

Senate appropriators, meanwhile, used the \$10.5 billion military construction bill, signed by the president on Nov. 5, to speed up stalled environmental projects in their states and districts. For example, the report attached to the enacted bill gives the Pentagon 90 days to submit a master plan for “environmental remediation” of Hunters Point Naval Shipyard in San Francisco, home town of the chairman of the military construction panel in the Senate, Dianne Feinstein (D).

According to a Senate study, the nine states that will receive the most earmarked military construction money are represented by senior members of the defense or military construction panels, or the two armed services committees.

To pay for earmarked projects while staying within a \$10.5 billion ceiling established by the appropriations committees, House and Senate conferees adopted a 1.127 percent across-the-board cut in regular military construction accounts.

Mr. MCCAIN. Mr. President, I am against what is going on here. In a time of war, some have called it “war profiteering.” I think it is wrong. We are abrogating our responsibilities to the American people. I also think it is time the administration step in and the President veto some of these bills with these outrageous spending projects in them.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the time run equally on both sides.

The PRESIDING OFFICER. The time is running equally.

Mr. REID. The Senator from Arizona has said I can yield back his time.

The PRESIDING OFFICER. Without objection, the time is yielded back.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

UNANIMOUS CONSENT AGREEMENT—H.R. 2500

Mr. REID. Mr. President, I ask unanimous consent that immediately following the action on the Agriculture appropriations conference report, the Senate proceed to the consideration of the conference report to accompany H.R. 2500, the Commerce-State-Justice appropriations bill, and that it be considered under the following limitations: 45 minutes for debate with time equally divided under and controlled as follows: 15 minutes each for Senator HOLLINGS, Senator GREGG, and Senator MCCAIN, or their designees; that upon the use or yielding back of time, without further intervening action or debate, the Senate proceed to vote on adoption of the conference report.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. It is my understanding that the order is that the vote begin at 11:30; is that right?

The PRESIDING OFFICER. The vote will begin when all time is yielded back.

Mr. REID. How much time is outstanding?

The PRESIDING OFFICER. There are approximately 4 minutes on each side.

Mr. KOHL. Mr. President, I yield back the remainder of the time on our side.

The PRESIDING OFFICER. The time is yielded back.

Mr. REID. Mr. President, upon the advice of the Republican staff, I yield back their time.

The PRESIDING OFFICER. All time is yielded back.

Mr. KOHL. Mr. 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 senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

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

The result was announced—yeas 92, nays 7, as follows:

[Rollcall Vote No. 339 Leg.]

YEAS—92

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

NAYS—7

Bayh	Kyl	Voinovich
Ensign	McCain	
Gregg	Smith (NH)	

NOT VOTING—1

Torricelli

The conference report was agreed to.

Mr. KOHL. 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.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report to accompany H.R. 2500, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2500), “making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes,” having met have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by all of the conferees on the part of both Houses.

(The report is printed in the House proceedings of the RECORD of November 9, 2001 page H7986.)

The PRESIDING OFFICER (Mrs. CARNAHAN). Under the previous order, there are 45 minutes for debate of which Senator HOLLINGS, Senator GREGG, and Senator MCCAIN have 15 minutes each.

Who yields time?

Mr. HOLLINGS. Madam President, I yield myself such time as is necessary.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Madam President, I am very pleased to present to the Senate today the FY 2002 State, Justice, Commerce, and related agencies conference report. The conference report before you combines the strongest components from both the Senate and House bills which passed a few months ago, and it addresses new priorities that have arisen since September 11.

I could not have done this without the help of the ranking member, Senator GREGG. He and his staff have worked diligently with me and my staff to produce a fair, well balanced, and bipartisan bill. I also want to thank Chairman WOLF and ranking member SERRANO, as well as their staffs, for their commitment to a positive and constructive conference. The outcome of this conference is a bi-partisan and bi-cameral piece of legislation. In fact, the House passed this bill 411–15 yesterday. I now call on the Senate to pass this bill as well.

I have always said that the funds appropriated under this bill affect the lives of all Americans in so many different ways. However, the importance of this bill became even more apparent in the aftermath of the September 11 attacks. The conference report before you today meets the following three goals: One, it provides funding at the Federal, State, and local level to combat terrorism here at home.

In fact, that is exactly what we were debating with Senator GREGG’s initiative on counterterrorism at the time the Pentagon was struck that morning.

Second, it provides funds to protect American citizens and employees of

the American Government, while overseas, and three, this bill continues the numerous domestic programs that have had, and will continue to have, a positive impact on the American way of life.

First, this bill continues to fund the counter-terrorism programs under the Office of Justice Programs (OJP), Office of Domestic Preparedness (ODP). Most of these funds go directly to States in the form of formula grants for the purchase of equipment to respond to terrorist incidents at both the State and local level. The distribution of funds among State and local agencies are based on State plans that each State must submit to ODP prior to receiving grant funds. Funds provided to the office of domestic preparedness are also used to provide training to State and local law enforcement officials, as well as to provide real-time emergency exercises for first responders and Federal, State, and local executives.

The bill also provides a significant increase in funds over last year to ensure that agencies have the resources they need to prevent and fight terrorism. For example, the fiscal year 2002 bill includes a \$280 million increase over last year for the Federal Bureau of Investigations and a \$700 million increase for Immigration and Naturalization Services.

Second, as in past years, the conferees have placed significant resources—\$1.3 billion for worldwide security upgrades and \$458 million for Embassy construction—into ensuring that our overseas facilities are adequately protected. U.S. citizens and overseas employees utilizing these facilities should be safeguarded against possible terrorist attacks—and the funding provided in this conference report will help assure that they are.

Finally, the conferees have placed great emphasis on continuing funding for domestic programs that have a positive impact on the American way of life. It is imperative that the terrorist attack against this Nation does not force us to abandon the vital domestic programs that have made us a great nation. This conference report ensures that those vital programs are not neglected. It continues programs that make our Nation's primary and secondary schools safer by providing grants for the hiring of school resource officers. Funds are provided to protect all Americans by increasing the number of police officers walking the Nation's streets, providing additional funds to fight the growing problem of illegal drug use, guarding consumers from fraud, and shielding children from internet predators. In addition, people throughout this country benefit from weather forecasting services funded through this bill. These Americans include farmers receiving information necessary to effectively manage their crops, and families receiving lifesaving emergency bulletins regarding tornadoes, floods, torrential rains, and hurricanes. This conference report con-

tinues to assist States in their efforts to manage overwhelming economic growth in our coastal communities. It also provides funds to preserve our few remaining pristine estuarine areas. Funding is provided to assist our small businesses, to gather economic statistical data, to perfect our census process, to promote export of American products. All of these are vital programs that have contributed daily to the strength of this Nation.

