

Mr. MCCAIN. Mr. President, I thank the managers for their work in completing this important appropriations bill which funds the Federal agencies governing land management, energy, forestry and Native American programs. In this time of extraordinary national, and fiscal, urgency to respond to domestic threats, I appreciate that their jobs have not been easy and I am thankful for their work.

This Interior appropriations bill funds many important programs that help to protect the nation's natural resources, national parks, endangered animals and forest lands, as well as health and education programs for Native Americans. A portion of energy conservation funding for the Department of Energy is also included in this bill. I am supportive of these programs and their important part to preserve the character and quality of America's most special places.

What I find disturbing is that many of these programs, such as the National Park Service and the Fish and Wildlife Service, still experience enormous backlogs of maintenance and repair work because these agencies are not able to spend important Federal funding on the Nation's highest priorities. Instead, the appropriators have earmarked this funding for their own priorities, without a fair and merit-based review.

This year's final Interior appropriations bill includes \$343 million in earmarks, much of which is either unrequested or unauthorized spending. While this amount is less than the bill passed earlier this year in the Senate, it is still an extraordinarily high amount of Federal spending that should be directed toward the most urgent priorities for the agencies included in this bill. It is a critical time for our nation, and we should expend Federal dollars prudently to allow Federal agencies to carry out their management responsibilities.

I will support the passage of this year's Interior bill, despite my objections to the extraneous porkbarrel spending that is included. I believe, especially in this heightened time of American resolve to protect our homelands, that it is our highest obligation to ensure that we spend taxpayer dollars wisely. Unfortunately, as evidenced by the \$343 million in porkbarrel spending in this bill, we are clearly failing in fully upholding our obligations to protect natural resources and meet trust obligations to Native Americans. As we consider the remaining appropriations bills for this fiscal year, I hope that my colleagues will exercise fiscal constraint in porkbarrel spending.

The list of objectionable provisions I identified in H.R. 2217 is available on my Senate web site.

Mrs. FEINSTEIN. Madam President, I would like to speak for a moment about Section 128 of the Interior Appropriations conference report.

In its original form, Section 128 repealed language from last year's Omni-

bus Indian Advancement Act, language that circumvented the Indian Gaming Regulatory Act's commonsense protections and regulatory safeguards against the inappropriate siting of Class III, Nevada-style casinos.

Late last year, a one-paragraph provision was attached to the Omnibus Indian Advancement Act granting land in trust to a single Indian tribe, the Lytton band, and permitting them to move forward on plans to establish a Nevada-style gaming establishment in San Pablo, CA, on a site that is not part of and is not adjacent to land traditionally held by the Lytton band of Indians. In fact, this site is in a major urban area just outside of San Francisco, neither in nor near the Lytton band's reservation. This was done without regard to Federal laws currently in place to regulate the siting of such a casino. Now, language that would have originally repealed that granting of land in trust merely states that the Lytton band must follow the Code of Federal Regulations for Class III gaming, which they would have had to follow anyway.

I have serious reservations about the expansion of Class III gaming in urban areas, and I am particularly against off-reservation gambling. These off-reservation casinos cause counties additional costs in public and local services, often intrude in residential areas, and are increasingly causing local concerns ranging from traffic congestion to additional crime.

Currently, California has 109 separate and independent tribal governments, of which 46 have operational casinos. Three more casinos are currently under construction. Additionally, 20 tribes have compacts with the state and are proposing casinos, and 10 more are in negotiations with the Governor for a tribal state compact for Class III gaming. Finally, 54 more tribes are petitioning or involved in congressional acts to be federally recognized to promote a casino.

Circumventing the processes for Federal recognition of tribal governments and for granting land into trust presents a variety of serious and critical multi-jurisdictional issues—issues which can negatively affect the lives of ordinary citizens and deprive local government of their political power to protect those whom they govern. The Indian Gaming Regulatory Act has provided this Nation with a fair and balanced approach to Indian casinos by facilitating tribal plans for economic recovery without compromising a multitude of factors that should be taken into account when deciding on the siting of such a large, Nevada-style casino. IGRA works. It is a fair process that should be followed.

