

some help in finding the true mechanism to get this legislation through.

What, in the Senator's opinion, might happen to the efforts we made collectively as partners with the States for welfare reform and getting people off the welfare rolls and into the workforce? What might happen to that?

Ms. COLLINS. The Senator from Nebraska has asked a very important question. He was a leader, when he was Governor, in helping people in his State move from welfare to work, to give people the dignity and independence that comes from the ability to earn a living. Those efforts depend on child care. They depend on assistance with transportation. They depend on assistance with education, with expanded Medicare coverage. In order for people to be able to move from welfare to work, we have to have the social supports in place to ease that transition. Those supports would be in jeopardy if we do not provide our States with the assistance we are discussing.

Furthermore, there are States that are scheduled to have an actual decline in the amount of Medicaid match that they receive from the Federal Government. That could not happen at a worse time. It would cause them to slash services even more. We cannot allow that to happen.

This is a temporary problem. We are proposing temporary assistance to our States. The economy is recovering, but the effects still linger. States are still seeing the demand for social services.

I ask, through the Chair, the Senator from Nebraska—yielding some of my time to him—whether he has seen the kinds of problems in his State that we are seeing in Maine where revenues have dropped unexpectedly one more time, causing the legislature and the Governor to confront a pending deficit in a budget that had already been enacted.

Mr. NELSON of Nebraska. Madam President, the State of Nebraska's tax receipts, for the first time—maybe only the second time in history—are below what they have been in the past. We have had downturns in the economy previously, and the tax revenues may have been down, but they would continue to be greater than the previous year. That is no longer the case. You actually do have a downturn in the economy—much of it related to the difficulties in agriculture. But when you see unemployment moving up to the highest level in 15 years, together with tax receipts going down, it doesn't take a mathematician to figure out what will, in fact, continue to happen in the future.

When we require, at the Federal level, certain programs and do not provide all the funding, all we are really doing is underfunding a mandate to the States. Maybe it is an important mandate that we are requiring, but it is also important to not be inconsistent here, to try to further reform welfare with legislation that is going to be coming before this body in a short pe-

riod of time and, at the same time, as we try to have a higher requirement for work, and what have you, to improve the income level of people going from welfare to the workforce. We have to make sure we are consistent and we don't require that on the one hand and not make it impossible when it comes to funding on the other hand.

I thank my colleague from Maine for a very articulate and passionate expression of why it is important that we do this. I hope I have responded to her question.

Ms. COLLINS. I thank the Senator.

Madam President, I will make one final point. This proposal will not only help our States balance their budgets without slashing essential social services such as the Medicaid Program, but it will also provide much-needed help to struggling health care providers such as our rural hospitals, our nursing homes, and our home health agencies. Those health care providers have been struggling with inadequate reimbursements under Medicaid and Medicare. By increasing the Federal share of what is a partnership between the Federal Government and the States to provide health care for our low-income families, we will also be helping to stabilize the health care providers, particularly in rural States such as Nebraska and Maine. So that is another reason you will find that health care providers associations are strongly backing our legislation, as is the National Governors Association.

This is not a partisan issue; it is one where we have come together to provide much-needed relief to our partners, the States. My hope is that we will expeditiously enact our proposal before the July 4 recess.

Mr. NELSON of Nebraska. Madam 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. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2002

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4775, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for fiscal year ending September 30, 2002, and for other purposes.

Pending:

Daschle amendment No. 3764, to extend budget enforcement.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate to be divided by the chairman and ranking member of the Appropriations Committee.

The Senator from West Virginia.

Mr. BYRD. Madam President, the bill before the Senate is an emergency supplemental bill. It responds to emergency needs for our military. It provides emergency funds for enormous gaps in our homeland security network. It makes investments today to protect the people of this country against attacks tomorrow. We cannot afford continued delay and dragging of feet.

The Nation is unprepared for a biological or chemical attack. Our current public health system is ill funded, fragmented, and unprepared to respond to the threats posed by bioterrorism. We must expand State and local capacity to recognize and to treat deadly pathogens so that we are prepared to deal with weaponized disease.

The anthrax-laced letters that were sent through the mail afforded us just a glimpse of the terror that could result from a more serious biological attack involving smallpox or Ebola. We know Bin Laden loyalists have conducted research on chemical and biological weapons at 40 sites in Afghanistan. We know that more than a dozen nations, including China, Iran, Iraq, Libya, North Korea, Russia, and Syria, can produce biological and chemical weapons. So what are we doing about it? Are we taking action? No. Senators are dragging their feet. The Government's seemingly uncoordinated and chaotic response to the anthrax scare and the public's ensuing panic to anything both powdery and white had overwhelmed our public health systems.

Many of our local health departments were found impotent and ill prepared, lacking such basic forms of communication equipment as computers and fax machines. Astonishingly, according to the former Director of the Centers for Disease Control, only half of the Nation's public health departments have direct, secure Internet access.

State and local health officials will be first on the scene in a biological attack. It is essential that they be capable of quickly identifying a deadly organism and disseminating that information widely and rapidly so that new cases can be caught early and the spread of disease can be stopped. Many local health departments, however, do not possess modern communications systems because of funding constraints.

Simply put, in the event of a chemical or biological attack, our local health care providers are probably better able to get more accurate information and more quickly from CNN than they are from other health care officials. So what are we doing about it?

Are we taking action? No. Some Senators are dragging their feet.

Our Nation's seaports are the soft underbelly of our homeland defense. U.S. ports are home to oil refineries and chemical plants that process noxious, volatile chemicals. There are 68 nuclear powerplants located along U.S. waterways. A hijacked vessel that crashes into a port can be used to ignite volatile fuels or gases and produce a fuel air explosion equal to hundreds of tons of dynamite.

Within a mile of the Inner Harbor of Baltimore is a major east coast import and export hub for a broad range of dry and liquid chemicals. If ignited, many are capable of producing ferocious fires, explosions, and clouds of noxious fumes immediately adjacent to such densely populated rowhouse neighborhoods as Locust Point, Highlandtown, and Canton.

So what is being done about it? What are we doing about it? Is the Senate taking action? No. Senators are dragging their feet—some Senators.

U.S. ports receive 16,000 cargo containers every day—16,000 cargo containers every day—and 6 million containers per year, but only 2 percent of those containers are inspected. That means that a terrorist has a 98-percent chance of sneaking weapons of mass destruction into the United States.

Cargo containers are piled up by the thousands at ports, depots, and huge outdoor warehouses. Many big cities, such as Charleston, SC, and New Orleans, LA, were literally built around their ports, and they present an attractive target. The only thing separating that container yard from where people live and work is a barbed-wire fence.

Cargo containers that are not inspected are quickly loaded and shipped to practically every town in America on top of ships, trains, and trucks. It would not be difficult for a terrorist to track a container with a global positioning system and detonate a weapon hidden inside.

So what are we doing about it? What is the Senate doing about it? The Senate is stalling. The Senate is not moving. Are we taking action? No, we are not taking action. Senators are dragging their feet—some Senators.

International authorities have linked 20 merchant vessels to Osama bin Laden. Some of the vessels are thought to be owned outright by Bin Laden business interests while others are on long-term charter. The Times of London reported in October 2001 that Bin Laden used his ships to import the explosives used to destroy the U.S. Embassies in Kenya and Tanzania in 1998.

So what is the Senate doing about it? Is the Senate taking action? No, no, the Senate is spinning its wheels. Senators are dragging their feet—certain Senators.

Nuclear material is easily available if one knows where to look. In January 2001, a panel headed by former Senator Howard Baker and former White House Counsel Lloyd Cutler found that the

threat of terrorists getting their hands on Russian nuclear weapons is the most urgent, unmet national security threat to the United States today.

I served with Howard Baker. He is a man of great integrity, knowledge, and wisdom. He is a patriot.

Stealing or buying a warhead from Russia would be the quickest way for the terrorists or a rogue state to get a nuclear weapon, but it is much easier to construct a radiological bomb from poor-quality nuclear materials. A radiological bomb, or a dirty bomb as it is sometimes called, does not have a massive explosion, but instead it spreads radioactive contamination by using a conventional explosive.

So what are we doing about it? What is the Senate doing about it? The Senate is spinning its wheels. Are we taking action? Is the Senate moving on this bill? No. Senators are dragging their feet—certain Senators.

The list of gaps in our homeland defense structure is overwhelming. Senators should be ashamed of holding up action on this legislation. We ought to be doing everything within our power to ensure the safety of the American people to protect their lives and their property, but instead of moving quickly on this supplemental bill, instead of fulfilling their responsibility to protect the American people, some Senators would rather play politics. In other words, they would rather blow up the train.

What I fear is that with continued delay, we are making it far too easy for terrorists to blow up anything they want. We ought to move forward with this legislation. We ought to pass this bill. We ought to take steps now to protect the American people from terrorist acts. The administration ought to halt its opposition to this bill.

Senator STEVENS and I have tried our best to provide money for this country and for the needs of the Nation and for the Nation's defense, both at home and abroad. We held 5 days of hearings. We have brought a bill to this floor that we believe protects the interests of our citizens at home and continues our efforts to fight terrorism abroad. We had good witnesses. We did not omit important Department heads, important officials from the executive branch.

I, frankly, have difficulty in understanding the complacency about these matters.

We have alerts and prognostications, warnings, dire warnings, from the President, the Vice President, who has indicated quite clearly that another attack by terrorists of such dimensions as September 11 is virtually certain, almost certain.