In all, the CJS bill totals \$39.3 billion in budget authority, which is \$1.2 billion above the fiscal year 2001 amount. The Departments of State, Justice, and Commerce, as well as the Judiciary, all receive significant increases over prior year appropriations. I would like to take a few minutes to go over some of the specific funding highlights from the SJC bill the conferees are presenting to the Senate:

Once again, the FBI's Preliminary Annual Uniform Crime Report released this past May demonstrates how well these programs are working. According to the FBI's report, in 2000, serious crime has decreased 7-percent from 1998, marking 9 consecutive years of decline. This continues to be the longest running drop in crime on record. Bipartisan efforts to fund DOJ's crime fighting initiatives have impacted this reduction in crime during the past 10 years.

The conference report provides \$3.5 billion for the FBI, which is \$280 million above last year's funding level. To meet the critical need of sharing and storing information within the FBI, the bill provides the FBI with \$142 million for the FBI's Computer Modernization Program, Trilogy. In addition, the conference report provides significant funding increases for vital programs such as \$6.8 million to improve intercept capabilities; \$7 million for counter-encryption resources; \$12 million for forensic research; and \$32 million for an annex of the engineering research facility, which develops and fields cutting edge technology in support of case agents.

The conference report provides \$1.48 billion for DEA, \$129 million above last year's funding level. Increased funds are provided for technology and infrastructure improvements, including an additional \$13 million for DEA's laboratory operations for forensic support.

To combat drugs that are reaching our streets and our children, the conference report provides \$32.8 million to fight methamphetamine and encourages the DEA to increase its efforts in fighting heroin and emerging drugs such as oxycontin and ecstasy. The conference report also directs the DEA to renew its efforts to work with Mexico in combating drug trafficking and corruption under the country's new President Vicente Fox.

For the INS, the conference report includes \$5.6 billion, \$2 billion of which is derived from fees. This is an \$800-million increase over last year's funding level and provides the necessary re-

sources to address border enforcement and benefits processing.

For border enforcement, the bill provides \$66 million for 570 additional Border Patrol agents, and \$25.4 million for 348 additional land border inspectors. To better equip and house these enforcement officers, the conference report provides \$2 million for Border vehicles, \$22 million for Border equipment, such as search lights, goggles and infrared scopes, \$40 million to modernize inspection technology; and \$128.4 million for Border patrol and detention facility construction and rehabilitation.

For INS' benefits processing efforts, the conference report provides an additional \$45 million to specifically address the case backlog and accelerate processing times.

This conference report includes \$3.24 billion for the Office of Justice Programs, which is \$425 million above the amount requested by the President. This bill provides for the funding of a number of important law enforcement programs.

The conference report provides \$251.4 million to the Office of Domestic Preparedness for equipment and training of State and local law enforcement regarding counter terrorism activities. In addition, \$2.4 billion has been provided for State and local law enforcement assistance grants. Within this amount; \$594.4 million is provided for the Byrne State and Local Law Enforcement Program; \$400 million is provided for the Local Law Enforcement Block Grant Program; \$390.5 million is provided for Violence Against Women Act, VAWA, Programs, including programs to assist disabled female victims, programs to reduce violence against women on college campuses, and efforts to address domestic and child abuse in rural areas; and \$565 million is provided for the State Criminal Alien Assistance Program which reimburses States for the incarceration costs of criminal aliens.

Within the amount provided for the Office of Justice Programs, a total of \$305.8 million has been included for Juvenile Justice Programs. These funds will go toward programs aimed at reducing delinquency among at-risk youth; assisting States in enforcing underage drinking laws; and enhancing school safety by providing youth with positive role models through structured mentoring programs, training for teachers and families so that they can recognize troubled youth, and training for students on conflict resolution and violence reduction.

The conference report includes \$1.05 billion in new budget authority, for the COPS Office which is \$195.3 million above the President's request. As in prior years, the Senate has provided up to \$180 million for the Cops-In-Schools Program to fund up to 1,500 additional school resources officers in fiscal year 2002, which will make a total of 6,100 school resource officers funded since Senator GREGG and I created this program in 1998.

The conference report reflects Congress' continued commitment to providing grant funds for the hiring of local law enforcement officers through the Cops Universal Hiring Program. Although the President did not seek funding for this program in fiscal year 2002, the committee has provided \$150 million to continue to hire officers, as well as to provide much needed communications technology to the Nation's law enforcement community.

Within the Cops budget, the conference report provides increased funding for programs authorized by the Crime Identification and Technology Act, CITA. In fiscal year 2002, \$197 million is provided for programs that will improve the retention of, and access to, criminal records nationwide, improve the forensic capabilities of State and local forensic labs, and reduce the backlog of crime scene and convicted offender DNA evidence.

And finally, the conference report has provided \$70.4 million within Cops to continue the Cops Methamphetamine Initiative. These funds will provide for the clean-up of meth production sites which pose serious health risks to law enforcement and the surrounding public. Funds will also be provided to State and local law enforcement to acquire training and equipment to safely and effectively dismantle existing meth labs.

A total of \$5.51 billion is provided for the Department of Commerce in fiscal year 2002, this conference report focuses on the goals of improving departmental infrastructure and promoting the advancement of technology. The Department of Commerce consists of 37,000 employees working in agencies as diverse as the Economic Development Administration, the National Oceanic and Atmospheric Administration, and the Bureau of the Census. They are highly-trained experts who are responsible for a huge array of critical programs. These employees help minority businesses and small manufacturers flourish, run trade missions to open foreign markets to American goods, forecast hurricanes, estimate the Nation's gross domestic product, set standards and measurements recognized and used world-wide, fly satellites, manage the Nation's fisheries, conduct censuses, and process patents. These missions of the Department of Commerce are the glue that holds together the U.S. economy, both domestically and abroad.

There is no doubt as to the importance of the missions under the purview of the Department of Commerce. There is, however, a crisis looming in terms of the infrastructure available to the employees who work there. The conference report we have before us begins to turn the tide on infrastructure needs. In all cases, the conference report funds the President's request for capital upgrades. This includes new information technology systems at the Minority Business Development Agency, the Bureau of the Census, the Eco-

nomic Development Agency, and the Office of Economic and Statistical Analysis. The conference report includes a \$76 million increase for the next generation of polar-orbiting satellites. It also includes a new radio spectrum measurement system at the National Telecommunications and Information Administration. We also encourage the United States Patent and Trademark Office to reflect on its infrastructure needs and to report back on what we can do to help in the future.

