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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico.

PRAYER

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

Gracious God, a very present help in trouble, we praise You for Your tenacity to live through troubled times. We listen in on Your conversation with the Psalmist when he was beset with trouble. We hear Your gracious invitation: "Call on Me in the day of trouble; I will deliver you, and you shall glorify Me."—Psalm 50:15. We respond with the Psalmist, "Hear my prayer, O Lord. Do not hide Your face from me in the day of trouble; incline Your ear to me . . . though I walk in the midst of trouble, You will revive me."—Psalms 102:1, 138:7.

Thank You, Lord, for Your reviving power. You revive us with convictions which cannot be compromised: You are our refuge and our strength; You have blessed our Nation through our history; You will help us be victorious over the evil of terrorism. We also are revived by the replenishing of our confidence: You will save us through our present crisis; we need not fear. We feel Your Spirit surging into our souls: anxiety is replaced by serene security, frustration by faith, tiredness with temerity, caution with courage. And so we say with the Psalmist, "In the day when I cried out, You answered me, and made me bold with strength in my soul."—Psalm 138:3. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF BINGAMAN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 30, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, the day will begin with consideration of the Labor-HHS Appropriations Act. Senators HARKIN and SPECTER are managing this bill. We are going to have a party conference recess from 12:30 to 2:15 today. There will be no rollcall votes prior to 2:15.

I just left a meeting with the majority leader, Senator DASCHLE. He would like to be able to finish the business of the Senate as soon as possible. We have 3 weeks until the Thanksgiving holiday. There is a lot to do. Everybody recognizes that. We completed two appropriations bills that have been sent to the President. We hope to be able to complete this bill even today. That would be what the managers want. They have worked very hard to get to

the point where we now are. The two managers are experienced in one of the most difficult bills we normally have. I think this year much of the difficulty has already been completed prior to its arriving on the floor.

So I hope those people who wish to offer amendments will recognize that we are going to come up with a unanimous consent agreement really soon on a time when amendments must be submitted. We haven't completed that with the managers yet, but they agree that something should be done in that regard.

MEASURES PLACED ON CALENDAR—S. 1573 AND H.R. 1552

Mr. REID. Mr. President, I understand there are two bills at the desk that have been read for the first time; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I ask unanimous consent that it be in order that S. 1573 and H.R. 1552, en bloc, receive a second reading, and I will object to any further consideration of these two matters.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1573) to authorize the provision of educational and health care assistance to the women and children of Afghanistan.

A bill (H.R. 1552) to extend the moratorium enacted by the Internet Tax Freedom Act through November 1, 2003, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the rule, the bills will be placed on the calendar.

RESERVATION OF LEADER TIME

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

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



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DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of H.R. 3061, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

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

Mr. SPECTER. Mr. President, I thank the assistant majority leader for his statement about scheduling. It is my hope and it is my recommendation that we proceed very promptly with this bill, with the possibility of concluding it before the end of business today, or certainly no later than mid-day tomorrow.

There has been ample time for Senators to consider amendments to this legislation. Last year, this bill was reported out of committee on June 30 and floor action was concluded on July 27, and because of scheduling this year, it has come at a later time, understandably. Senators have had an opportunity to consider whatever amendments they want to offer. There is real concern as to what may happen in the remainder of the legislative season, and there has been some talk and most of us, if not all of us, do not want to see a continuing resolution.

Mr. President, the Labor, Health and Human Services and Education bill before the Senate today contains \$123.1 billion in discretionary spending, the full amount of the subcommittee's budget authority allocation under section 302(b) of the Budget Act. This amount represents an increase of \$11.4 billion over the FY'01 freeze level. The bill is within its outlay allocation of \$107.7 billion. In addition, \$300 million in emergency spending is also included for the Low Income Home Energy Assistance Program.

At this time, I want to take this opportunity to thank the distinguished Senator from Iowa, Senator HARKIN, the chairman of the committee, for his hard work in bringing this bill through the committee and on to the floor for full consideration by all Senators.

The programs funded within the subcommittee's jurisdiction provide resources to improve the public health and strengthen biomedical research, assure a quality education for America's children, and offer opportunities for individuals seeking to improve job skills. I'd like to mention several important accomplishments of this bill.

