity to have good debates about those issues prior to the time we come to closure on this vote.

As I have said on several occasions, we really have three goals here:

The first goal is to ensure the Federal Emergency Management Administration is adequately funded.

The second goal is to ensure that we provide the necessary deficit reduction that this rescissions package will allow, and we are now at a point of \$15 billion in the total deficit reduction package.

And the third goal was one that all of us on this side of the aisle feel especially strongly about.

That is, if we are going to do it, we should do it right. If we are going to do it, we should ensure that we do not eat the seed corn. We should ensure that as we remember our priorities, we remember our kids and working families who are struggling to ensure that they can be productive citizens in this country.

Those are the three goals. Our whole effort, the amendment that we have pending, is designed to accomplish those three goals. Without that amendment, unfortunately, all we do is accomplish the first two goals. We provide adequate funding for FEMA. We provide for necessary deficit reduction, but we do it at the expense of kids. We do it at the expense of people who are counting on these investments so they can be the productive, working people that they want to be.

That is what this debate was about. So this cloture vote is very important. It is a cloture vote that will allow Members the opportunity to accomplish all three goals. Without defeating cloture we will not have that protection.

I want to emphasize as loudly and as plainly as I possibly can, our desire is not to hold up this bill. Our hope is that we do not have to hold up this bill. Our hope is that before we leave here, Democrats and Republicans can come to time agreements on amendments. We will have up-or-down votes on the amendments that are proposed on this side and do so in a way that will allow Members to get our business accomplished.

We will finish, we will have final passage, and we can all go home satisfied, however the votes may fall. We only hope we will be given the opportunity to have up-or-down votes on these issues because that is critical to the degree of enthusiasm, the degree of support that we ultimately will have for the bill itself.

I think it is very clear that for a lot of different reasons, we have not been given a right today to offer those amendments, and it is equally as clear that, unless we block cloture this afternoon, we will not have that right after 2 o'clock today.

So, Mr. President, I come to the floor to express regret. In good faith we have not been able to accomplish what I sincerely had hoped we could accomplish. Having said that, we now must accomplish what our original intent was, which was try to protect all three goals as we move toward final passage of this legislation.

I urge my colleagues to weigh carefully their decision on this cloture motion. I hope that we can defeat it, not in the interest of extending debate, not in the interest of prolonging this issue any longer than we have to, but in the interest of accomplishing the three goals and protecting our rights to offer amendments and improve legislation as these occasions arise.

So, Mr. President, to accommodate my colleagues who have amendments to the bill, it is important at this point, from a parliamentary procedure motion only, to withdraw my amendment to allow others to offer the amendments that they will so offer. I will certainly come back at a later time and describe, as we intend to, the importance of the amendments that will make in the composite what our amendment was originally designed to do as it was laid down last Friday. We will do that at a date or at a time later, perhaps today.

AMENDMENT NO. 445 WITHDRAWN

Mr. DASCHLE. Mr. President, at this time I withdraw my amendment.

I yield the floor.

The PRESIDING OFFICER. The minority leader has that right. Amendment No. 445 is withdrawn.

The amendment (No. 445) was withdrawn.

The PRESIDING OFFICER. As a result, the second-degree amendment No. 446, which was pending thereto, falls.

Mr. PRYOR. Mr. President, may I ask the Chair if we are in morning business at this time?

The PRESIDING OFFICER. The pending business is H.R. 1158.

Mr. PRYOR. Mr. President, I ask unanimous consent that I may speak as in morning business.

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

Mr. PRYOR. Mr. President, I thank the Chair.

(The remarks of Mr. PRYOR pertaining to the introduction of S. 687 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I just rise to really express my great disappointment that, after working for over a week, no agreement has been reached on this legislation. Now we will be going to a cloture vote at 2 o'clock. I certainly hope that cloture will be invoked. I remind my colleagues if that is done, we still will have lots of time to debate—30 hours, I believe. Germane amendments would still be in order. I think most of the key amendments that colleagues on that side of the aisle have been interested in would be germane.

But as it stands right now, I believe there are some 72 amendments on one side pending and a number on the other side. We still have 100 amendments at the desk. Many of them are obviously not germane and really nobody ever intended for them to actually be voted on, I suspect.

But after a week of negotiations, we basically came up emptyhanded. I know there was a lot of good-faith effort. I thought a reasonable agreement had been worked out between the Daschle amendment and the Dole amendment that was pending, with an understanding there would still be a few amendments that would be offered on both sides—two, three, four, five, whatever—but that we would find a way to bring it to conclusion.

Here we are Thursday afternoon. Presumably, we are going to go out tonight or tomorrow or Saturday or sometime for the Easter recess period. I just have to raise this specter. Are we now going to just let this die off, go off into the night with no results? No Department of Defense supplemental appropriations? No Jordan aid? No rescissions package? Is this the total white flag of our effort to begin to seriously deal with the needs for supplemental appropriations, commitments that have already been made and paid for in the Department of Defense, in disaster aid? And the first opening effort, the first shot to begin to deal with the deficit? Are we not going to be able to do any of that? Just collapse in a puddle of nothingness here in the Senate?