The conference report provides \$3.26 billion for NOAA. Funding is included to begin construction of 2 new research vessels and to refurbish 5 others. In addition, funding is included for repairs at the Beaufort, Oxford and Kasitsna coastal laboratories. Sufficient funding is provided to begin construction on regional National Marine Fisheries Service buildings in Hawaii and in Alaska. The bill provides funding to start building visitor facilities at national marine sanctuaries.

The funding provided in this conference report for these purposes is a down-payment on the future of a robust Department of Commerce. I believe that the people at the department are its greatest asset and that these targeted funds will allow these professionals to better do their jobs for decades to come.

In terms of advancing technology, in addition to the satellite programs, research vessels, radio spectrum management systems and other programs that I mentioned earlier, the bill provides \$674.5 million for the National Institute for Standards and Technology, NIST. This amount aggressively funds scientific and technical research and services that are carried out in the NIST laboratories in Gaithersburg and in Boulder. The bill provides the current year funding level of \$60.7 million for new ATP awards. The ATP is an industry-led, competitive, and cost-shared program to help the U.S. develop the next generation of breakthrough technologies in advance of its foreign competitors. ATP contracts encourage companies to undertake initial high-risk research that promises significant widespread economic benefits. Over one-half of the ATP awards go to small companies.

In the aftermath of the bombings of Dar es Salaam and Nairobi, the Department of State focused more on the security of our overseas infrastructure and peacekeeping missions than on the "quality of life" needs of its employees. Secretary of State Colin Powell should be commended for taking the approach that the morale of his employees does not have to be compromised in the name of safety. The conference report before the Senate today takes a good first step in that same direction. The conference report provides \$7.36 billion in funding for the Department of State, an increase of \$761 million above last year's appropriated level of \$6.6 billion. This fund-

ing level includes \$95 million for the Secretary's "new hire" initiative which will provide for an increase in 360 personnel, along with \$12 million for training and recruitment, and \$162 million in human resources enhancements. The conference report provides funding for recruitment, spousal employment, and civil service mobility. Funding also is provided for an additional 186 security personnel and for the replacement of obsolete equipment and motor vehicles overseas.

The conference report before the Senate today also addresses a significant weakness in the State Department's information technology infrastructure. The worldwide web has become essential to the conduct of foreign policy. Yet, at this moment, most of the State Department's overseas posts are dependent on obsolete computers and communications equipment to process information, and most posts lack secure internet browser access for their employees. Full funding is provided in this conference report to bring the internet to the desk top of all employees by January 2003 and also to protect the Department's classified global computer system from cyber-terrorism.

Finally, full funding in the amount of \$1.3 billion is provided for worldwide security upgrades and \$458 million for Embassy construction. Again, under Secretary Powell's leadership in the selection of General Williams to head the foreign buildings operations, millions of U.S. taxpayer dollars have already been saved in the re-evaluation of current construction projects. This prudent action should expedite the construction needs highlighted in the Crowe report and put us ahead of schedule in addressing the security needs of our vulnerable facilities.

Let me conclude by saying again this is a solid piece of legislation that addresses issues that affect the daily lives of all Americans. It is a good bill that balances the needs on many diverse missions, and the interests of members from both parties and both Houses. Every year, we face difficulties with respect to limited funding and multiple, sometimes competing, priorities. This year was no different. And, as in past years, the CJS conferees made those decisions in a bipartisan, bicameral, and judicious manner. This could not have happened without the assistance of Senator GREGG and the endless hours of work that both my and his staff put into drafting the conference report before the Senate today. Specifically, I would like to thank my clerk, Lila Helms, along with Jill Shapiro Long, Luke Nachbar, and Derek Orr as well as Senator GREGG's minority clerk, Jim Morhard, along with Kevin Linsky, Katherine Hennessey, and Nancy Perkins.

This is a great conference report before the Senate and with the help of my colleagues, I look forward to swift passage at the end of this debate.

I thank the distinguished Chair. I again thank my distinguished ranking member.

I yield the floor and retain the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, as I understand the regular order, the Senator from South Carolina has 15 minutes, I have 15 minutes, the Senator from Arizona has 15 minutes, and then we go to a vote.

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Madam President, does the Senator from New Hampshire seek recognition?

Mr. SMITH of New Hampshire. I inquire of the managers if I may have 5 or 6 minutes to raise a point.

Mr. GREGG. I will be happy to yield you 6 minutes of my time after I have finished.

Mr. SMITH of New Hampshire. Thank you.

Mr. GREGG. Madam President, I begin by congratulating the Senator from South Carolina for bringing this bill forward. He has done a superb job. This is a bill that has a lot of moving parts. It covers a broad sector of the agencies of the Federal Government, some of the most critical agencies, of course, being the Justice Department, the State Department, the Commerce Department, SEC, FTC, FCC, and SBA. The list goes on and on, so it is a complex bill.

As is typical of the Senator from South Carolina, he has handled it with great ability and acumen. As a result, we have before us what I think is an extraordinarily strong bill, and a bill which aggressively funds and promotes these agencies, and the primary roles of these agencies, as well as making a point of focusing on certain initiatives which are critical to better governance in this country, especially in light of September 11.

A large percentage of the terrorism dollars that are domestically oriented, and the initiatives that are domestically oriented, are tied up in this bill with over \$1.1 billion of funding. The initiatives which are necessary in order to secure strong action on the part of the Justice Department and the State Department are also part of the policy in this bill.

So I congratulate the Senator from South Carolina for doing a superb job. But he could not have done it, and I could not have participated in this bill, without having exceptional staff. His staff, headed up by Lila Helms, has done an exceptional job. His staff has been extremely supportive of the efforts on our side of the aisle, and has worked with our staff, led by Jim Morhard, extraordinarily well. I specifically thank my staff people, including Jim Morhard and Kevin Linskey, Katherine Hennessy, and Nancy Perkins. They all work around the clock at this time of the year, and we very much appreciate it. We have produced an exceptional bill because of those efforts.

The Senator from South Carolina has highlighted what amounts to the key areas in the bill, but I do want to return to a couple items and make a point to reinforce the commitment that this bill makes in those areas.

First is the area of terrorism, as I mentioned. This committee long before this bill was brought forward, has focused a great deal on the issue of how we try to get ourselves up to speed to deal with terrorism. Regrettably, obviously, we were not up to speed when September 11 occurred. But in the past, this committee orchestrated the Central Command Center for Crisis Management at the FBI. It has orchestrated the legate services overseas in order to try to improve our intelligence capabilities.

It was as a result of this committee that we undertook two major exercises in the area of terrorism, the top-off program, which showed us that we had cracks, but it also showed us where we needed to go. A lot of what is happening in the post-September climate is as a result of information we were able to develop especially out of the Denver bioterrorism top-off exercise.