Few things are more important than a person's health and few things are more feared than ill health. Medical research into understanding, preventing,

and treating the disorders that afflict men, women and children in our society is the best means we have for protecting our health and combating disease.

Since January 2001, the Labor-HHS Subcommittee has held 12 hearings on medical research issues. We have heard testimony from NIH Institute Directors, medical experts from across the United States, patients, family members, and advocates asking for increased biomedical research funding to find the causes and cures for diseases such as Alzheimer's and Parkinson's disease, ALS, AIDS, cancer, diabetes, muscular dystrophy, multiple sclerosis, heart disease and many other serious health disorders. The bill before the Senate contains \$23.7 billion for the National Institutes of Health, the crown jewel of the Federal Government. The \$3.4 billion increase over the FY 2001 appropriation will support medical research that is being conducted at institutions throughout the country. This increase will continue the effort to double NIH by FY 2003. These funds will be critical in catalyzing scientific discoveries that will lead to new treatments and cures for a whole host of diseases.

The use of human embryonic stem cells for research has become an issue that is consistently debated in the press, on radio and television, and amongst people around the world. The fact that in fewer than 3 years, stem cell research has gone from an avant garde interest of a few select scientists to a common, contemporary issue reveals the immense potential that stem cells offer ailing patients.

Yet coming to terms with the inherent moral and ethical issues of stem cell research is difficult. We struggle with the balance of our respect for human life against the compassion we have for those who suffer from diseases that could be cured by stem cells. On August 9, 2001, President Bush recounted his own struggle with this volatile issue. The President made a diligent, valiant effort to reach an accord that would satisfy all sides.

I believe that limits on the use of Federal research money to only existing stem cell lines, will place barriers in the path of medical progress. We are just beginning to understand which researchers and companies throughout the world have ownership of these existing stem cell lines and we have little knowledge of their property rights, plans to share or license the use of those lines to other researchers, or whether the donors of those embryos have given the requisite informed consent. We know little about the quality of those existing stem cell lines, although up to one-third of them may be so fragile that they will be of no use to any researcher. We do not know how future therapies will be developed for our genetically diverse population from only a few select genetic lines. Perhaps most importantly, we are now learning that the existing stem cell

lines may be inappropriate for producing any human therapies because of their exposure to mouse feeder cells while growing in culture.

Since 1998, the Subcommittee on Labor, Health and Human Services and Education has held nine hearings to explore the potential medical benefits of stem cell research. The subcommittee has heard more than 21 hours of testimony from some of the most pre-eminent scientists in the world who have described how stem cells have the potential to cure the most common diseases afflicting Americans today. We have heard from ethicists who have discussed the moral and social implications of pursuing this line of research. We have listened to company executives who recount their ideas and hopes for delivering therapies to patients and patent attorneys discussing intellectual property rights. But the most striking and most compelling testimony has been from patients who suffer from disease and disabilities that destroy lives.

The Labor-HHS and Education bill before the Senate adds a new provision to the existing embryo ban (carried in the bill since FY'96). This language permits Federal dollars to be used—at the discretion of the President—for research on embryonic stem cells from embryos that meet the following criteria: created in excess of clinical need, will otherwise be discarded, and are donated with the written consent of the progenitors. This language for the first time, states that Federal dollars may be used for embryonic stem cell research.

Since September 11, 2001, Americans have become acutely aware that our enemies will use any means to murder and maim large numbers of U.S. civilians. The use of biological agents is no longer a threat—it is a reality. The deaths of 3 individuals from inhalational anthrax and the infection of others with the cutaneous form of the disease has made all of us aware of the need to act quickly to provide the funds needed for prevention and treatment needs. The committee has included \$338 million to coordinate state and local readiness, stockpile appropriate pharmaceuticals, and build our public health infrastructure to respond to any act of bioterrorism. The anthrax found in Senator DASCHLE's office and in the House and Senate mail rooms, at postal facilities in New Jersey and the District of Columbia and surrounding areas, in news and other media facilities proves that we must try and prevent, detect and quickly respond to any further acts of bioterrorism. Additional dollars to address bioterrorism needs will be considered during supplemental appropriations bills in November.

For the first time, the committee has included \$1 million for a public awareness campaign to educate Americans about the existence of spare embryos and adoption options. During stem cell hearings, we were made aware that