I cannot believe my colleagues would want to allow this to happen. We need to find a way to begin to make some savings. This bill provides some sav-

ings. The distinguished Democratic leader just said he would like to see this bill passed. The President has said he would like to see this legislation passed. We want it passed. Everybody wants it, but we do not seem to be able to get it.

I really think we need to work—

Mr. KENNEDY. Will the Senator yield on that point?

Mr. LOTT. To be able to find an agreement to bring all these issues to conclusion, one that I think would be basically satisfactory to both sides. Sure, we disagree on how we should get there. But maybe we should have just started voting, taking up issues and voting on them a week ago. But there was a feeling that we could reach an agreement, and that negotiating started I think last Thursday, and here we are a week later, emptyhanded.

So I really urge my colleagues here this afternoon to vote for this cloture motion so we can limit the list of amendments to somewhat of a reasonable number, at least germane amendments, and begin to get some limit on the time so we can bring all these issues to a conclusion. That is all we are asking for. That is all we were seeking yesterday.

I think it would certainly serve us well if we would invoke cloture here and then go forward.

Failing that, let us see if we cannot enter into some time agreements, some understanding about the limit of amendments. There has been no reduction really in the number of amendments that are pending out there. So I will be glad to yield to the Senator from Massachusetts, if he would like for me to yield. We are going to have to vote here in a minute.

Does the Senator want me to yield? I yield to the Senator from Arkansas.

Mr. PRYOR. Does the Senator from Mississippi yield for a question?

Mr. LOTT. Sure.

Mr. PRYOR. I cannot figure out for the life of me who over here is slowing down the defense supplemental appropriations bill. Could you name anyone who is slowing down that particular bill over here?

Mr. LOTT. They are all related, if I might respond to the Senator.

Mr. PRYOR. We have been overly anxious to get that bill out and get it sent to the President. We are anxious to get this bill acted upon. All last week, we were involved basically with an amendment offered by a Republican Senator, our friend Senator D'AMATO, from New York, relative to Mexican aid. We have been trying our very best to start voting on some amendments offered on this side, and we have yet to have been afforded that opportunity.

Mr. LOTT. I will respond to the Senator, there has been an effort going on to try to work out a process where we could vote on the related amendments, a number of amendments, and bring it all to a conclusion. We have not had the Mexican amendment really before us for quite some time. That was set

aside last week so we could move on to other issues. We are about 3 degrees down the line past that amendment.

But in an effort to move this legislation, I think an agreement had been worked out that would have dealt with that and a number of other issues so we could bring it all to a vote. But they are related. All of these are related. We have to decide what we are going to do with the Jordan aid, where is it going to go? Of course, it is on this bill but it is not on the DOD appropriations bill, as I understand it, right now. So we are trying to get all these to positions where we can complete all this legislation.

Several Senators addressed the Chair.

Mr. SANTORUM. Will the Senator yield? I just wanted to follow up on a comment you made, which is the—

Mr. FORD. May I say to the Senator that you go through the Chair.

Mr. SANTORUM. Mr. President, of the 72—

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. LOTT. Mr. President, I yield for a comment to the Senator from Pennsylvania; for a question to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, is it not true, I ask the Senator from Mississippi, that 41 of the 72 Democratic amendments would be germane after this cloture vote? So 41 of the amendments that have been filed—41 is hardly a paltry sum—would be germane after this cloture vote would have been acted upon?

Mr. LOTT. I might respond, Mr. President, that is my understanding. I think most all of the portions of the pending Daschle amendment, with maybe one exception, could be offered under this cloture vote.

Mr. SANTORUM. My second question would be, of the Daschle amendment add-backs that we have debated here for several days, is it not also the Senator's understanding that every single one of those add-backs would be eligible to be added back after cloture, with the exception of the Goals 2000 provision which is neither in the House nor the Senate bill?

Mr. LOTT. Mr. President, I might respond, I have not looked at every one of them on that list to make sure or find out if that would be true, but I understand there is—maybe the Goals 2000 would be the only one not open to be offered after the cloture vote.

Mr. SANTORUM. I thank the Senator for yielding.

Mr. LOTT. Mr. President, I yield the floor, in view of the time, for the cloture vote.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Kentucky.

Mr. FORD. Mr. President, I hear all this blame put on us. In the last 2 years, all the blame has been the other way. I wish some of the leadership on the other side would give me an hour

so they could explain to me how they provided for gridlock in the last session so I would be better at gridlock this session.

You are now 6 days late on the budget. In the last 2 years, we have had the budget on time. It was due April 1. It is due out here, by both Houses, on April 15. We hear all this moaning and groaning and crocodile tears as it relates to we will not do that; we want to start saving; we want to start saving—but we have a budget that is due to put us on the track to 2002 and you are 5 days late, and we are not going to get it probably until May.

I say to my friend, let us get a budget out here. Let us really start doing things.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. Mr. President, if I could proceed for 1 moment—1 minute?