The bill specifically has in it the creation of a Deputy Attorney General for Combating Terrorism, the concept being there are a lot of different agencies, a lot of different moving parts just within the Justice Department that have responsibility for terrorism—the INS, obviously; the DEA; most importantly, the FBI; and the Justice Department itself. There needed to be a central focus where there was one person thinking solely about the issue of how Justice specifically manages the question of terrorism.

There were some questions as to how this individual would relate to the Attorney General, and specifically to Governor Ridge in his role. My view is that he complements Governor Ridge in that he or she will give Governor Ridge a single point of contact where he can get action within the Justice Department and cut through red tape and turf. And, hopefully, as a result, this person will increase the capabilities of Governor Ridge as we try to manage the Federal response to terrorism. So I think it is an initiative which makes sense, and I understand that it has been worked out.

Secondly, I congratulate the chairman and his staff and the participation of our staff in the area of NOAA. This is an agency which is really one of the premier science agencies in our country, of course, specifically, science related to the atmosphere and ocean.

The maintenance of a series of vibrant NOAA programs is extremely important if we, as a country, are going to have the science we need in order to protect, preserve, and improve those resources, the ocean and our air, and manage issues such as hurricanes and tornadoes, and other potential God-driven catastrophes, and be ready for those events so that we can handle them more effectively as a Government.

In addition, as the Senator mentioned, we have made a huge commitment in the area of technology. This is a very important function for us, not only in the Justice Department but equally important in the State Department, where they really have been lagging in their technological capability. We think progress is being made in this area, rather dramatic progress, as well as, of course, as was mentioned, the attempt to upgrade our facilities overseas, and especially harden them in light of the terrorist threat which they confront.

One area that was left out of this bill, which was not left out because of any actions by the chairman—it was left out because of the House Ways and Means Committee—was the issue of conflict diamonds. When this bill passed the Senate, it had language in it which would limit the use of conflict diamonds. Conflict diamonds are those diamonds being produced primarily in Sierra Leone. They are diamonds which have blood on them. They are diamonds which are being used to fund not only the terrorist elements in Sierra Leone, known as the RUF, but it appears now there is a connection between those diamonds and al-Qaeda and the organizations of Osama bin Laden. These diamonds, where people are basically held in slavery in order to produce them, and children are used, child labor is used, and people are tortured in order to produce these diamonds, should not be on the open market in free countries.

Therefore, we put in language which would attempt to set up a system that would track diamonds. Diamonds are an important part of our culture, especially when we get around the holidays. There are a lot of folks who express their love and concern for individuals by using diamonds, but we want Americans to know when they buy diamonds they are not funding terrorist organizations such as al-Qaeda or the RUF.

Regrettably, that language—which I think is very important, and which I know the chairman on the House side, Congressman WOLF, strongly supported because he was one of the authors of this language on the House side—was forced out of the bill on a procedural issue raised by the House Ways and Means Committee. It is my understanding the Ways and Means Committee is going to have hearings on this issue. I hope they have them soon. I hope we do not leave this session of Congress without having passed effective conflict diamond language.

Again, in conclusion, I thank Chairman HOLLINGS. I thank his staff, led by Lila Helms, and I thank my staff, led by Jim Morhard. I thank them all for the excellent job in producing what I think is an exceptional piece of legislation, which more than adequately aggressively funds our efforts to try to address the issue of terrorism, but it also strongly funds the agencies which are under our jurisdiction, especially agencies such as NOAA.

Madam President, how much time do I have?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. GREGG. I yield the remainder of my time to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Madam President, I thank my colleague for the 5 minutes.

I simply want to use this time to raise a point that I think should concern all of us in the Senate in terms of procedures. I understand that the Parliamentarian would rule against me and so, therefore, I will not offer it. I cannot because of the unanimous consent agreement, but I raise this point—and I hope the Parliamentarian will pay attention—because I believe this is a serious matter.

There was language in both the House and Senate bills that dealt with taxpayer dollars not being used to interfere in any pending lawsuits with some of the survivors of the Bataan Death March.

It was a controversial issue, but both the House and the Senate agreed verbatim with the language. Not one word, no date, no comma, no letter, nothing, nothing misspelled, no changes in spelling; it was verbatim. The language was exactly the same.

Under rule 28.2, it states:

Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained, the report is rejected or shall be recommitted to the committee of conference if the House of Representatives has not already acted thereon.

This is very complicated and it is parliamentary language. It is difficult to understand. In essence, what has happened here is the House and the Senate, as prescribed by rule 28.2, had identical language. And because under the rules you substituted the Senate bill for the House bill, you have now used that as a technicality to rule against me and to rule against this provision.

What happens is, the House and the Senate agree on something. You go into conference. Nobody disagrees. But it comes out. Mysteriously, it is taken out by somebody in the conference committee, of which the rest of us are not privy. It violates the rules. And if it does not violate the rule, it violates the spirit and intent of it, clearly.

This is very troubling. It is not just this issue. It could be any issue down the road where somebody has worked hard on both sides, the House and Senate, to put in the language. Then it is taken out in conference in violation directly of rule 28.2. It clearly violates it.

When you say you can substitute a Senate bill for the House bill to get around that, that means any provision

to which we agree can be held, if you want to apply that standard. That is simply wrong.

I would just say to the Parliamentarians that we ought to clarify this. If this is what we are going to do, then throw out rule 28.2 and say it is irrelevant. You are throwing it out because you are using this substitute which is a gimmick to take out language that somebody just decided they didn't like.

Again, the language is the language. You have a bunch of POWs now who are going to get screwed by this, to put it bluntly. That is not the issue as much as it is who is next and how many times does this have to happen before we correct it and do the right thing.

I am not picking on this particular bill or the two managers here. The point is, it happens to be something I was involved in and I know about it.

If I had had the chance, I would have made the Parliamentarian rule. But I didn't get down here in time before the unanimous consent. I think you should rule and we can prove that it is an incorrect ruling.

You have to decide. I hope we will take 28.2 out, if that is what we are going to do. My preference is that it would stay in and you would stop the interpretation, because if you can substitute a Senate substitute for the House, how then can you have a conference? What is the purpose of a conference if you can say, I am going to substitute the Senate version for the House version, take the House version and throw it out the window? That is where it goes, right out. There is no conference. You have now substituted bill A for bill B, and there is no conference. And anything that you have in here, whatever you have in this book, in your report, is no good. The language is irrelevant because you have now said you can substitute one bill for another.

It is wrong. It is absolutely wrong. It is what makes the American people sick of what we do here, that they see stuff passed. They see it in both Houses. They see it go into conference, identical language. At least you could have changed the date and made it legal. Instead, you took verbatim language and threw it out. It is wrong. And I want to make that point. I am very sorry it happened.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina.