Many other officials in this Government have indicated another terrorist attack on this Nation is a virtual certainty, and yet some people in this body appear to be asleep when it comes to the urgency of providing the funds that may prevent another attack.

Some Senators have problems with some of the items in the bill. They

know what to do. They can offer amendments. Let us have a vote. They ought to offer amendments and ask for a vote. Come on, bring your amendments. Ask for a vote. Get a vote on your amendment.

Yet we have spent 3 full days already on this legislation, much of that time begging Members to come to the Chamber and offer amendments. Those amendments have been very slow in coming. It is obvious there are some in this body who wish further delay. Perhaps they are being prodded and urged by the administration to delay this bill.

What does it take to awaken Senators to the emergency nature of our situation? What does it take to jar some of the Members of this body out of the usual political posturing that so bores and distresses the American public? Does it take another horrific attack, with thousands of more lives lost, to focus the attention of the Senate on the urgency of this matter?

Cloture must be invoked. We must move this urgent legislation. We must shake off the complacency. We must stop playing politics with this Nation's security and get this bill to conference and on the President's desk. So I urge all Senators today to vote for cloture.

Madam President, how much time do I have remaining?

THE PRESIDING OFFICER. The Senator has 4 minutes 20 seconds.

Mr. BYRD. I reserve that time.

THE PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask unanimous consent, on behalf of the chairman of the Budget Committee, Senator CONRAD, to modify amendment No. 3764 earlier submitted by the chairman of the Budget Committee, to comply with the agreement with Senator DOMENICI on the budget enforcement procedures, and ask that that modified amendment be in order postcloture.

THE PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Madam President, reserving the right to object, every other amendment which is nongermane would be barred postcloture. I do not see any reason why this amendment should be treated differently than any other, and I object.

THE PRESIDING OFFICER. Objection is heard.

Who yields time?

The Senator from Texas.

Mr. GRAMM. Madam President, I yield myself such time as I might consume.

I do not know if anybody is confused about what is happening. I guess with everything that has been said today and yesterday maybe they are, so let me try to straighten it out. The President sent a request to the Congress for an emergency appropriation for \$29.7 billion. In his request, the President outlined what he thought we needed to provide homeland security and to deal with the crisis that it poses. He urged Congress not to load up this bill with

extraneous appropriations and not to use this as a vehicle to spend a whole bunch of money that we do not have, now that we are looking at the potential of running a \$100 billion or \$150 billion deficit. That is the request that the President made.

Let me outline the bill before us. I hear my dear friend, the Senator from West Virginia, talking about people dragging their feet; we need this bill. The President has already said he will veto this bill. The President has already issued a detailed outline running four pages, single-spaced, saying what is wrong with the bill and saying in the clearest possible terms that he is going to veto it.

So is this a political exercise or is this making law? Well, I guess that depends on one's perspective.

Why is the President so upset about this bill that he is saying it will be the first bill he has vetoed since he has been President? That is pretty extraordinary. A bill he requested, a bill that is aimed at providing homeland security, the man who requested it, who has the responsibility to all the people of the country for providing homeland security, the man who under the Constitution is Commander in Chief, is now saying he is going to veto this bill. Why is that?

Here is why: First, this bill spends \$4 billion more than the President requested. That is \$4 billion, in the words of our dear colleagues on the other side of the aisle, that will come right out of the Social Security trust fund. That is \$4 billion that will not be there for trust fund accounts or for any other purpose.

The problem does not stop there. My guess is, if \$4 billion of add-on spending had been piled on to this emergency bill the President probably would have swallowed hard, noted this is the way Congress works, and signed the bill. But that is not the biggest problem. Four billion dollars of overspending is not the biggest problem, and I will read from the committee's own document, from their committee report, where they outline what they are doing.

The President requested in emergency appropriations, to deal with exactly the needs we are talking about, \$24.447 billion. When the President requested \$24.447 billion for emergency appropriations, what does the committee provide; what does the bill before us provide? It provides not \$24.447 billion. It provides \$14.041 billion. In other words, this bill not only spends \$4 billion more than the President asked for but in the committee report summary, it notes that it underfunds the President's request by over \$10 billion. In other words, \$10 billion in emergency appropriations the President asked for were not provided in this bill.

Now, one might say, they spend \$4 billion more than the President but they do not fund \$10 billion of emergency funding he asked for? How is that possible? I will explain how it is possible. In contingency emergency ap-

propriations, these are things that are not true emergencies, the President had \$2.7 billion of offset expenditures, but we do not provide \$2.7 billion for nonemergency items. We provide \$17 billion of nonemergency items and we do not pay for them. As a result, this bill funds \$14 billion of nonemergency items that the President did not request.

So is anybody startled that even a President who goes the extra mile to be bipartisan, even a President who has done everything he could do to try to make this effort a bipartisan effort, has finally balked and said, look, the Congress is spending \$4 billion more than I asked for? They are giving me \$10 billion less in emergency spending than I asked for, and they are giving me \$14 billion of nonemergency spending I did not ask for. As a result, the President is pretty upset. He kind of feels his effort to prosecute this war is being used to fund programs that he believes—and I am not saying he is the only person with an opinion—do not represent the right priorities.

Now given this is the situation we are in, given that our President has said he would veto this bill, is anybody shocked that Republicans are concerned about it and that we are objecting to it?

Mr. BYRD. Madam President, will the Senator yield?

Mr. GRAMM. I am very happy to yield.

Mr. BYRD. Will the Senator identify the emergency items that the President requested that the committee did not fund?

Mr. GRAMM. I do not have before me a detailed listing. I can get that and I would provide it. I simply point out to the Senator, in his committee report, which is dated May 29 of this year, in the classification of total amounts, the net appropriation is \$3.8 billion above what the President requested; emergency appropriations are \$10.4 billion; contingency appropriations are \$14 billion more. They are your numbers.

I am not saying everything the President says is an "emergency" is the right designation and everything you want to fund which is not an emergency is the wrong thing. I am simply saying that the man who was elected by the American people to prosecute this war and to protect security asked for \$29 billion. We are spending almost \$34 billion. He asked for \$24 billion of emergency spending, and we are giving him \$14 billion. He asked for \$2.7 billion in contingency emergencies—much of what he spends—and we are spending \$17 billion for that purpose. So we are spending \$14 billion more for non-emergency appropriations than the President asked for. Those are the facts in this.

I don't want to get into an argument with my dear friend, but I am reading from his report.

Mr. BYRD. Will the Senator yield?

Mr. GRAMM. I am happy to yield.

I am on page 148.

Mr. BYRD. As I understand it—and I am confident I am right—there is only \$65 million in the President's request for emergency that we did not approve.

The Senator is not on the committee. Let me tell you what we did approve. Fourteen billion dollars, as requested by the President, for the Department of Defense, for the war on terrorism; \$1.95 billion for foreign assistance, virtually all of which was either requested or supported by the President.

Mr. GRAMM. If the Senator would yield, I would be happy to listen, but I only have a little bit of time left.

Mr. BYRD. The Senator is making some statements that are simply not true, and I would like to clarify them.

Mr. GRAMM. Let me give the Senator 1 more minute, and I will have to have my time back.

Mr. BYRD. There is \$8.3 billion for homeland reform that the Appropriations Committee determines is necessary based on extensive hearings. The Senator was in not in those hearings. The ranking member was in the hearings. They were well attended by Republican Members. There is \$5.5 billion requested by the President in response to the September attack on New York City.

The Senator has come to the Senate floor "loaded for bear," but he is saying some things that simply are not true about this bill. I think he had a bad dream. I think he had a nightmare. He is not feeling well. He is not feeling well this morning.

Mr. GRAMM. Let me read the words from the Statement of Administration Policy:

The administration strongly opposes this bill and also would strongly oppose any amendment to further increase spending above the President's request.

Mr. BYRD. Madam President?

Mr. GRAMM. Continuing:

The Senate includes scores of unneeded items that total billions of dollars all classified as emergency.

Mr. BYRD. Will the Senator yield?

Mr. GRAMM. I cannot yield now because I have a very limited time. If we had unlimited debate, I would yield.

Mr. BYRD. I would love to go to that point.

Mr. GRAMM. Maybe when we get into the postclosure we can.

Finally, to sum up—and this is a President who has not vetoed a single bill, who came to this city determined to work on a bipartisan basis—he says:

If the supplemental appropriations bill were presented to the President in its current form his senior advisors would recommend that he veto the bill.

The point I am responding to is that when people say they do not understand why there is opposition to this bill given that we are in an emergency situation, that simply leaves out that the President has already said he would veto this bill.

What we should be doing, it seems to me, is sitting down, perhaps the committee should go back and rewrite the bill, work with the President, and craft

something the President would sign. The idea that somehow there is foot dragging going on when the President has already said he would veto the bill, I don't view as productive work in which we are engaged. It seems to me what we should be trying to do is to make this bill acceptable to the President.

I also note that if you look at every agency of the executive branch of Government, you see that this bill funds every single agency of the executive branch of Government at a higher level than the President requested, except one. There is only one agency of Government that does not get more funding than the President requested under this bill. Guess what it is. Only one agency does not get more funding than requested by the President. What is the agency? The Defense Department. And this is a bill that is about homeland security.

So there are two sides to the story. We are at an impasse. Those who want to see a bill signed into law and want to support a President who believes his effort is being subverted have some responsibility to do that. It is not that we are trying to be mean or hateful, it is that the President, who asked for the bill, said he will veto it. The numbers provided by the committee show it grossly overspends what the President requested; and not only that, it overfunds in areas that the President has said do not represent emergencies.

