

assistance all the way, we would not have completed this bill today.

Mr. STEVENS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays will be required after the clerk reads the bill for the third time.

The bill was ordered to be engrossed for a third time and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2216, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause of H.R. 2216 is stricken, and the text of the Senate bill S. 1077, as amended, is inserted in lieu thereof.

Mr. BYRD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. THOMAS) is necessarily absent.

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

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

[Rollcall Vote No. 228 Leg.]

YEAS—98

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

Snowe
Specter
Stabenow
Stevens

Thompson
Thurmond
Torricelli
Voinovich

Warner
Wellstone
Wyden

NAYS—1

Feingold

NOT VOTING—1

Thomas

The bill (H.R. 2216), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. GRAHAM. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. I move the Senate insist on its amendment to H.R. 2216 and request a conference with the House of Representatives, and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BYRD, Mr. INOUE, Mr. HOLLINGS, Mr. STEVENS, and Mr. COCHRAN conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from West Virginia.

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

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

Mr. DASCHLE. Mr. President, I thank the chairman of the Appropriations Committee and the ranking member for their work on the supplemental. We have come a long way since we closed prior to the Fourth of July recess. We had indicated our desire to finish our work on the supplemental by Tuesday night. We have done so. I am grateful for that.

We will now be taking up the Interior appropriations bill. It was my hope to be able to move to proceed to the appropriations bill tomorrow at 9:30. Some of our Republican colleagues have objected to going to the bill until matters pertaining to certain nominations could be clarified. As a result, we will not have a specific time we can announce that we will be going to the bill. I am hopeful we can clarify this matter involving nominations at the earliest possible time so that there will not be any objections on the other side to moving to the Interior bill. My hope and my expectation is that we can finish the bill by Thursday night. Obviously, if we have to be here on Friday to finish it, we will do that.

I indicated to Senator LOTT that if we have finished with the Interior bill on Thursday night, my expectation would be we would not have any rollcall votes on Friday.

I will shortly make a unanimous consent request with regard to the schedule tomorrow. We are not quite pre-

pared to do that at this time. But until that time, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

APPOINTMENT OF CONFEREES—

H.R. 1

Mr. REID. Mr. President, I ask unanimous consent that with respect to H.R. 1, the elementary and secondary education bill, the Senate insist on its amendment and request a conference with the House and the Chair be authorized to appoint conferees.

There being no objection, the Presiding Officer (Mr. NELSON of Florida) appointed Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. JEFFORDS, Mr. BINGAMAN, Mr. WELLSTONE, Mrs. MURRAY, Mr. REED of Rhode Island, Mr. EDWARDS, Mrs. CLINTON, Mr. LIEBERMAN, Mr. BAYH, Mr. GREGG, Mr. FRIST, Mr. ENZI, Mr. HUTCHINSON of Arkansas, Mr. WARNER, Mr. BOND, Mr. ROBERTS, Ms. COLLINS, Mr. SESSIONS, Mr. DEWINE, Mr. ALLARD, and Mr. ENSIGN conferees on the part of the Senate.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate go into a period of morning business with Senators permitted to speak for up to 5 minutes.

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

COMMITTEE ASSIGNMENTS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the following Committee assignments be printed in the RECORD.

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

AGRICULTURE

Senator Harkin, Chairman; Senators Leahy, Conrad, Daschle, Baucus, Lincoln, Miller, Stabenow, Ben Nelson, Dayton, and Wellstone.

ARMED SERVICES

Senator Levin, Chairman; Senators Kennedy, Byrd, Lieberman, Cleland, Landrieu, Reed, Akaka, Bill Nelson, Ben Nelson, Carnahan, Dayton, and Bingaman.

APPROPRIATIONS

Senator Byrd, Chairman; Senators Inouye, Hollings, Leahy, Harkin, Mikulski, Reid, Kohl, Murray, Dorgan, Feinstein, Durbin, Johnson, Landrieu, and Reed.

BANKING

Senator Sarbanes, Chairman; Senators Dodd, Johnson, Reed, Schumer, Bayh, Miller, Carper, Stabenow, Corzine, and Akaka.

COMMERCE

Senator Hollings, Chairman; Senators Inouye, Rockefeller, Kerry, Breaux, Dorgan,

Wyden, Cleland, Boxer, Edwards, Carnahan, and Bill Nelson.