Mr. HOLLINGS. Madam President, the distinguished Senator from New Hampshire, generally speaking, is correct. We tortured over this. Bottom line, the White House opposed it. So question: Do we pass a bill that is going to be approved or do we pass a bill that is going to be disapproved?

On page 171 of the report language:

The conference agreement does not include language proposed in both the House and Senate bills regarding civil actions against Japanese corporations for compensation in which the plaintiff alleges that, as an American prisoner of war during World War II, he

or she was used as slave or forced labor. The conferees understand that the Administration strongly opposes this language, and is concerned that the inclusion of such language in the act would be detrimental to the ongoing effort to enlist multilateral support for the campaign against terrorism. The conferees strongly agree that the extraordinary suffering and injury of our former prisoners of war deserve further recognition, and acknowledge the need for such additional consideration.

In fairness to the position of the White House, we did have in 1951 the treaty of San Francisco settling the claims of prisoners of war against the Japanese Government. Maybe it wasn't adequate. For 50 years we have adhered to that treaty, and now with the terrorism attacks in the United States out with an affirmative action plan to win friends and influence people, to form a coalition, now is no time for us to take treaties and start abrogating them 50 years past or 1 year hence.

The truth is, the U.S. Senate ratified that treaty. On this particular vote, the Senate bill was—the Senate bill—in the nature of an amendment to the House bill. The entire bill was in the nature of an amendment. That is how technically, under the rule cited by my distinguished colleague from New Hampshire, it can be found as parliamentarily sound. That is what we had to do in order to get the bill approved. I am sorry these occasions arise. It was a measured judgment.

We agree with our distinguished colleague from New Hampshire, but that is the best we could do under the circumstances.

Mr. SMITH of New Hampshire. Will the Senator yield for 30 seconds?

Mr. HOLLINGS. Yes.

Mr. SMITH of New Hampshire. I say to the Senator from South Carolina, you are correct. I am not challenging the technical aspect. I think it is a violation of the spirit of the rule. My point is, I know how you feel about it. We had the debate on the floor. I respect your view. I know you respect mine. The House, by 393 to 33, disagreed with you. And the Senate, by a vote of 58 to 34, disagreed with you. I thought we had separate but equal branches of Government. If the White House wants to veto the bill over that, then veto the bill over it. We will bring it back here and talk about it. I don't think it is right to violate the spirit and intent of the rules.

Mr. HOLLINGS. It was just like President Lincoln, during the Civil War, when he put a vote to his Cabinet and all the Cabinet voted aye and President Lincoln voted no. And he said: The "no" vote prevails. That is what prevailed here.

I yield the remainder of our time under the agreement.

NATIONAL DOMESTIC PREPAREDNESS  
CONSORTIUM

Mrs. HUTCHISON. Madam President, I thank Chairman HOLLINGS and Senator GREGG for their leadership and efforts on the Commerce, Justice, State appropriations bill for fiscal year 2002.

This bill contains funding for many of the important law enforcement activities and counterterrorism training that is vital in the wake of the September 11 attacks.

I want to comment on one aspect of this bill and that is the funding for the National Domestic Preparedness Consortium. The consortium has been fulfilling the important role of training the Nation's first responders and training cities and communities on how to assess their own vulnerabilities to an attack for over 3 years. I believe the bill funds the consortium at a level of \$13,969 million, divided evenly. This is a significant reduction in funding from last year, and it is my understanding that additional funding is expected to be provided in the supplemental appropriations bill.

The components of the consortium each have an important role to play, however, the National Emergency Response and Rescue Training Center, NERRTC, at Texas A&M has been the leader in the number of first responders trained. It would be my hope and willingness to assure increased funding for the NERRTC and the consortium as a whole.

Mr. HOLLINGS. I will be happy to review the need for increased resources for the consortium and consider further funding in the supplemental bill.

Mr. GREGG. I agree that additional funding for the consortium should be considered in the supplemental bill to support our antiterrorism efforts.

Mrs. HUTCHISON. I thank Chairman HOLLINGS and Senator GREGG for their consideration.

#### DETENTION FACILITY ON CHOCTAW RESERVATION

Mr. COCHRAN. Madam President, I would like to take the opportunity to clarify language included in the Commerce, Justice, State, appropriations bill for fiscal year 2002. My distinguished colleague, the chairman of the CJS Appropriations Subcommittee, Mr. HOLLINGS, worked with me to ensure that a very important project for the Mississippi Band of Choctaw Indians was included in the Senate version of the bill and the subsequent conference report.

The Senate-passed version contained \$16,300,000 for the construction of an adult and juvenile detention facility on the Choctaw Reservation. The tribe has encountered many obstacles as it has sought to satisfy both the Bureau of Indian Affairs and the Justice Department through compliance with their varying jurisdictions, regulations, and varied interpretations of law enforcement for Indian tribes over the past decade. These delays have resulted in a deterioration of law enforcement, and an escalation in the costs of the facility. Further delays will only exacerbate these problems.

The Choctaw Tribe is firm in its view that detention is essential to the maintenance of law and order of the reservation. The detention facility the tribe currently utilizes was built by the Bureau of Indian Affairs in 1973 as a tem-

porary holding facility designed to hold 18 prisoners for up to 72 hours. Today, an average of 33.4 offenders are being held daily. Because of the lack of space, only the most serious and repeat offenders are incarcerated and the tribal court has been forced to rely on "deferred sentencing" for less serious offenses. This has created a large backlog of convicted inmates waiting to be placed in jail. The current facility is simply inadequate to meet existing needs and the projected law enforcement needs of the tribe and its growing population.

The tribe is in need of a new facility and the gentleman from South Carolina recognized this requirement and included funding for the construction of the Choctaw jail in the Senate bill. I thank the conference committee for its inclusion of language directing the Department of Justice to fund the Choctaw detention facility. I would like to clarify, however, that it was the intention of the Senate to provide \$16,300,000 for the construction of the Choctaw jail facility.

Mr. HOLLINGS. Indeed, my colleague from Mississippi is correct. The Senate did include funding in the amount of \$16,300,000 for the Choctaw Indians to construct their jail facility. It was the intention of the Senate that the tribe receive this needed funding for this project as noted in the conference agreement.

Mr. COCHRAN. Madam President, I thank the Senator for clarifying this issue and for his support of this project.

#### SLAVE LABOR IN JAPAN

Mr. HARKIN. Mr. President, I rise to express my deep disappointment with the conference committee on the FY 2002 Commerce-Justice-State appropriations bill for eliminating the provision that would allow World War II POWs, who served as slave laborers in Japan, to have their day in court.

The amendment, sponsored by Senator SMITH of New Hampshire and myself, would have prohibited the U.S. State Department and the Department of Justice from blocking attempts by American veterans to obtain compensation in court from Japanese companies who used the POWs for slave labor during WWII.