Finally, in what I think is a twisting of the process, when we had a budget, we said there could be an emergency under two circumstances: With an agreement of two parties, the President and the Congress. If the President says something is an emergency and Congress says it is an emergency, it does not count on the budget. But under this bill, this \$14 billion of non-emergency spending that is added, the President cannot take any of the money that is provided for an emergency, even though it is \$10 billion less than he asked for; he cannot spend any of it, unless he designates this \$14 billion add-on as a nonemergency.

That is a perversion of the whole emergency designation.

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

The Senator from West Virginia.

Mr. BYRD. The Senator from Texas, I am sorry to say, is apparently having some hallucinations. The President requested—if the Senator will look at the report, the Senator questioned \$27,143,519,000.

The White House said the very same thing about homeland defense. They did not need the money. They did not want the money. Tom Ridge wrote me a letter—I believe he sent a copy of it to Senator STEVENS, or he may have written the same letter to Senator STEVENS, I am not sure, but he sent me a letter saying they did not need the money, they did not want the money, they would determine what they needed in due time and tell us what they needed.

This Senate added \$4 billion for homeland defense last year over the President's request. It is being used; it is making a difference. And after all of the hearings of this committee, before Republicans and Democrats, after all the hearings in which the executive branch participated, this is the outcome. This bill that we have brought to the floor is the result of those hearings. Go back and tell your firefighters, may I say to the Senator from Texas—go back and tell your firefighters, tell your law enforcement people, tell your policemen, tell your health officials, tell those people, tell the people back home they do not need this protection. Tell them; don't tell us.

The Senator was not on the committee. I greatly honor the Senator from Texas but he is absolutely wrong. He is dead wrong. He is having dreams. He is having nightmares. He is really wrong. The figures he quoted this morning, if we had the time, I would show, are absolutely false.

This committee, 29 members, backed this bill. Fourteen of those members were Republicans. They voted to report this bill, and they are right.

So I say to the Senator—if I may have his attention?

Mr. GRAMM. You certainly may.

Mr. BYRD. Would he please offer amendments. If he doesn't like this bill, offer amendments to take out the money, and then you can tell the people back home, you can tell the policemen, you can tell the firefighters, you can tell the health personnel, you can tell the people at the local level, that their safety doesn't matter. Their safety doesn't matter.

What the administration says is apparently what matters. But the administration was wrong last year. The Senate was right last year. The administration is wrong this year, and the Senate is right this year.

So I urge Senators to vote for cloture and then let's vote on the amendments.

#### WAGE INDEX FAIRNESS

Mr. SESSIONS. Madam President, I rise today, along with my distinguished colleagues, Senator SHELBY and Senator HUTCHINSON, to offer an amendment to the Emergency Supplemental Appropriations bill. I have come to the Senate floor many times in the last 5½ years to talk about this issue—the wage index—and I will continue to do so, and I will continue to offer my bill S. 1001, the Wage Index Fairness Act, as an amendment until we do something about it. I wanted to offer this amendment to the emergency supplemental bill because it is, in fact, an emergency. The wage index is causing hospitals in rural areas all over America to close their doors and to turn away patients. We cannot allow this to continue.

The wage index is an injustice to rural communities that I believe has reached emergency levels. This terrible inequity within the Medicare wage index formula must be addressed in order to ensure access to care for

Americans in need. This amendment, which is cosponsored by my colleague from Alabama, Senator SHELBY, as well as my colleague from Arkansas, Senator HUTCHINSON, will establish a floor on area wage index adjustment factors used under the Medicare Prospective Payment System for inpatient and outpatient hospital services.

Over the past years, I have visited numerous hospitals, and at every one, hospital administrators and hospital staff have urged me to do something about the wage index. They have illustrated for me the amount of money they lose each year as a result of this unfair formula, as well as the struggles that result including fighting to keep their hospitals staffed and their doors open. Time after time fixing the wage index has been cited as the number one issue for Alabama's hospitals, and I have worked closely with the Alabama Hospital Association and its members to develop a plan to address the wage index problem.

A complicated and mostly arbitrary formula, the wage index is part of the hospital Perspective Payment System, PPS, which was created in the early 1990s in an effort to cut Medicare spending. It established a base rate for Medicare reimbursement based on two components: labor and nonlabor related costs. While nonlabor related costs are similar nationwide, labor-related costs must be adjusted to account for the regional differences in wage costs. This adjustment is made according to a wage index.

Rural areas such as Alabama and Arkansas have low wage costs; therefore, their Medicare reimbursement is much lower than in other parts of the country. Alabama actually has the lowest average wage index in the country, and Montgomery, Alabama's capital, has the lowest wage index in the State. In fact, the wage index for all Alabama's hospitals is between 0.74 and 0.89—well below the national average.

The amendment I have introduced would establish a wage index "floor" for Medicare reimbursement to hospitals. By raising the minimum wage index to 0.925, we can help those hospitals that have been hit hardest by the unfairness of the wage index formula. Other legislative proposals may fix the wage index, but they also include additional funding for other portions of Medicare reimbursement policy. My bill addresses just the wage index and will help nearly half of the hospitals in the country. According to the American Hospital Association, this proposal will benefit 2153 hospitals across America.

Illustrating what an important issue this is, my friend and colleague, Senator HUTCHINSON, has also filed an amendment on the wage index and base payment amount, is that not correct Senator?

Mr. HUTCHINSON. I have also filed an amendment to the supplemental appropriations bill on this critically important issue. While my amendment,

cosponsored by Senator CLELAND, will not be considered relevant if the Senate invokes cloture on the supplemental appropriations bill this morning, I want to stress to my colleagues how important it is to the livelihood of hospitals across America who are struggling every day to survive and to meet growing health care demands.

Cuts in Medicare and Medicaid reimbursements, coupled with health care inflation and a dramatically growing health care worker shortage, are forcing many hospitals to shut down units, cut services, or close down entirely. This truly is an emergency situation, and Congress needs to take action.

The amendment I am offering is based on bipartisan legislation I introduced called the Area Wage and Base Payment Improvement Act, which now has 26 cosponsors. It is designed to help rural hospitals keep pace with today's salary requirements for their workers by setting a minimum payment on the area wage index. Such an area wage index floor—set at .0925 percent—would bring Medicare payments for at least 2,100 hospitals nationwide closer to the national average of 1 percent.

The amendment also eliminates the disparity in the Medicare inpatient base payment amount by moving rural and smaller metropolitan hospitals to the same payment level received by large urban facilities. This change in the base payment amount is also supported by the Medicare Payment Advisory Commission. In total, my amendment would provide an additional \$328 million in needed payments to rural hospitals in Arkansas.

These rural hospitals are truly the lifeblood of their community. Not only are they often the primary source of health care in a given community, they are also a major provider of jobs in a given area. The financial failure of a hospital puts its whole community at risk because, without these institutions, medical services, social services, and jobs disappear.

Small and rural hospitals have been especially hard hit by staffing shortages, particularly in the field of nursing, since lower Medicare reimbursements and the very nature of rural areas make it difficult to recruit and retain qualified staff. In Arkansas and Alabama, rural hospitals are losing staff to bigger salaries offered by large, urban hospitals out-of-state. Meanwhile, in many urban area hospitals, fierce competition for qualified workers is creating serious retention issues as workers are hopping from job to job.

I ask my colleague how is this competition for workers affecting hospitals in Alabama?

Mr. SESSIONS. Alabama is having to compete with surrounding urban areas such as Atlanta, GA, for health care professionals. In order to recruit these highly qualified health care personnel, Alabama's hospitals must offer urban wages. This has become nothing short of a bidding war due to the national shortage of health care professionals,

and nurses and health care technicians who are being offered high pay, living expenses and, in some cases, traveling expenses to leave Alabama and work in larger urban hospitals. Alabama hospitals must offer higher wages, but they are not fairly reimbursed by Medicare based on these higher costs. Their reimbursement continues to be adjusted by this capricious area wage index, which, as I have just illustrated, does not always reflect the actual labor costs.

The annual impact of the wage index formula results in a reduction of Alabama hospital payments by between 5.5 and 6.5 percent each year or close to \$46 million/year. Until we fix this problem, Alabama hospitals and hospitals all over the country will continue to lose millions every year. Already forced to make the most of limited resources and to continue to provide care for the State's uninsured, these hospitals will face tough decisions regarding health care services. They will continue to postpone important projects and the purchasing of much-needed equipment.

In my home State, it is easy to see how arbitrary and unfair this formula is. In Mobile, AL, the prevailing wage index is 0.81. Just across the border on the Mississippi side in Pascagoula, less than an hour's drive away, the wage index is 0.88. On the other side of Alabama, in Pensacola, FL, also about an hour's drive from Mobile, the wage index is 0.89. There is no reason for the difference. The wages are not that different. But what it means, is that the hospitals in Mobile get less Medicare reimbursement than those in the other two areas. This formula is arbitrary and unfair.

The Centers for Medicare and Medicaid Services, CMS, and the Medicare Payment Advisory Commission, MedPAC, have recognized the problem, and they have even made recommendations to change the wage index.

In addition to these recommendations, several pieces of legislation have been introduced in this Congress to address the wage index. Senator GRASSLEY, ranking member on the Senate Finance Committee has been a champion of changing the wage index, in fact, he introduced legislation last year that I and several of my Senate colleagues cosponsored. I also appreciate the support we have received from Senators SPECTER and HARKIN during last year's Labor, Health and Human Services Appropriations debate. I thank them for their support and welcome their offer to help fix the wage index. Although many have recognized the problem with the wage index, nothing has been done to fix it.