ENERGY

Senator Bingaman, Chairman; Senators Akaka, Dorgan, Graham, Wyden, Johnson, Landrieu, Bayh, Feinstein, Schumer, Cantwell, and Carper.

ENVIRONMENT

Senator Jeffords, Chairman; Senators Reid, Baucus, Graham, Lieberman, Boxer, Wyden, Carper, Clinton, and Corzine.

FINANCE

Senator Baucus, Chairman; Senators Rockefeller, Daschle, Breaux, Conrad, Graham, Jeffords, Bingaman, Kerry, Torricelli, and Lincoln.

FOREIGN RELATIONS

Senator Biden, Chairman; Senators Sarbanes, Dodd, Kerry, Feingold, Wellstone, Boxer, Torricelli, Bill Nelson, and Rockefeller.

GOVERNMENT AFFAIRS

Senator Lieberman, Chairman; Senators Levin, Akaka, Durbin, Torricelli, Cleland, Carper, Carnahan, and Dayton.

HEALTH, EDUCATION, LABOR AND PENSIONS

Senator Kennedy, Chairman; Senators Dodd, Harkin, Mikulski, Jeffords, Bingaman, Wellstone, Murray, Reed, Edwards, and Clinton.

JUDICIARY

Senator Leahy, Chairman; Senators Kennedy, Biden, Kohl, Feinstein, Feingold, Schumer, Durbin, Cantwell, and Edwards.

BUDGET

Senator Conrad, Chairman; Senators Hollings, Sarbanes, Murray, Wyden, Feingold, Johnson, Byrd, Bill Nelson, Stabenow, Clinton, and Corzine.

RULES

Senator Dodd, Chairman; Senators Byrd, Inouye, Feinstein, Torricelli, Schumer, Breaux, Daschle, Dayton, and Durbin.

SMALL BUSINESS

Senator Kerry, Chairman; Senators Levin, Harkin, Lieberman, Wellstone, Cleland, Landrieu, Edwards, Cantwell, and Carnahan.

VETERANS

Senator Rockefeller, Chairman; Senators Graham, Jeffords, Akaka, Wellstone, Murray, Miller, and Ben Nelson.

INTELLIGENCE

Senator Graham, Chairman; Senators Levin, Rockefeller, Feinstein, Wyden, Durbin, Bayh, Edwards, and Mikulski.

SPECIAL COMMITTEE ON AGING

Senator Breaux, Chairman; Senators Reid, Kohl, Jeffords, Feingold, Wyden, Lincoln, Bayh, Carper, Stabenow, and Carnahan.

JOINT ECONOMIC

Senators Reed, Kennedy, Sarbanes, Bingaman, Corzine, and Torricelli—subject to statutory change.

INDIAN AFFAIRS

Senator Inouye, Chairman; Senators Conrad, Reid, Akaka, Wellstone, Dorgan, Johnson, and Cantwell.

ETHICS

Senator Reid, Chairman; Senators Akaka, and Lincoln.

Mr. LOTT. On behalf of the Republican members of the Senate, I submit the following committee assignments for the Republican party and ask unanimous consent they be printed in the RECORD.

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

AGRICULTURE, NUTRITION AND FORESTRY

Senators Lugar, Helms, Cochran, McConnell, Roberts, Fitzgerald, Thomas, Allard, Hutchinson (AR), and Crapo.

APPROPRIATIONS

Senators Stevens, Cochran, Specter, Domenici, Bond, McConnell, Burns, Shelby, Gregg, Bennett, Campbell, Craig, Hutchinson (TX) and DeWine.

ARMED SERVICES

Senators Warner, Thurmond, McCain, Smith (NH), Inhofe, Santorum, Roberts, Allard, Hutchinson (AR), Sessions, Collins, and Bunning.

BANKING

Senators Gramm, Shelby, Bennett, Allard, Enzi, Hagel, Santorum, Bunning, Crapo, and Ensign.

BUDGET

Senators Domenici, Grassley, Nickles, Gramm, Bond, Gregg, Snowe, First, Smith (OR), Allard, and Hagel.

COMMERCE

Senators McCain, Stevens, Burns, Lott, Hutchinson (TX), Snowe, Brownback, Smith (OR), Fitzgerald, Ensign, and Allen.