Some 30,000 Americans were taken prisoner in the Philippines in the months following Pearl Harbor and forced to perform as slave laborers for Japanese companies. For more than 3 years, our POWs endured horrific conditions and received little or no compensation. It is wrong and unfair that the U.S. Government is using taxpayer dollars to fight against these men and women who served and suffered for us during WWII, and deny them the compensation they deserve.

Some 60 families and POW survivors in Iowa are affected.

I ask the Senator from New Hampshire if it was appropriate for the committee to cut out this provision, considering both the House and Senate voted to include it in the bill?

Mr. SMITH of New Hampshire. Mr. President, this decision clearly disregards the wishes of the House and Senate. I taught history and civics when I was a teacher. I always taught my students that conference committees were intended to resolve differences between the House and Senate versions. There is not difference in this case.

Let me read from the report:

The conference agreement does not include language proposed in both the House and Senate bills regarding civil actions against Japanese corporations for compensation in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

There was no difference between the two versions, just a decision by a small group of conferees to impose their own will on both Houses of Congress. This is not the way things should work.

The House passed this amendment in July with a 393-33 vote. The Senate later passed the exact same provision with a 58-34 vote.

Congress should not turn its back on the 700 prisoners of war and their families who are seeking long-delayed justice. They have gone to court to demand compensation from the Japanese companies that used them for slave labor. Throughout the war, these Americans worked in mines, factories, shipyards, and steel mills. They labored every day for as long as 10 hours a day in dangerous working conditions. They were beaten on a regular basis. They were given no compensation by these companies.

Now they deserve their day in court without interference by the U.S. State Department or the Department of Justice. That's what our amendment had set out to do—allow our POWs to seek the long-delayed justice and compensation they deserve.

Mr. CONRAD. Madam President, I rise to offer for the record the Budget Committee's official scoring of the conference report to H.R. 2500, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act for fiscal year 2002.

The conference report provides \$38.656 billion in discretionary budget authority, of which \$567 million is for defense and \$438 million is for conservation activities. That budget authority will result in new outlays in 2002 of \$26.126 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the report total \$38.847 billion in 2002. By comparison, the Senate-passed version of the bill provided \$38.641 billion in discretionary budget authority, which would have resulted in \$38.744 billion in total outlays. The conference report does not include any emergency designations.

Because the conference report exceeds the outlay allocation provided to the subcommittee for conservation activities, the report is in violation of section 302(f) of the Congressional Budget Act of 1974.

I ask for unanimous consent that a table displaying the budget committee scoring of this bill be inserted in the RECORD at this point.

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

THE CONFERENCE REPORT TO H.R. 2500, THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002, SPENDING COMPARISONS—CONFERENCE REPORT

[In millions of dollars]

	General purpose <sup>2</sup>	Defense <sup>2</sup>	Conservation	Mandatory	Total
<b>Conference report:</b>					
Budget Authority .....	37,651	567	438	572	39,228
Outlays .....	37,853	631	363	581	39,428
<b>Senate 302(b) allocation:<sup>1</sup></b>					
Budget Authority .....	37,651	567	439	572	39,229
Outlays .....	38,653	0	203	581	39,437
<b>President's request:</b>					
Budget Authority .....	37,178	465	284	572	38,499
Outlays .....	38,016	538	259	581	39,394
<b>House-passed:</b>					
Budget Authority .....	37,534	567	440	572	39,113
Outlays .....	37,913	632	360	581	39,486
<b>Senate-passed:</b>					
Budget Authority .....	37,782	604	255	572	39,213
Outlays .....	37,880	660	204	581	39,325
<b>SENATE-REPORTED BILL COMPARED TO:</b>					
<b>Senate 302(b) allocation:<sup>1</sup></b>					
Budget Authority .....	0	0	-1	0	-1
Outlays .....	-169	0	160	0	-9
<b>President's request:</b>					
Budget Authority .....	473	102	154	0	729
Outlays .....	-163	93	104	0	34
<b>House-passed:</b>					
Budget Authority .....	117	0	-2	0	115
Outlays .....	-60	-1	3	0	-58
<b>Senate-passed:</b>					
Budget Authority .....	-131	-37	183	0	15
Outlays .....	-27	-29	159	0	103

<sup>1</sup>For enforcement purposes, the budget committee compares the conference report to the Senate 302(b) allocation.

<sup>2</sup>The 2002 budget resolution includes a contingent "firewall" in the Senate between defense and nondefense spending. Because the contingent firewall is for budget authority only, the Senate appropriations committee did not provide a separate allocation for defense outlays. This table combines defense and nondefense outlays together as "general purpose" for purposes of comparing the conference report outlays with the Senate subcommittee's allocation.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. McCAIN. Madam President, I thank the conferees of this bill for their hard work. This legislation provides funding for fighting crime, enhancing drug enforcement, and responding to threats of terrorism. It further addresses the shortcomings of the immigration process funds the operation of the judicial process, facilitates commerce throughout the United States, and supports the needs of the State Department and other agencies.

This conference report spends at a level 4.9 percent higher than the level enacted in fiscal year 2001. In real dollars, this is \$828 million in additional spending above the amount requested by the President, and a \$1.9 billion increase in spending from last year.

Once again, however, I find myself in the unpleasant position of speaking before my colleagues about parochial projects in yet another conference report. I have identified \$1.8 billion in earmarks, which is greater than the cost of the earmarks in the conference report passed last year, which totaled \$1.5 billion. so far this year, total porkbarrel spending has already hit a staggering \$9.6 billion.

There are hundreds of millions of dollars in porkbarrel spending throughout

this bill. The avalanche of unrequested earmarks buried in this measure will undoubtedly further burden the American taxpayers. While the amounts associated with each individual earmark may not seem extravagant, taken together, they represent a serious diversion of taxpayers' hard-earned dollars at the expense of numerous programs that have undergone the appropriate merit-based selection process.

Let me read a quote from Allen Schick, a congressional expert at the Brookings Institution:

Pork thrives in good times and bad. The problem is not the individual project, but the cumulative effect. . . . When you add up the total, it just blows your mind.

Now I want to turn to some examples of earmarks in this bill:

There is \$250,000 for the Central California Ozone Study; \$500,000 for the International Pacific Research Center at the University of Hawaii; \$1 million for the National Coral Reef Institute in Hawaii; \$3.7 million for the Conservation Institute of the Bronx Zoo; \$750,000 for the Alaska Fisheries Development Foundation; \$3.35 million for the New Hampshire Institute of Politics at Saint Anselm College; and \$6 million for the Thayer School of Engineering at Dartmouth University for the nanocrystalline materials and biomass research initiative.