While I understand the upcoming cloture vote will make my amendment nongermane as well, I still feel compelled to offer this amendment to the bill to illustrate to my colleagues the true urgent need to fix the wage index. I hope that my colleagues will realize the urgency of this matter and will work with me to fix this inequity. I

urge the Senate Finance Committee and my colleagues to join Senators SHELBY and HUTCHINSON and myself in our efforts to fix the wage index formula and to help our hospitals continue to provide the high quality of care and the access to care Americans deserve.

Does the Senator agree that there is broad bipartisan support for these changes?

Mr. HUTCHINSON. Yes, the area wage index floor and base payment change proposals both enjoy broad bipartisan support. As I mentioned earlier, 26 Senators have cosponsored the Area Wage and Base Payment Improvement Act. Elements of this legislation have also been included in legislative proposals introduced by both Senators, GRASSLEY and BAUCUS, and I thank them for their leadership in this regard. The fact is that rural hospitals desperately need Congress to fix this inequity. These hospitals are a vital link in our Nation's health care safety net, and we must ensure that they are able to continue to offer quality health care services to rural Americans.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Nevada.

Mr. REID. Mr. President, is there any time remaining to the Senator from West Virginia?

The PRESIDING OFFICER. There remain 45 seconds.

Mr. REID. I ask that time plus 1 minute be given to the Senator from North Dakota, and equal time be given to the Senator from Texas.

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

Mr. CONRAD. Mr. President, when the Senator from Texas objected to the unanimous consent request that was made by the Senator from Nevada, what he was objecting to was a bipartisan agreement on a budget framework and the extension of the budget disciplines that expired at the end of September. All we were asking was for the body to have an opportunity to vote after the cloture vote this morning. That is because under the rules of the Senate, postcloture, that amendment to have a budget, to have the budget disciplines extended, will not be permitted.

There has been criticism that we have not had a budget for this year. I think all of us understand the jeopardy of not having a budget framework and the lack of the budget disciplines, which expire in September extended. This was an opportunity to address those critical concerns. I regret that the Senator from Texas objected. He doesn't want to give the body an opportunity to vote, to discuss, to debate, and to decide.

We had a chance to put in place a budget framework and to extend the budget disciplines to keep the appropriations process from spiraling out of control. We will have to revisit that issue, but I hope people will think carefully about whether we really do not

want to have any budget disciplines as we go through the appropriations process.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, forgive me, but for the chairman of the Budget Committee, who has not brought a budget to the floor—for the first time in my entire period of service in Congress—to be saying that he wants to write a budget by changing the rules of the Senate to allow it to be germane in a appropriations bill, when it doesn't even set totals as to how much we are going to spend, and criticizes me for objecting—I am sorry, but I think that just simply goes too far.

Quite frankly, we should have brought a budget to the floor. We should have debated it. We should have voted on it. We did vote on the Senator's budget yesterday and not one Member of the Senate voted for it. I guess every Republican thought it spent too much and every Democrat thought it spent too little. But the net result was, unless I am wrong, and I will stand corrected if the Senator would correct me, it got zero votes. So I do not understand being criticized because the Senator did not bring a budget to the floor.

Mr. CONRAD. Will the Senator yield?

The PRESIDING OFFICER. All time has expired.

Mr. CONRAD. I ask unanimous consent for an additional 30 seconds.

Mr. GRAMM. And if I could have the same.

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

Mr. CONRAD. I say to my colleague from Texas, when he says there were no number limits in what I was offering, he is wrong. He objected to putting in the very limits that he requests. This was our opportunity. We had a chance to have a budget framework and to extend the budget disciplines and the Senator from Texas said no. We will not even allow the body to consider it.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. We voted on a discipline yesterday. The Senator voted against it, raised a point of order against it, and it was his number and he voted against it.

I would like to say, Senator BYRD asked me where are we not funding something the President requested? I just opened up the bill and just looked at the first two pages. For staff and expenses of the U.S. Marshals Service, this appropriation is down \$2.1 million; for the Drug Enforcement Administration, it cuts \$13 million. I don't know—I could go further but I see I am out of time.

#### CLOTURE MOTION

The PRESIDING OFFICER. All time has expired. Under the previous order, under rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the supplemental appropriations bill, H.R. 4775:

Harry Reid, Patty Murray, Barbara Boxer, Dianne Feinstein, Jack Reed, Dick Durbin, Tim Johnson, Jeff Bingaman, Robert Torricelli, Tom Harkin, Daniel Akaka, Byron Dorgan, Joe Lieberman, Tom Carper, Bill Nelson, Maria Cantwell, Barbara Mikulski.

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

The question is, Is it the sense of the Senate that debate on H.R. 4775, an act making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN) and the Senator from South Dakota (Mr. DASCHLE) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

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

The yeas and nays resulted—yeas 87, nays 10, as follows:

[Rollcall Vote No. 135 Leg.]

#### YEAS—87

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

#### NAYS—10

Allen	Fitzgerald	Smith (NH)
Brownback	Kyl	Specter
Bunning	McCain	
Feingold	Sessions	

#### NOT VOTING—3

Bingaman	Daschle	Helms
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The PRESIDING OFFICER. On this vote, the yeas are 87, the nays are 10. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to. The Senator from Nevada.

Mr. REID. Mr. President, we are now on postcloture regarding this very important legislation. I have spoken to the majority leader. If we can finish tonight, of course, there would be no roll-call votes tomorrow. If we cannot, everyone should understand, we will work until we finish this bill.

The President wants a bill. He may not like what we have now, but I am sure he will like what comes out of conference.

I suggest that we, in the next little bit, work with those who want to change this bill. We will try to work out a list of amendments people can offer that are germane. We will be as cooperative as we can. Everyone should understand, we will finish this bill. It will be finished this week. That is the way it is. If we get no cooperation from everybody, then we will have a vote at approximately 5:30 tomorrow tonight on this legislation. We are going to finish the bill this week.

The President has been calling for action for more than 2 months. We have been working on this measure, wasting a lot of time this week. The wasteful time is over. As I told the Republican leader earlier today, I appreciate his coming to the floor advocating that Republicans vote for cloture, which they did.

I hope we can move forward expeditiously. I say again, we will finish this bill tonight if possible, with no votes tomorrow. Otherwise, we will work through tomorrow until we finish.

I yield to my friend from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I tell my friend and colleague from Nevada, I am happy to work with him to try to expedite consideration of the bill. I might note, the President sent the urgent supplemental request on March 21. It was just recently marked up—I believe, last week. So we have had it on the floor for a couple days. We have had a chance to review it.

We did cooperate with the assistant majority leader to invoke cloture, which is unusual. I can't remember invoking cloture on an appropriations bill. Maybe the chairman of the committee remembers. It has probably happened, but it is not often. We did it in an effort to try to streamline it.

There are a lot of people trying to pass a budget on this bill. I happen to be on the Budget Committee. I would like for us to consider a budget, but we haven't had a budget on the floor of the Senate yet. Some people were trying to rewrite the budget through the Appropriations Committee, and I questioned the wisdom of that. I was a little concerned about that. Invoking cloture eliminates the budget debate. We are not going to have four or five more proposals dealing with budgets and caps and budget rules, and so on. We will deal with appropriations bills.

Now we have a list of amendments, a list of amendments germane postcloture. I will work with the Senator from Nevada to review that list. I



don't know if we can possibly pass this bill tonight. I will try. I will work with him to try to do it. We will try to pass a good bill. Some of us are concerned about the expense of the bill. The bill is \$4 billion over the President's request, and we didn't fund everything the President requested. There is a provision in here that says we are going to change how we do emergencies. I have an amendment to deal with that. I will call it up pretty quickly.

I urge all my colleagues, Democrats and Republicans, if they have germane amendments, to bring them forward. Let's consider those and see how much progress we can make on the bill. I don't know if we can finish this bill tonight. I will work with my colleague to do so.

If not, we will work to see if we can't come up with a timetable, a framework to where it is mutually agreeable to finish this bill as soon as possible.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say to my friend, the distinguished Senator from Oklahoma, Senator BYRD and Senator STEVENS marked this bill up 2 days before the House reported it. This was following long, very productive hearings that Senator BYRD and Senator STEVENS conducted. In my 20 years in Congress, I don't know of more in-depth, important hearings that have ever been held. Everyone from the administration was called to make their opinion known as to what should happen with homeland defense and the security of the Nation. These were long hearings. I didn't spend the time in committee that the chairman and ranking member did, but these were great hearings.

For someone to suggest—I am not confident that the Senator from Oklahoma did—that the Appropriations Committee was dilatory in any fashion is a mistake. This is one of the most in-depth, prepared bills I have ever come in contact with, even though most emergency bills don't have the background and depth this bill has.

We have marked this up; the Appropriations Committee did it 2 days before the House reported it. As everyone knows, we were even willing to bring it up, as the chairman of the Appropriations Committee, Senator BYRD, tried to do, before the Memorial Day recess. There was objection heard from my friends on the other side of the aisle.

We are now to a point where we will finish the bill. There is no way to slow it down. There are a number of problems we have in postclosure, but one of them is not, as we usually have in the Senate, an indefinite time period. We have a definite time period. We have already notified the cloakroom to have Presiding Officers here all night tonight. We will finish this bill by tomorrow. We want this bill to go to conference next week. We want the bill to go to the President as soon as we can.