ENERGY

Senators Murkowski, Domenici, Nickles, Craig, Campbell, Thomas, Shelby, Burns, Kyl, Hagel, and Smith (OR).

ENVIRONMENT AND PUBLIC WORKS

Senators Smith (NH), Warner, Inhofe, Bond, Voinovich, Crapo, Chafee, Specter, and Campbell.

FINANCE

Senators Grassley, Hatch, Murkowski, Nickles, Gramm, Lott, Thompson, Snowe, Kyl, and Thomas.

FOREIGN RELATIONS

Senators Helms, Lugar, Hagel, Smith (OR), Frist, Chafee, Allen, Brownback, and Enzi.

GOVERNMENTAL AFFAIRS

Senators Thompson, Stevens, Collins, Voinovich, Domenici, Cochran, Bennett, and Fitzgerald.

HEALTH, EDUCATION, LABOR AND PENSIONS

Senators Gregg, Frist, Enzi, Hutchinson (AR), Warner, Bond, Roberts, Collins, Sessions, and DeWine.

JUDICIARY

Senators Hatch, Thurmond, Grassley, Specter, Kyl, DeWine, Sessions, Brownback, and McConnell.

RULES

Senators McConnell, Warner, Helms, Stevens, Cochran, Santorum, Nickles, Lott, and Hutchinson (TX).

SMALL BUSINESS

Senators Bond, Burns, Bennett, Snowe, Enzi, Fitzgerald, Crapo, Allen, and Ensign.

INDIAN AFFAIRS

Senators Campbell, Murkowski, McCain, Domenici, Thomas, Hatch, and Inhofe.

ETHICS

Senators Roberts, Voinovich, and Thomas.

INTELLIGENCE

Senators Shelby, Kyl, Inhofe, Hatch, Roberts, DeWine, Thompson, and Lugar.

EXPLANATION OF ABSENCE

Mr. DOMENICI. Mr. President, on Friday, June 29, I was necessarily absent because I was needed in New Mexico. Anyone who is familiar to New Mexico knows that water is a matter of life and future for us. On this day, the Department of interior, the Attorney

General for the State of New Mexico, the State Engineer, the Interstate Stream Commission, the Middle Rio Grande Conservancy District and the city of Albuquerque all reached a 3-year agreement regarding one of the endangered species, the Silvery Minnow on the Rio Grande River.

There are many parties interested in the needs and recovery of the minnow and many groups have been working on river and riparian ecosystem restoration efforts upstream. The settlement proposal mentions that naturalized refuges are a necessary component of saving the silvery minnow and I remain committed to helping make that happen over the next three years.

This agreement temporarily solves one of the most difficult to solve water problems on the Rio Grande. I can't think of an issue that affects more New Mexicans, for this reason I decided that it was essential that I be in New Mexico and therefore, necessarily absent.

I would have voted for the First substitute version of the Patients Bill of Rights had I been in Washington.

ON THE FAIRNESS OF THE ADMINISTRATION OF THE DEATH PENALTY

Mr. FEINGOLD. Mr. President, "The system may well be allowing some innocent defendants to be executed."

Were these the words of Governor George Ryan, the Illinois Governor who placed a moratorium on executions last year? They could have been, but they were not. Were these the words of an attorney defending someone facing the death penalty? They could have been, but they were not. Rather, these were the remarkable words of Supreme Court Justice Sandra Day O'Connor—the same Justice O'Connor who has generally supported the death penalty during her twenty years on the Court, the same Justice O'Connor who has championed states' rights, including the right to carry out executions, the same Justice O'Connor who joined or wrote key opinions that made it more difficult for defendants facing the death penalty to have their state sentences overturned in federal court, and the same Justice O'Connor who voted in favor of allowing executions of teenage children who committed crimes at age 16 or 17.

Justice O'Connor said, "After 20 years on the high court, I have to acknowledge that serious questions are being raised about whether the death penalty is being fairly administered in this country." She uttered these words at a meeting before the Minnesota Women Lawyers in Minneapolis last Monday. Coincidentally, Justice O'Connor made these remarks on the 25th anniversary of the Supreme Court's 1976 *Gregg v. Georgia* decision, which reinstated the death penalty as we know it today. Only four years earlier, in 1972, the Court had found the death penalty unconstitutional. But in *Gregg*, the Court found that sufficient safeguards