There are many more projects on the list that I have compiled, which will be available on my Senate Web site.

Once, again, I must remind my colleagues that the administration has urged us to maintain our fiscal discipline to ensure that we will continue to have adequate funds to prosecute our war against terrorism, to aid those in need, and to cover other related costs. We should let the people who run the programs we fund decide how best to spend the appropriated funds. After all, they know what their most pressing needs are.

I am also greatly concerned by the Appropriations Committee's decision to fund the controversial Advanced Technology Program at \$184.5 million. In his budget request, the President recommended that Congress suspend new funding for ATP, pending a re-evaluation of the program. The Secretary of Commerce has not released the results of that review nor any recommended changes to the program to the Commerce Committee. I urge my colleagues to await the results of the Secretary's review, before we consider funding this program. As we all know, the country is currently involved in both war and economic downturn, and this \$184.5 million should be spent on higher priorities than a welfare program for special corporate interests.

Furthermore, I am equally concerned that of the \$62.4 million in the National Institute of Standards and Technology's Construction account, \$41.5 million is for non-construction related "pork" projects. Earlier this year, I wrote to the Secretary of Commerce expressing my concerns about the

physical conditions of the NIST laboratories, home of two recent Nobel Prize winners. I am amazed to see that we are more concerned about "pork" than supporting world-class research facilities.

Several items provided under funding for the State Department stand out for their questionable role in advancing American foreign policy interests. The report language directs the Department to make available \$500,000 to the Northern Forum, which works to "improve international communication, cooperation, and opportunities for economic growth in northern regions of countries" around the world. I am from the Southwest, so perhaps I am geographically biased, but I have trouble understanding how this earmark serves the national interest.

There is also a \$200,000 earmark for a conference in human trafficking at the University of Hawaii in this bill. I am pleased the conference report does not include language earmarking \$9 million for the East-West Center, as proposed in the Senate bill, although it does contain a plus-up for the center of \$500,000, and it does not include Senate language earmarking \$5 million to the State of Hawaii for hosting an Asian Development Bank meeting.

Five new educational exchange earmarks found their way into this conference report, although the report language refers only to "\$500,000 for one-time seed funding for five new exchange activities listed in the Senate chart." Since the conference report neglects to list them, I will: they are the Jointer Fellowships in War, the Padnos International Center, the UNI-Cedar Falls Russo-American Exchange, the UNLV Global Business Exchange, and the UNR International Business Exchange. In addition, the conferees have generously provided \$400,000 for "exchanges to build linkages between American and foreign musicians and musical institutions."

In closing, I urge my colleagues to curb our habit of directing hard-earned taxpayer dollars to locality-specific special interests.

Mr. INOUYE. I rise to congratulate and commend Chairman HOLLINGS and Senator GREGG and their staff for their tireless work in crafting the Conference Report on the Fiscal Year 2002 Appropriations Bill for the Departments of Commerce, Justice, and State and the Judiciary. Because of their efforts, we have before us today a fair bill that puts aside partisan politics in favor of delivering to the American people the governmental programs and support they need. I know from personal experience how difficult it can be to strike balances among competing interests, and the introduction of the tragic events of September 11, 2001, have only compounded these difficulties.

The efforts of my friends, Chairman HOLLINGS and Senator GREGG, were supported by the work of their extraordinary staff. Under the leadership of

Ms. Lila Helms on the majority side, and Mr. Jim Morhard on the minority, this dedicated crew stayed late and came in on weekends to help my distinguished colleagues put together a conference report that every one of us can vote for with pride.

Accordingly, I also wish to extend my congratulations to each member of Chairman HOLLINGS' staff, Ms. Lila Helms, Ms. Jill Shapiro Long, Mr. Luke Nachbar, and Mr. Dereck Orr, and to each member of Mr. GREGG's staff, Mr. Jim Morhard, Ms. Katherine Hennessey, Mr. Kevin Linsky, and Ms. Nancy Perkins.

Ladies, gentlemen, my esteemed colleagues, I salute you all.

Mr. KERRY. Madam President, I am pleased to vote for the Commerce, Justice, State, and the Judiciary, CJS, conference report today. This legislation is critical to our continuing efforts to fight terrorism and increase homeland security.

I am troubled, however, that the conference report appropriates only \$14.4 million for the Police Corps Program, an amount which I believe is insufficient to adequately fund this critically important program. I strongly support the \$30 million level of funding that was included in the Senate version of the CJS appropriations bill. The CJS conference report before us today slashes the budget of the Police Corps program in half. It is more important now than ever before that we work to ensure that Americans feel safe within their communities and that our Nation's police forces have strong federal support.

The Police Corps Program helps police and sheriffs' departments to increase the number of officers with advanced education and training. It provides Federal scholarships to highly motivated students who agree to serve as police officers or sheriffs' deputies for at least 4 years. Participants in the program are assigned to areas of the country that are in the most desperate need for additional officers. All of the participants serve on community patrol.

The benefits of this program can be seen in many ways. By encouraging educated young men and women to enter into the police force, Police Corps improves the quality of law enforcement in towns and States throughout the country. Police Corps reduces the local costs of hiring and training new officers by providing Federal funding law enforcement training. In addition, the Federal Government pays police departments that hire participants \$10,000 a year per participant for the first 4 years of service.

Police Corps also offers a scholarship program for children of officers killed in the line of duty. Eligible children can receive up to \$30,000 to cover educational expenses. There is no service or repayment obligation and the application process is non-competitive. I can think of no time in our recent history more appropriate than now, in the

wake of the terrible loss of police officers on September 11, to ensure that this program is adequately funded.

Every police department in the country is being called upon to increase their vigilance, to expand their duties, and to do more to respond to the threat of terrorism. Increased funding for the Police Corps Program would improve the quality and capabilities of police departments throughout the country by educating and training qualified, motivated young people. The whole country stands to benefit from this program. I deeply regret that the CJS conference report does not contain, at a minimum, level funding for the Police Corps Program and am saddened that the program has been so drastically cut.

Mr. DODD. Madam President, I would like to draw attention to what I believe is an unconstitutional amendment that was recently added to the final conference report of the FY02 Commerce, Justice, State and the Judiciary Appropriations Act. This amendment, which was first offered by Senator CRAIG on September 10 in the Senate version of the bill, would prohibit any U.S. funds from being used "for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission."

The Craig amendment, which was opposed by the administration, seeks to prevent our government from having a role in shaping the definition of the crime of aggression and other key issues pertaining to the International Criminal Court, ICC. It is my belief that this attempt to curtail the power of the President to negotiate treaties is unconstitutional and I urge the administration to remain engaged in a process vital to our country's national security.