I am confident the chairman of the committee would say this: There are

many inadequacies in our homeland defense. This bill will plug some of those holes. The sooner we do that, the safer my State of Nevada will be and every other State in the Union. We are moving forward. We are ready for the first amendment whenever anyone is ready to offer it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I have a number of amendments. I will be ready to propose them. There is no sense in reviewing how quickly we got to this point. In my memory there has not been a cloture motion filed on the first day a bill is considered.

All that aside, we are where we are. I respect and appreciate the motivation of the Senator from Nevada for getting this done as quickly as possible, perhaps tonight or tomorrow. Therefore, I believe I ought to tell the Senator from Nevada that in order to expedite that, there should be no managers' amendment package because I will, because of the egregious aspects of managers' amendments in the past, packages which none of us have seen and all too often have been agreed to because it is late at night, unless we agree—first of all, there should not be a managers' package of amendments. We should debate and vote on all amendments. But if I am not in agreement with them and others are not in agreement, we will have recorded votes on those amendments. I tell the Senator from Nevada.

We will not have one of these deals that we have seen in the past so many times where at the very end—maybe at 10 or 11 o'clock at night—there is a unanimous consent agreement that a managers' package be accepted. We are not going to do that.

So if the Senator from Nevada wants to get it done tonight, I recommend that he play some role in making sure we don't either have a managers' package or the contents of it are well known to all Members of the Senate and not discovered by reading the newspaper in the following days. I tell the Senator from Nevada, I will be ready with the first amendment that we have very shortly.

I yield the floor.

Mr. REID. Mr. President, I say to my friend from Arizona, a State next door to Nevada, that we did not file cloture on the first day, but we filed it on the second day. On the first day, we came for business and there was nobody from the minority here. We did not stay in session very long because there was no business to be transacted. That is one of the problems we have in the Senate. People think that if we have a bill up on a Monday or a Friday, it is kind of a day that doesn't really matter. We should be conducting business on those days. So cloture was filed on the second day.

I agree with the Senator that it would have been better if we had held off a little bit, but we simply were getting nothing done. The Senator will remember that on that day we accom-

plished nothing. Out of frustration and the fact that my dear friend, the senior Senator from Texas, stated that there was an effort by him and others to "slow down the train"—and we read the next day in the Daily Press that there was an effort by the Republicans to slow-walk this legislation and other legislation—I think the majority leader had no alternative. I think he did the right thing. As the Senator from Arizona said, it doesn't matter, it is water that has already gone under the bridge. We are here now. Let's work together to try to get this bill, which the President says he wants badly and we believe he needs badly, to sign for our country.

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

Mr. DOMENICI. Mr. President, I am not trying to take the place of anyone who wants to offer an amendment. I thought there was a little loose time here. Is the Senator ready? I wanted to speak a couple of minutes.

Mr. MCCAIN. I am glad to wait.

Mr. DOMENICI. I thank the Senator.

Mr. President, let me make a couple of observations. It seems to me that there is no question that we are going to pass this supplemental. The President of the United States will have his rights, when this bill goes to conference, to argue with the Senate and the House conferees and have his input. It is very difficult to perceive a situation where, when you are talking of more than a few billion dollars and more than 100 or 200 projects or programs or activities that are funded—it is pretty hard to come up with the same number for the President and the Congress. As a matter of fact, it has taken me a long time. I fess up to understand that the Budget Committee ordered that the Congress pass a congressional budget, and it is most interesting that they didn't say a Presidential and congressional budget; they said a congressional budget. Then, of course, nobody took away the President's prerogatives as that budget was implemented. The President retains his prerogatives to be for or against the bills that come from that budget.

In fact, there have been some in both Houses who have attempted to change the Budget Act so the President could be part of it. They have never gone anywhere—those proposals—because we are supposed to do our job, and the President, with the OMB and others, does his job; and eventually we come to a rational conclusion somewhere down the line.

I believe the far bigger mistake we are making as we move toward appropriations this year than trying to square this bill up in actual dollars exactly the same as the President's, or that we not get any cap language that exceeds the President's, I think the most important thing is to try to save some of the enforcement provisions of the Budget Act so they will be living throughout this process next year and give everybody an opportunity to see

whether they want to get rid of the entire process or whether they want to maintain the seven, eight, or nine important provisions that help us around here.

I am not suggesting I know how to do that now in a postcloture position. I will continue to work with the leader on the other side and the leader on this side and the respective whips and Senator BYRD, Senator STEVENS, and anybody else to see if we cannot have a bipartisan agreement. Let's retain the amendment. Let's retain what? Let's retain some significant portion of the enforcement provisions in the Budget Act, adopt them as a statute for 1 year in this appropriations bill. I believe that is the most helpful thing we can do even if the numbers are not identical with the President's.

For instance, in the entire budget, it looks as if we are coming down with an agreement that probably would be supported by more than half of the Senate, which says we cannot meet the President's appropriations number, but we can put together pieces and be maybe \$8 billion to \$10 billion higher on this gigantic budget. That does nothing to change the President's budget, does nothing to put him in a position where he is getting the short end of what is expected to be a congressional budget provided for in our own language, and then we have one called a budget of the U.S. Congress.

I hope, for those who are interested, we will continue to work on that. In the meantime, clearly, with the last vote, we are on a path to hurry up. I think that is relatively good considering where we have been in the past.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 3764

Mr. NICKLES. Mr. President, parliamentary inquiry: What is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 3764 by the Senator from North Dakota, Mr. DASCHLE.

Mr. NICKLES. Is that amendment germane postcloture?

The PRESIDING OFFICER. In the opinion of the Chair, the amendment is not germane.

Mr. NICKLES. Does the amendment fall?

The PRESIDING OFFICER. On a point of order.

Mr. NICKLES. Mr. President, I make that point of order.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

AMENDMENT NO. 3703

Mr. MCCAIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. FEINGOLD, proposes an amendment numbered 3703.

The amendment is as follows:

(Purpose: To strike the amount provided for design of a storage facility for the Smithsonian Institution)

On page 73, strike lines 1 through 11.

Mr. MCCAIN. Mr. President, this is not a very big or important amendment, but I think it has some symbolism associated with it. The amendment concerns striking \$2 million for the Smithsonian to begin design of an alcohol storage facility for animal specimens away from The Mall.

In the Statement of Administration Policy that was sent up on June 4, the President states his strong objections to the increases in spending over what the President had requested, and it also states if the supplemental appropriations bill were presented to the President in its current form, he would veto the bill.

This is just \$2 million of a several-billion-dollar increase over what the President requested. But in the Statement of Administration Policy, the Office of Management and Budget goes on to specify certain expenditures that are, in their view, either unnecessary—it says the Senate bill includes scores—quoting from the message—“includes scores of unneeded items that total in the billions of dollars, all classified as an emergency.”

The bill adds unrequested funds for numerous programs and projects throughout nearly all of the Federal agencies. Some of these items relate to homeland security—many do not—including \$11 million to the National Oceanic Atmospheric Administration for economic assistance to New England fishermen and fishing communities; \$26.8 million for the U.S. Geological Survey for urban mapping activities; \$2 million for the Smithsonian to begin design of an alcohol storage facility for specimens away from The Mall. They go on to add that the President's fiscal year 2003 budget already includes funding for this project in fiscal year 2003.

So, basically, what we are talking about is a project that already is included in the President's budget for next year. Apparently, the people at the Smithsonian are seeking to accelerate that, which I can certainly understand because then they will have some millions of dollars—\$2 million extra—to spend on other projects at the Smithsonian, a wonderful and venerable institution. But to no objective observer could this be viewed as a response to, as the title of the legislation is: Making supplemental appropriations for further recovery from a response to terrorist attacks on the United States. This is clearly not it.

To make a long story short—I do not intend to spend too much time on it—the President believes it is unnecessary, I believe it is unnecessary, and I believe it needs to be taken out and the money spent at the normal time in fiscal year 2003, which is in the President's budget. I am sure they will receive those.

Someone who supports this will say this is a serious situation, that the

temperature control is an important aspect, alcohol is flammable, and we should be as careful as possible, et cetera. I agree with all of those arguments, but I also would argue that other measures can be taken and this project can be moved forward at the appropriate time.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the supplemental appropriations bill does include \$2 million for the Smithsonian Institution to begin planning and design work for construction of a storage facility that would hold specimen collections preserved in alcohol.

The House included this amount in its version of the supplemental appropriations bill. The amount is requested by the administration in the Smithsonian's fiscal year 2003 budget estimate. So the administration supports this item.

The Smithsonian's National Museum of Natural History on The National Mall holds one of the largest natural science specimen collections in the world. Most of this collection is preserved in alcohol, an estimated 730,000 gallons of highly flammable liquid occupying 50,000 square feet of space at the museum.

The storage space at the museum does not comply with the fire and safety codes, exposing the public—we are talking about exposing the public here—to significant risks. For example, large areas of the main building have no sprinkler system, and there are no firewalls between the newer wings and the older central exhibition spaces of the museum.

With the equivalent of several jet planes loaded with fuel—now get this—with the equivalent of several jet planes loaded with fuel now housed on The Mall, the committee has acted responsibly in providing funds to begin the work that will eliminate this hazard. We should not wait until next year. To wait is to take great risks with human lives.

Funds can be obligated immediately, thereby accelerating construction of an appropriate storage facility for 6 months to a year. This is a significant fire hazard on The National Mall, and we ought to attend to it now, not wait until next year.

The administration supports this item. They asked for it in the 2003 bill. What is wrong with going ahead with it now? The museum informed the committee that construction could begin early.

I know it sounds good that we are appropriating money for construction of a storage facility that would hold specimen collections preserved in alcohol.