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The Question is on agreeing to the conference report.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Nebraska (Mr. HAGEL) is necessarily absent.

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

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 304 Leg.]

YEAS—95

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

NAYS—3

Bayh	Brownback	Roberts
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NOT VOTING—2

Hagel	Lieberman
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The conference report was agreed to.

VOTE EXPLANATION

• Mr. LIEBERMAN. Mr. President, at the time of the vote on the Interior appropriations conference report on October 17, 2001, I was unable to vote because I was attending the funeral of Mrs. Margaret Ann Aitcheson, mother of Mrs. Tipper Gore. If I was present, I would have voted in favor of the conference report. I note that because that report passed by a vote of 95–3, my absence had no effect on the outcome of the vote.●

Mr. REID. 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.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

The PRESIDING OFFICER (Mr. JOHNSON). Pursuant to the order of October 2, 2001, the Senate, having received a message from the House on S. 1438, disagrees to the House amendment, agrees to a request for a conference with the House on the disagreeing votes of the two Houses, and

the Chair appoints Mr. LEVIN, Mr. KENNEDY, Mr. BYRD, Mr. LIEBERMAN, Mr. CLELAND, Ms. LANDRIEU, Mr. REED, Mr. AKAKA, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mrs. CARNAHAN, Mr. DAYTON, Mr. BINGAMAN, Mr. WARNER, Mr. THURMOND, Mr. MCCAIN, Mr. SMITH of New Hampshire, Mr. INHOFE, Mr. SANTORUM, Mr. ROBERTS, Mr. ALLARD, Mr. HUTCHINSON, Mr. SESSIONS, Ms. COLLINS, and Mr. BUNNING conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. LEAHY. Mr. President, will the Senator from Nevada yield?

Mr. REID. I am happy to yield to my friend, the chairman of the Judiciary Committee.

#### JUDICIARY COMMITTEE MEETING NOTICE

Mr. LEAHY. Mr. President, for the notice of Members, the Senate Judiciary Committee had originally been scheduled to meet tomorrow for a markup. We have about 14 or 15 nominations on the list, ranging from U.S. attorneys to Federal judges—actually more than that. I forget the exact number. The Dirksen Building in which we were scheduled to meet is going to be closed, as will the Russell and Hart Buildings.

For those Senators who may have an interest, I am arranging for a meeting room off the Senate Chamber, probably in the President's room. We will start the meeting about halfway through the vote, whenever we have the vote, which I understand now is sometime between 12 and 12:30. I have talked to a number of Senators. This seems to be the most convenient way because we don't know where else we will get a meeting room.

Senators on the Judiciary Committee should plan, if they possibly can, to vote here relatively early, when the rollcall starts. Come to the room. We will make sure somebody is here to tell them where it is going to be. Obviously, if somebody wants to debate something, they can. We will try to move those nominations out as quickly as possible.

Having heard the travel plans of some Senators, we may try to get them moved out prior to or within the same amount of time as the rollcall vote. I urge Senators to get over there and make a quorum. As soon as we have a quorum, we will start moving.

For several Senators who have inquired, mostly from the other side of the aisle, who have judges up for nomination hearings tomorrow—I know the Senators from Alabama and Oklahoma and others do—we are going forward with those hearings. Senator SCHUMER, the distinguished senior Senator from New York, will be chairing. Again, I think we may have arranged a room right back here.

Mr. REID. Will the Senator yield?

Mr. LEAHY. Yes.

Mr. REID. Even though all the office buildings where hearings are normally

held will be closed tomorrow, the committee is going to go ahead and find someplace to hold the hearing anyway; is that what the Senator from Vermont is saying?

Mr. LEAHY. Mr. President, I am going to do that. I am trying to do it in a relatively compressed amount of time, while some Senators are still around. There are a lot of judges on that list. Two Senators from each State will want to introduce them, plus those that are on the agenda.