In addition to highlighting the constitutional concerns raised by this amendment, I would also like this opportunity to raise a broader concern. The legislative maneuvering that led to the adoption of this amendment follows European Union and German requests that our government refrain from adopting anti-ICC legislation. In late October the Belgium Foreign Minister Louis Michel wrote on behalf of the European Union to Senator DASCHLE and Secretary of State Colin Powell, expressing the EU's strong support for the ICC. German Foreign Minister Joschka Fischer wrote to the Secretary of State directly on October 31, noting that, "In view of the international effort against terrorism . . . it is particularly important for the United States and the European Union to act in accord in this field too." He continued, "The future International Criminal Court will be a valuable instrument for combating the most serious crimes. It will provide us with an opportunity to fight with judicial means crimes such as the mass murder perpetrated by terrorists in New York and Washington on 11 September 2001."

The bill clerk called the roll.

While Members of the Senate may have real questions and concerns pertaining to the ICC, now is not the time to be pushing legislation that undercuts the administration's efforts to work with our closest allies in building a strong coalition against terrorism. In addition, the President's recent order allowing military tribunals to be created for trials involving members of al Qaeda suggests that a long-term fight against terrorism will include a variety of legal structures ranging from Lockerbie type tribunals to the International Criminal Court. It is thus imperative that our government remains engaged in the development of the ICC. I strongly hope that the Bush administration will do that.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. It is my understanding, Madam President, that the Senator from Arizona, who had the other 15 minutes, is willing to yield back his time. I believe that is correct. So I yield back our time on this side, and I understand we are setting the vote for 12:45.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the time is yielded back.

Mr. HOLLINGS. I ask unanimous consent that all time on the conference report be yielded back and the Senate vote on adoption of the report.

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. HOLLINGS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HOLLINGS. Madam President, I ask for the yeas and nays on the final vote on the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. The question is on agreeing to the conference report to accompany H. R. 2500. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

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

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 340 Leg.]

YEAS—98

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

NAYS—1

McCain

NOT VOTING—1

Torricelli

The conference report was agreed to.

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

Mr. HOLLINGS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in recess from 2 p.m. until 4 p.m. today. There is already an order in existence that the time we are in be morning business.

Mr. BYRD. Mr. President, reserving the right to object, I certainly don't want to be an impediment to what the distinguished majority whip is trying to do. I do have a couple of speeches I want to make. I will go down to my office to get them. One has to do with Thanksgiving. The other has to do with another matter of great importance.

Mr. REID. Mr. President, if I could amend that request, we have from 3 to 4 o'clock for which the Chaplain has arranged for the Senate family to be together in the Russell Rotunda.

I amend that request so that we end at 2 o'clock, or whenever Senator BYRD completes his remarks.

I was present last year and the year before when Senator BYRD gave his Thanksgiving speech. I hope I can be present this year when the speech is given. It is something I look forward to. It has become, at least for me, kind of a Thanksgiving tradition to hear the things for which Senator BYRD is thankful because they always trigger in my mind the things I am thankful for, or that I should be thankful for.

I renew my request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

#### ENERGY

Mr. MURKOWSKI. Mr. President, I would like to share with my colleagues a situation developing that I think deserves attention as we contemplate the Thanksgiving recess and shortly thereafter, hopefully, the break for the Christmas holidays.

Throughout the year, our new President has requested that Congress take up and pass an energy bill. The question of our Nation's energy security, the question of our continued dependence on imported oil from overseas, and the question of our vulnerability relative to terrorist activities here at home bring to this body the reality of taking positive action to correct that situation.

The circumstances surrounding our vulnerability need some examination. That examination should focus, first, on the lessons of history.

Many people in this body, and many young people in this country, do not remember 1973. They do not remember the Arab oil embargo. They do not remember the gas lines that were stretching around the block. They do not remember the inconvenience that was associated with that reality.

What were the circumstances, then?

We were 37 percent dependent on imported oil. The public was indignant at that time. They blamed the government. They blamed everybody. How could this country allow itself to become that dependent on external sources of oil?

Today, we are 57 percent dependent on imported oil. The Department of Energy has indicated by the year 2010 we will be somewhere in the area of 66 percent dependent on imported oil.

What do we do about that?

There are two logical steps we can take. One is to use less oil by being more creative with technology, increasing efficiency; and the other is to produce more domestically.

Where does America's oil come from? Fifty-seven percent comes from over-

seas. The rest of it comes from Texas, Louisiana, Pennsylvania, Colorado, and my State of Alaska. However, it is important to note that Alaska has produced about 20 percent of the total crude oil produced in this Nation for the last 27 years.

We had a great debate in this body in the early 1970s. That debate was whether or not Congress should authorize the building of an 800-mile pipeline from Prudhoe Bay to Valdez to move the oil. There was a tie vote in the Senate. The Vice President, Spiro Agnew, broke the tie, and the pipeline was authorized. As a consequence, we have been producing for many, many years up to 2 million barrels of oil a day. Now that pipeline is producing a little over 1 million barrels a day.

The important point to recognize, as we reflect on what we can do now—and what we can do now is to open up that small sliver of the Arctic known as the ANWR Coastal Plain—is what that will mean to this Nation's dependence on increased imports from overseas. It will reduce that dramatically.

We do not really know what is in ANWR because Congress has never authorized the opening of this area. But the geologists estimate somewhere between 5.7 and 16 billion barrels. That may not mean much in the overall scope of things, but it is estimated that the current proven oil reserves of Texas are about 5.3 billion barrels. So this could be very, very significant.

Let's compare it back to Prudhoe Bay because Prudhoe Bay is an actual experience. We have been there for 27 years. The experts indicated that field would produce about 10 billion barrels. Today, it is on its 13th billion barrel. It is still producing a million barrels a day.

So when you talk about what might be in ANWR, whether it is 5.7 or 16 billion, even if it is 10 billion, it is as big as Prudhoe Bay. It has a very significant potential in reducing, if you will, our dependence on imports.

What is involved here? I have stood in this chamber numerous times and have indicated that you have to get a feel for the magnitude of the area. The ANWR area is a million and a half acres in the sense of the classification of 1002. I do not want to confuse Members, but what I am saying is that only the 1002 area—or a million and a half acres—can be authorized by Congress out of the 19 million acres that are in ANWR. Nineteen million acres is the size of the State of South Carolina, a pretty big piece of real estate. Out of that 19 million acres in ANWR, we set aside 8½ million acres in a wilderness in perpetuity. We set aside another 9 million acres in a conventional refuge, leaving this million and a half acres only for Congress to consider making available for exploration.

The House passed an energy bill, H.R. 4. In that bill they authorized that only 2,000 acres of the 1002 area could bear a footprint of development. That reminds me of the Hollywood movie star, Robert Redford, who is very much opposed