Yes, it has a political sound on which it is easy to beat the drums. But this is something that involves human lives, not just worms, not just insects. It involves human lives. Let someone start a fire down there with all of this inflammable alcohol, and we will be spending more than \$2 million, and there will be human lives involved.

I urge that the Senate not support the amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, will the Senator from West Virginia allow me to ask a question?

Mr. BYRD. Yes.

Mr. REID. Mr. President, it is my understanding that these products—and I certainly am not going to divulge the location publicly—are in a very sensitive location.

Mr. BYRD. No question.

Mr. REID. Very close to the Capitol where millions of tourists come every year.

Mr. BYRD. Absolutely; no question about that.

Mr. REID. Any kind of a suicide bomber, a car bomb would cause a conflagration that would be untoward if these products were ever involved.

Mr. BYRD. There is no question about that.

Mr. REID. The Senator knows, as has been developed—and I assume that is why the House put it in this bill—

Mr. BYRD. The House put it in the bill.

Mr. REID. The reason they did is they were concerned about the safety of not only hundreds of thousands of people who work in the Capitol complex area but the millions of tourists who come every year.

Mr. BYRD. No question about it. The Senator is absolutely correct. And I certainly would not want to be a Senator who voted for this motion to strike this item if something happened. And who knows what might happen today, tonight, tomorrow.

Mr. REID. Mr. President, I can say for this Senator, I appreciate the House putting it in the bill. I appreciate Senator BYRD and Senator STEVENS having it in the bill before us because I think to remove this legislation is such a wrong way to go.

If we are talking about homeland security, the place to start is with this amendment.

Mr. BYRD. I thank the Senator for his expression of support.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me outline for my colleagues what I think we are going to do. I do not speak for everybody on my side, much less everybody in the Senate. What we are going to do is pick out maybe a half a dozen instances of provisions that are in this bill that the President did not ask for, that do not represent an emergency as we conventionally define it. We are going to give Members of the Senate an opportunity to vote to keep them in or

take them out. Let me talk about the Smithsonian issue.

The President proposed in his budget for 2003 that we build a new state-of-the-art facility that will maintain the temperature at 65 degrees so that we can take specimens that are stored in alcohol at the Smithsonian Institution and move them to this building; that lowering the temperature would reduce the amount of evaporation and, in the process, preserve the specimens better than where they are currently stored.

No one argues—not one person I have heard argue or anything I have read on it, and I have read everything I could get my hands on about this issue—no one argues that we can build this facility right now. There is not even a blueprint for it. The funds, if we provide them, would be available on October 1 through normal appropriations.

Mr. BYRD. Will the Senator yield?

Mr. GRAMM. I will be happy to yield.

Mr. BYRD. This is the design money. The construction will follow. Why not get on with the design money? We could save some time, possibly save some lives.

I thank the Senator for yielding.

Mr. GRAMM. The President has asked for this funding as part of his ongoing appropriation process. The funds would be available on October 1. The odds that we are going to spend the money before October 1, in my opinion, given the experience we have in these kinds of matters, is relatively low. What this amendment does in reality is it takes an ongoing appropriation to provide funding for the storing of specimens in test tubes and jars in a new facility, makes it an emergency so that money that would have been provided in the regular appropriation process can be spent on something else.

I will read from the Washington Times statements about this issue.

Smithsonian officials acknowledged that the need for specimen storage did not result from the terrorist attacks on September 11. "It predates September 11," said Jerome Conlon, assistant director for facility operations. "It certainly has been on our wish list, yes."

The point is there are a lot of things on wish lists. Almost anything could be deemed to be an emergency. The point is the President sent us a targeted list of things that cost \$29 billion. This is an item that has to do with the storage of specimens in the Smithsonian. It is true that one can argue that someone could blow up the Smithsonian and get an afterburn from specimens in alcohol. One could argue that almost anything we would do would be an emergency, but the point is the Smithsonian does not say this is an emergency. The President did not ask for it as an emergency.

It seems to me that an explosive at a chemical plant in Beaumont, TX, would be a lot more dangerous than one in the Smithsonian with alcohol tubes.

I want to protect against both, but the point is where is the line drawn on

what is an emergency? If we took the standard that anything that could potentially be considered as a terrorist target is fair game for this emergency appropriation, we could literally spend \$100 billion, \$200 billion.

The point is the President did not consider this to be an emergency. The Smithsonian did not consider this to be an emergency, but it was added to this bill along with other items on which we will vote, some of which are even clearer, but I think this is a pretty clear example of something that was in the appropriation process that the President requested through the normal channels but it has found its way into emergency funding. I do not think we ought to do this. I think this is one of a dozen or so clear examples of where we have overreached in designating emergency. You can make an argument for anything that it has an emergency overtone to it, but basically this is an ongoing activity of the Smithsonian. It was in the President's request for 2003. I think logic would dictate that it be funded through the normal process.

Let me make this concluding point. The question before us, it seems to me, is not are we going to build this new building for the Smithsonian; the question is, does it represent such a dire emergency that it should be exempted from the budget process and we should fund it by running a deficit and funding that out of the Social Security trust fund?

I argue that where we are talking about clear examples, where the President and the Congress agree, which is our definition of an emergency, in law, that there is an imminent threat, the answer is yes, we should run a deficit to do it. But in a case where the President says this is not an emergency, where it is going to occur anyway through the normal appropriations process, where the Smithsonian admits that it is not an emergency, it has been on their wish list for quite awhile, something they want to do and that is worthy, it seems to me that under these circumstances this should not be funded as an emergency.

I think the case is clear cut. Obviously, people can vote however they want to vote, but what we are doing in this emergency designation is we are waiving the Budget Act, we are raising the deficit, we are spending the Social Security trust fund because this is an imminent emergency. The point is the Smithsonian says it is not. The President says it is not.

The question is, should we designate it as that or should we allow it to be funded through the normal appropriations process where the funds will be available on October 1? It seems to me that the clear answer is, this should not be in this list of dire emergencies.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Nevada.

Mr. REID. Madam President, for my friend to suggest that this is stuff stored in test tubes and jars, he certainly does not understand the issue.

There are 730,000 gallons at a site so close to where millions of people come every year, and it seems to me there are a lot of things that are emergencies but I think the Appropriations Committee in the House and the Appropriations Committee in the Senate did the right thing in getting the program on its way so they could find another place for 730,000 gallons of alcohol and formaldehyde. This is an emergency. It should remain in this bill.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. When the time is ready to expire, I intend to make a motion to table the Senator's amendment. I believe others may want to speak on it, so I do not want to do that in advance, but I will say this: This is money to start this project, one that we all believe is extremely necessary due to the location of the Smithsonian. It is a very small amount of money. Maybe that is why the argument was started. It may be about a very small amount of money, but it is one that collectively, on a bipartisan basis, we thought ought to be initiated now. We will address the full amount in the 2003 bill, and I think that is proper.

This is not the kind of money that has to go through all kinds of rigmarole at OMB to get released. It is money that will be immediately available to start this design, and by the time the money is released for 2003, it ought to be possible to move this really a year ahead if we start now.

So I urge the Senate to support our recommendation. I do not know how the House will feel about it, but it is a nice test case to see whether or not the Senate wants to support the judgment of the Appropriations Committee on the staging of monies for the Smithsonian. This is an emergency to get that collection and everything else out of that building and get it where it should be, away from the concentrated area of the District of Columbia and the millions of visitors who come to Washington, DC.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I will be very brief. I look forward to a vote. The Senator from Texas and I will have several votes, not an unending stream of votes because we will know after three or four votes whether there is going to be any imposition of fiscal discipline or is this just a spigot that is going to be turned on. It is not the amount of money that is symbolic about this vote. It is whether, as the Senator from Alaska said, we will rely on the judgment of the Appropriations Committee, as he just stated, or we will rely on the judgment of the Commander in Chief, the President of the United States, who specifically in his veto threat objected to this provision in the appropriations bill. It is really that simple.

So it is not \$2 million. It is, whose judgment are we going to trust? Are we going to—as with other amendments,

as I say, we will establish a precedent for it—be able to trust the judgment of the President of the United States or the judgment of the Appropriations Committee?

So I look forward to a quick vote. I say to the Senator from Alaska we have no further debate on this issue.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Madam President, I will be very brief. I have had the opportunity to sit on the Board of Regents of the Smithsonian Institution.

I have been in numerous meetings, especially since September and October, addressing this very specific issue.

Having listened to the presentation of the people who have studied this issue most carefully inside the Smithsonian Institution, I am very hesitant to back away from the recognition that we have over 730,000 gallons of highly flammable alcohol within about 150 yards of where we are sitting right now. I don't want to overstate or understate, and I read what has been written about this in the last several days.

Let me make several points. We are talking about the National Museum of Natural History located on the National Mall, right outside the door. It currently holds tens of thousands of specimens. These specimens are placed in highly flammable alcohol jars. The collections today occupy about 50,000 square feet of space in various areas of the museum. They do not today comply with the fire code that has been written locally in this area, in this region, in this district, in this part of the country. They do not comply with the fire code. They are stacked under a stairwell where we have thousands of people walking over the course of a month.

The National Museum of Natural History has 1,200 staff and 25,000 visitors on a weekday who are walking either over, because it is stored under a stairwell there, or around the flammable jars.

This issue has been a concern of the Smithsonian. I have been a regent for about 6 years, for some time. For my colleagues who have not been in the room, recent national security reviews highlighting the vulnerability of highly visited public buildings indicate this problem should be resolved as soon as possible.

The Smithsonian, as mentioned before, has planned to build a specially designed storage facility at the research and storage complex in Maryland, removing the collections from The Mall area where we have so many people coming from all over the United States of America to visit.