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

Mr. DOLE. Mr. President, I still hope we can work this out. We were about that close, or closer. The Democratic leader and the Republican leader worked throughout the day with other Senators on both sides. We thought we had an agreement.

We thought we had an agreement. I still hope it is possible to get the agreement. If that happens, we could finish our work very quickly today and there would be no votes tomorrow or Saturday. But if not, then I do not think we have any other choice other than to try to complete this bill tonight with or without cloture.

So I still think there is a genesis of an agreement here. I would say to the White House, I hope that you will help us reach an agreement, because, until there is an agreement, there will not be any defense supplemental taken up in this body.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 2 p.m. having arrived, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXI of the Standing Rules of the Senate, hereby move to bring to a close debate on the Hatfield amendment No. 420, to H.R. 1158, the supplemental appropriations bill, signed by 17 Senators as follows:

Senators Mark, Hatfield, Pete Domenici, Rick Santorum, Larry Pressler, Mitch McConnell, Slade Gorton, Rod Grams, Ben Nighthorse Campbell, Conrad Burns, Mike DeWine, Nancy Kassebaum, Ted Stevens, Jesse Helms, Robert F. Bennett, Spencer Abraham, Dirk Kempthorne, and Fred Thompson.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that the debate on the Hatfield amendment number 420 to H.R. 1158, the supplemental appropriations bill, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 56, nays 44, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—56

Abraham	Gorton	Moynihan
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Packwood
Brown	Gregg	Pell
Burns	Hatch	Pressler
Campbell	Hatfield	Roth
Chafee	Helms	Santorum
Coats	Hutchison	Shelby
Cochran	Inhofe	Simpson
Cohen	Jeffords	Smith
Coverdell	Kassebaum	Snowe
Craig	Kempthorne	Specter
D'Amato	Kyl	Stevens
DeWine	Lott	Thomas
Dole	Lugar	Thompson
Domenici	Mack	Thurmond
Faircloth	McCain	Warner
Frist	McConnell	

NAYS—44

Akaka	Feingold	Leahy
Baucus	Feinstein	Levin
Biden	Ford	Lieberman
Bingaman	Glenn	Mikulski
Boxer	Graham	Moseley-Braun
Bradley	Harkin	Murray
Breaux	Heflin	Nunn
Bryan	Hollings	Pryor
Bumpers	Inouye	Reid
Byrd	Johnston	Robb
Conrad	Kennedy	Rockefeller
Daschle	Kerrey	Sarbanes
Dodd	Kerry	Simon
Dorgan	Kohl	Wellstone
Exon	Lautenberg	

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

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

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

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on the Hatfield amendment No. 420 to H.R. 1158, the supplemental appropriations bill:

Bob Dole, Fred Thompson, Rick Santorum, Alfonse D'Amato, Chuck Grassley, Trent Lott, Larry Craig,

Connie Mack, Craig Thomas, Jesse Helms, John H. Chafee, Thad Cochran, Mark Hatfield, Pete Domenici, Dan Coats, and Judd Gregg.

Mr. DOLE. Mr. President, let me indicate to the distinguished Democratic leader, who is on the floor, it is still my hope that we can reach some agreement. It seems to me we are not that far apart. We ought to be able to do it.

I am certainly prepared to sit down with the Democratic leader, or anyone else, if there is a problem. But, just in case we cannot work it out, then I have filed a cloture motion, because I do think it is important that we finish this bill so we can take up the defense supplemental bill and some other things after that.

But I am prepared and I think the Democratic leader is prepared and, hopefully, our colleagues are prepared. It seems to me we have one of two choices. Either we try to finish this tonight with no votes tomorrow, or we will be here tonight and tomorrow and maybe Saturday. But, that is up to our colleagues. I cannot believe any of these amendments are so critical they cannot wait until the next supplemental or until the appropriations bills start arriving.

I think there was a lot of give and take on each side in good faith. I thought we were almost there. But if we make an agreement and everybody says, "Well, I will make the agreement but I want to go back and offer an amendment to try to undo the agreement," then we do not have an agreement. Either we have an agreement or we do not have an agreement.

I can agree, if you let me have 25 chances to improve on what I have already agreed upon, but I do not think that is an agreement.

I hope that we can resolve everything so that, when it comes to the floor, I can persuade the Senator from New York to withdraw the amendment with reference to Mexico. He has not done that yet. We have the Jordan aid in this package that I know the administration is very concerned about.

So I hope there would be some way to bring it together in the next, say, 45 minutes to an hour.

I also remind my colleagues on this side of the aisle, there is a Republican conference in progress in S. 207 which will end, hopefully, at 3 o'clock.

I am happy to yield the floor or yield to my colleague from South Dakota.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, as I said before the vote, it was not our desire to hold up this bill. I will reiterate my sincere desire to work with the majority leader in finding an agreement.

What I hope we might be able to do, perhaps, is to maybe run two tracks, get some debate and offer some of these amendments. We could maybe work out some short time agreements and have a good debate, rather than just putting the Senate in a quorum call,