The distinguished majority leader has helped us in finding space in the Capitol to do it. We are also going to try to finish the terrorism bill, if we can. We are trying to juggle all that. I ask Senators to please show up on time when we start because there is going to be only so much of a window. If people don't show up, if we can't get a quorum, we can't go forward. I picked this time when everybody has to show up for a vote anyway, the best time to get a quorum, and we will go on with the others so that my staff and I can get back to finishing up the work of the terrorism bill.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

#### ORDER OF BUSINESS

Mr. DASCHLE. Mr. President, for the information of all colleagues, I know there has been some question about when we ought to have the vote tomorrow. To accommodate the most number of Senators, we are going to set the vote for 11 o'clock. That will be the only vote for the day, and it will be on the military construction appropriations conference report. We will accommodate Senators who wish to speak about other matters in morning business both before and after that vote.

The Senate will come in around 10 o'clock, and we will spend at least an hour in discussion on the conference report, or in morning business, and then we will set the vote for 11 o'clock.

The next vote will occur at approximately 10 o'clock on Tuesday. We will not be in session on Friday or Monday. I thank my colleagues.

Mr. REID. Will the leader yield?

Mr. DASCHLE. Yes.

Mr. REID. Mr. President, it is my understanding that on this side of the aisle Senator DORGAN worked very hard on a policy luncheon. The Senator is still going to have that, is that right?

Mr. DORGAN. Mr. President, we are intending to have a Democratic policy luncheon at 12:30 tomorrow. Following the vote and other intervening morning business, Members on our side will be invited to the policy committee luncheon where we will be talking about a range of issues dealing with the Middle East.

Mr. DASCHLE. Mr. President, I also made mention earlier today about making alternative space available for public meetings. I know some Senators

and some of our committees had hoped to be able to conduct their business, and because we are not going to be conducting business out of the three Senate buildings, we are acquiring other space for the next 2 days. Senators are encouraged to call the Secretary of the Senate or the Sergeant at Arms for information about that space. There will be rooms available. In fact, I can say we have already allocated a number of rooms, and they will be allocated on a first come, first served basis.

We will be sure that every committee or every Senator who may seek additional space for whatever purpose can be accommodated. That will not be a problem. So I just encourage you to contact the Secretary of the Senate or the Sergeant at Arms and we will address that as well—I should also say the Rules Committee. Senator DODD has already been working on accommodating Senators and would also have space available. Please contact the Rules Committee as well and we will be able to take care of any needs Senators may have.

Mr. LEAHY. If the leader will yield—so I won't leave any question—I had a meeting and markup in the Judiciary at 12. If the vote is going to be at 11, we will start that meeting of the Judiciary Committee—I understand it will be in the President's room. It will probably start about 11:05, 11:10.

Again, I urge Senators to show up and make a quorum because I have talked to enough Republicans and Democrats and it is going to be hard to have a quorum much beyond the end of that vote. So, please, I urge Senators to be there at 11:05, 11:10. Vote in the beginning in the well and then come on in and we can get 12, 14, 15 nominations, ranging from U.S. attorneys to judges, out of there.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I want to tell our colleague, the chairman of the Judiciary Committee, we will make sure he has Members available for a quorum because we want to get many of these nominations reported out of committee. I appreciate his co-operation both in having the executive session to report those nominees and also in having the hearings tomorrow. I hope we will have many more in the remaining weeks. I thank him very much for his accommodation.

Mr. LEAHY. I appreciate that. If the Senator will yield for this comment, I assume the Capitol will stay open. God forbid it would not, because after that we will run out of rooms. But the distinguished majority leader and the Secretary of the Senate have helped us in getting rooms. Senator SCHUMER is delaying his departure to help move some of these. We will do our best.

Again, I urge everybody to be on time because the pressure is going to be on. We want to let a lot of the staff who won't otherwise have to be around have a chance to go home. I think their families need them at this time.