We need to remove this as soon as we possibly can. If the Smithsonian can plan it, it is in the underlying plan. If they do that—it will not be done in 2002—those 730,000 gallons will be over there in 2002 and in 2003 and in 2004 and they will be removed in the year 2005.

Failure to address this issue now would be a huge mistake on behalf of this body.

Mr. LEAHY. Madam President, I want to express my strong opposition to the McCain Amendment that would strike the \$2 million for the National Museum of Natural History that is provided in the Emergency Supplemental Appropriations bill.

The events of September 11 prompted multiple reviews of the security at all federal facilities. These reviews have highlighted a number of measures that need to be taken to improve the safety for employees and visitors at federal facilities.

One important item that has been brought to our attention is the potential volatility of a storage facility located in the heart of Washington, near the national Mall. The National Museum of Natural History is recognized internationally as a premier museum and research facility. Unfortunately, tens of thousands of specimens are currently stored in 730,000 gallons of highly flammable alcohol.

I commend Chairman BYRD and Senator STEVENS for including \$2 million to begin design for a new facility that would safely store the specimens and do so in a location that is away from such a high traffic area. I urge my colleagues to oppose this amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I move to table the amendment.

Mr. REID. 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. The question is on agreeing to the motion to table the amendment of the Senator from Arizona. The clerk will call the roll.

Mr. BYRD. I believe the motion of the Senator from Alaska was to table the amendment to strike.

Mr. STEVENS. That is correct.

Mr. BYRD. I hope Senators will support the Senator from Alaska and vote to table the amendment to strike.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Minnesota (Mr. DAYTON) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

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

The result was announced—yeas 67, nays 29, as follows:

(Rollcall Vote No. 136 Leg.)

YEAS—67

Akaka	Biden	Breaux
Baucus	Bond	Burns
Bennett	Boxer	Byrd

Campbell	Hatch	Nelson (FL)
Carnahan	Hollings	Nelson (NE)
Carper	Hutchison	Reed
Cleland	Inhofe	Reid
Clinton	Inouye	Roberts
Cochran	Jeffords	Rockefeller
Collins	Johnson	Sarbanes
Corzine	Kennedy	Schumer
Crapo	Kerry	Shelby
DeWine	Kohl	Smith (OR)
Dodd	Landrieu	Snowe
Domenici	Leahy	Specter
Dorgan	Levin	Stabenow
Durbin	Lieberman	Stevens
Edwards	Lincoln	Thurmond
Feinstein	Lugar	Torricelli
Frist	McConnell	Voinovich
Graham	Mikulski	Wellstone
Gregg	Murkowski	
Harkin	Murray	

## NAYS—29

Allard	Enzi	Miller
Allen	Feingold	Nickles
Bayh	Fitzgerald	Santorum
Brownback	Gramm	Sessions
Bunning	Grassley	Smith (NH)
Cantwell	Hagel	Thomas
Chafee	Hutchinson	Thompson
Conrad	Kyl	Warner
Craig	Lott	Wyden
Ensign	McCain	

## NOT VOTING—4

Bingaman	Dayton
Daschle	Helms

The motion was agreed to.

## CHANGE OF VOTE

Mr. SPECTER. Mr. President, on vote No. 136, I believe I voted "yea" to table. It was recorded as a "nay." I don't challenge the accuracy of the distinguished clerks, but I simply ask unanimous consent that I be recorded voting "yea" to table. The change will not affect the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from Nevada.

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

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

## AMENDMENT NO. 3635

(Purpose: To strike the amount provided for the National Defense Center of Excellence for Research in Ocean Sciences)

Mr. MCCAIN. Madam President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 3635.

On page 25, strike lines 1 through 11.

Mr. MCCAIN. Madam President, this has to do with the \$2.5 million that is earmarked for the mapping of the coral reefs in Hawaii. The bill directs \$5 million under the Commerce-Justice-State appropriations bill for 2002 to be dedicated to conducting coral mapping in the waters of the Hawaiian Islands and

the surrounding Exclusive Economic Zone.

I remind my colleagues at the outset, again, the title of the legislation we are considering is: Making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year 2002.

I knew of many devastating effects of the attacks on our homeland. I did not know of any disruption of the coral reefs in Hawaii associated with the terrorist attacks on the United States of America.

The administration did not request this redirection of previously appropriated funding for coral reef mapping for the benefit of Hawaii. This is no surprise, since there is not an emergency need for coral reef mapping in Hawaii. It is even more of a reach to suggest that a coral reef mapping provision has a role on the war on terrorism. This is an attempt to preclude a competitive contracting process to benefit one State.

A recent report by the National Oceanic and Atmospheric Administration stated that the coral reefs in the northwestern Hawaiian Islands are some of the most pristine in the world and that the coral reefs in the Atlantic, which includes Florida, the Gulf of Mexico, and the Caribbean, are some of the most in distress. Why should a relatively healthy reef system receive extra attention and funding at the expense of those in most need?

I might add, the Federal Government has already been very generous with respect to Hawaiian coral reefs for fiscal year 2002. In fact, during this fiscal year, NOAA is scheduled to spend \$8.215 million of its \$28.25 million Coral Reef Conservation Program budget on programs specifically targeted toward the northwest Hawaiian Islands; that is more than a quarter of the program budget.

These funds include \$762,000 for mapping, \$893,000 for monitoring, \$1.25 million for the Hawaii Coral Reef Initiative, \$3.25 million on northwest Hawaiian Island Reserve operations and sanctuary development, \$210,000 for fisheries management, and \$3.1 million for marine debris removal.

So the State of Hawaii has already gotten \$8.215 million. Now they are asking for \$2.5 million more. Moreover, this does not include funding for NOAA'S overall program that is being spent across all of our Nation's coral reef, of which Hawaii also benefits.

Now the managers of the bill want to carve out another \$2.5 million for Hawaiian coral reefs. As I said before, what this bill does is earmark \$2.5 million of that funding for a specific project in the waters of the Hawaiian Islands and to a specific organization.

Are there other organizations that do mapping? I do not know. But why is it earmarked for a specific corporation to do this work? I believe that it is part governmental and part private, as I understand it. This specific earmark

would purposefully preclude the issuance of a competitive contract for this work. Congress should not be taking such action and should allow a competitive contracting process to go forward for any Federal funding involved.

I do not believe we should be providing special treatment to one part of the country when other parts also have a great need. If the Hawaiian reefs deserve this already appropriated funding, they should be able to secure it based on merit review through a competitive process at NOAA.

Therefore, this amendment would strike the directive provided in the bill and allow the competitive process to go forward.

Madam President, under no stretch of the imagination can this provision providing this money for a specific project in the State of Hawaii be deemed as a response to the attacks on the United States of America that took place on September 11. The administration opposes this legislation. And it has no relation to the war on terrorism or homeland security in the view of the President of the United States.

So I have gotten, from the last vote, a pretty good idea how these votes are going to turn out. But there is going to come a time, Madam President—there is going to come a time—when our deficits have ballooned well into \$150 billion, \$200 billion, from the surplus that we had and people will say: What happened to all that money? What happened to our money for Social Security? What happened to our money for Medicare? What happened to the surpluses that we were so confident of, that were going to be \$4- or \$5- or \$6 trillion over the next 10 years? We are going to look back, and we are going to point at votes such as these, where, in the name of fighting the war on terror, we will earmark millions of dollars for a project to map coral reefs. I think the American people will not be satisfied with that result or that decision made by the Congress of the United States.

As the distinguished ranking member of the Appropriations Committee from Alaska just said: We just made a judgement.

Do you want to trust the judgment of the Appropriations Committee or the President of the United States? We will probably again vote to trust the judgment of the Appropriations Committee, in the name of fighting the war on terror, of mapping coral reefs in Hawaii.

I would assume there will be a tabling motion made, and at that time I will ask for the yeas and nays.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, the provision in the bill does not add new spending; rather, it clarifies the allocation of funding provided for coral reef mapping in the fiscal year 2002 Commerce-Justice-State and the Judiciary appropriations bill.

This amendment directs \$2.5 million of the coral reef funds appropriated in fiscal year 2002 for mapping coral reefs in the Hawaiian Island chain and adjacent areas to complement the general mapping currently planned by the National Oceanic and Atmospheric Administration.

These funds will be used to begin identifying the location, type, and condition of coral reefs throughout the Hawaiian Island chain. This data will be used by resource managers and will provide valuable information for the northwestern Hawaiian Islands sanctuary designation process. This data will also provide a baseline for future monitoring of Pacific coral reefs.

The funds will be administered by the National Defense Center of Excellence for Research in Ocean Sciences through a cooperative agreement with NOAA, the National Oceanic and Atmospheric Administration. Established in 1993 with funds from the Department of Defense, CEROS is product oriented and seeks to advance innovative concepts and new approaches to technology while fully leveraging existing facilities and infrastructure in Hawaii.

I urge the Senate to vote down the amendment by the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Madam President, as the distinguished chairman of the Appropriations Committee has stated, this coral reef initiative does not appropriate any money, not even a penny. The sums involved have been appropriated and were appropriated in the last fiscal year.

It may interest the Senate to know that the administration does not oppose this initiative. In fact, they authored the initiative. The initiative as drafted in the supplemental was drafted by the staff of NOAA.

Eighty-four percent of the coral reefs of the United States are found around the Hawaiian Islands. Of that 84 percent, 15 percent are found around the occupied islands, the inhabited islands, the islands I live on; 69 percent are in the northwest. The Commerce Department is in the process now of establishing a sanctuary in the northwestern islands. In order to establish a proper sanctuary to identify the ecosystem, to identify the fishes, the plant life that all of us want to preserve for generations to come, we must have a mapping. We must know where they are.

This is a technical thing. Therefore, my staff was not adequately prepared to draft such legislation. It had to be done by the staff of Commerce.

This is not a pork item. One may get the impression that we were using this vehicle to get \$2.5 million for the people of Hawaii. Such is not the case. The moneys will be handled by the Commerce Department together with the National Defense Center of Excellence for Research in Ocean Sciences, CEROS. This was established by the

Defense Department. Under the rules of CEROS, this will be under a competition. No organization has been selected for the purpose of this mapping. We have no idea who that organization will be.

If we are to carry out the initiative started by the Government of the United States to protect our environment, to protect our coral reefs, this is absolutely essential. What we have done was to carry out the wishes of the people of the United States and the wishes of the administration.

I hope we can defeat the amendment.

I move to table the McCain amendment.

The PRESIDING OFFICER. Is there a sufficient second?

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

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The assistant legislative clerk continued with the call of the roll.

(Mr. MILLER assumed the chair.)

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

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

The question is on agreeing to the motion to table amendment No. 3635.

Mr. GRAMM. Mr. President, I rise in support of the McCain amendment.

The PRESIDING OFFICER. The motion to table has been made and is not debatable.

Mr. GRAMM. Mr. President, I ask unanimous consent that I might speak despite the fact that a motion to table has been made.

Mr. REID. Mr. President, if the Senator from Texas will allow, I have a unanimous consent request I would like to propound at this time. I think it will solve the problem.

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

Mr. REID. I ask unanimous consent that the McCain amendment No. 3635 be laid aside to recur at 2 p.m. today; that at 2 p.m. there be 5 minutes equally divided prior to a vote on a motion to table the amendment, with no amendments in order to the language proposed to be stricken; with the time equally divided and controlled between Senators MCCAIN and INOUE or their designees.

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

Mr. REID. Mr. President, Senator MCCAIN has graciously consented, as has Senator GRAMM, that if someone wants to offer an amendment prior to 2 p.m., they will have no objection to doing that. We could perhaps have two

votes around that time. It is up to the body as to whether or not someone wants to offer another amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, as I noted earlier, we basically find ourselves in a position where the President has asked for emergency funding.

We have a bill before us the President has said he will veto. We have a problem in that the proposal spends more money than the President asked for. It doesn't fund some of the emergencies he asked for, funds many things he did not ask for. The question is, how do we get this right so we get the money that the White House wants in a form that they will sign and that we can get on about the Nation's business?

It is fair to say the people on my side of the aisle decided that in the end the best thing to do is to go ahead and cloture this bill so it will have a vote hopefully sometime this afternoon or tonight, send the bill to conference, and then it will be up to the conferees to bring it into compliance with what the President has said he will sign, or have it vetoed. In either case, we decided that was a better approach than simply continuing to debate this issue on the floor of the Senate in the face of the President's first veto threat.

Senator BYRD and I had a discussion earlier today about that veto threat. I don't want to get back into that discussion. I want to talk about this amendment.

Senator MCCAIN and I are concerned that there are a lot of provisions in this bill that really are not emergencies. That doesn't mean they are not meritorious. The example we had before about building the storage facility for the Smithsonian so that specimens stored in alcohol could be in a building with the temperatures controlled, so you don't have to keep adding alcohol and will have better protection against fire, is something we need to do. The President has that in his 2003 budget. It is being funded here as an emergency. The President mentioned it in his veto message.

Senator MCCAIN and I decided that the way to deal with this problem is to pick out about four or five of these issues that the President has singled out as not being emergencies and give the Senate the opportunity to vote on them, and then we have two points of order on the bill.

One point of order is the emergency designation, where the body would decide whether or not it is an emergency by whether or not 60 Members would vote to deem it such. The other point of order has to do with a quirky provision of the bill where the President cannot designate what he called an emergency to spend the money unless he takes \$14 billion of spending that he has not designated as an emergency and spends that money.

We believe that circumvents the whole emergency designation process. We believe there is a point of order

based on that, and my guess is that at some point we will have a vote on those two points of order, assuming they lie.

In going down the amendments, one that Senator MCCAIN has identified is the mapping of the coral reef. Let me say this. I don't have any doubt in the world that mapping the coral reef is a good thing. Other than the State that I represent, my home and the State I was born in, I don't love any place more than I love Hawaii. Let me also say that no Member of the Senate has been sweeter to me and my family than the Senator from Hawaii. So if I had been picking amendments, I would not have picked this amendment. But I don't believe that mapping the coral reef around Hawaii is an emergency that warrants waiving the Budget Act and, in the process, spending money that will generate a deficit and that will take the money, ultimately, out of the Social Security trust fund.

Mr. BYRD. Will the Senator yield?

Mr. GRAMM. I am happy to.

Mr. BYRD. This is not designated as an emergency, so it does not violate the Budget Act. I thank the Senator for yielding.

Mr. GRAMM. Let me make my point. I hear the Senator. While the bill is \$4 billion above the level the President requested, the nonemergency parts of the bill are \$14 billion above the level the President requested.

What we have sought to do is come up with a series of amendments on things that we do not believe represent emergencies, to really give people an opportunity to say yes or no as to whether they believe they should be included in this emergency bill, which is—I think everybody agrees—\$4 billion above what the President requested.

We understand where the votes are here. We just find ourselves in a position where our President has said he is going to veto the bill. I intend to vote against the bill and make these points of order and vote for them. I wish we could start the process over and eliminate the veto threat and get this job done, but I don't have the power to control that. Maybe no single Senator at this point has that power.

In any case, Senator MCCAIN has offered this amendment. Despite all of the merits of what it is doing, it seems to me that this provision does not belong in an emergency appropriations bill. We will offer several more amendments that we believe fall into this category. Obviously, it is up to the Senate to decide whether or not they believe these provisions belong in the bill. In any case, Senator MCCAIN felt, and I felt, that it was important that at least some of these items be voted on, and so there will be two or three more of them that we will offer. I don't know what other people are going to do. Then I think we would have a budget point of order against the bill.

At that point, from my point of view, we have made the decision, despite the President's veto message, despite the

fact that the President has said this does not fund the emergency items he wanted and designates items as emergencies that he doesn't believe are emergencies—if at that time it is the Senate's will to move ahead, then I don't know that we serve any purpose to hold it back.

So the question we are trying to pose is—this is clearly an emergency bill. It is over budget from what the President requested by \$4 billion. I do not believe this provision is an emergency, though I don't doubt that it is meritorious. So I intend to support the Senator's amendment. I hope other people will as well.

There will be at least two more amendments. At that point, I think we would probably be through. I think we are establishing a pattern here that people are ready to pass this bill, spend this money, and worry about the problem later.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, if I may repeat myself, not a penny is appropriated by the coral reef initiative—not one penny. Moneys were appropriated in the fiscal year 2002 bill. This is to set aside, of that amount, \$2.5 million for the mapping of the coral reef around the northwestern islands of the Hawaiian chain.

Mr. President, 84 percent of the coral reefs of the United States are found in the Hawaiian chain. Of that 84 percent, 6 to 9 percent would be found in the northwestern islands and 15 percent around the occupied islands. This is not important for the Hawaiian people. This is an emergency as far as the Commerce Department is concerned because they are in the process of establishing a sanctuary in the northwest islands. In order to set the sanctuary, you must begin mapping that area to determine what sort of fishes are there, what sort of plant life.

If we are to carry out the national mission of protecting our environment and protecting the species of this land and this planet, then this is an important part of it.

Furthermore, the funds that will be designated for this initiative will be administered by the National Defense Center of Excellence for Research and Ocean Sciences through a cooperative agreement with NOAA. One specific item they must live up to is that this will be done by competition, using a competitive process of selecting whoever does the mapping.

This initiative does not designate any person, institution, or organization to do this job. Yes, it is not part of homeland security, but as far as NOAA is concerned, this is an emergency. We are not appropriating any money; we are just saying let's use the money we have already appropriated for this purpose.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me make one point and then I will be through. Part of what makes it hard to determine what is happening is that the bill does make appropriations for the National Oceanic and Atmospheric Administration operations, research, and facilities of \$29.2 million. That is new money that is provided in this bill on an emergency basis.

What the Senator from Hawaii is saying is that his amendment does not require new money because he is taking it from money that was appropriated in Public Law 107-77. Our problem is that while you are taking \$2.5 million for this purpose from money that was appropriated for this general account, the bill puts in \$29.2 million into the account. So it is hard for us to tell—at least it is not obvious—that while you are spending old money, that the bill is not replacing that old money with new money which is, in fact, designated as an emergency. Perhaps this is a technicality, but it is the source of the issue we are trying to raise.

I do not know what the \$2.5 million—which is being transferred for this purpose—was going to be used for in the first place, and I would not be shocked if it were a lower priority than what the Senator wanted to use it for. But there is \$29.2 million of new money for the same account that the committee—let me read the language:

The committee recommendation includes \$29.2 million for NOAA to address critical homeland security requirements.

The problem is, is any of this \$29.2 million going to replace the \$2.5 million that is being transferred for this purpose? That is what we cannot tell. Hence, that is why this issue has been raised by the President and by others as an example of a nonemergency that is being funded.

It is clear that the money is being transferred from an existing account, but the question is, Is any of this \$29.2 million going to pay for what is being taken away? That is the question.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. GRAMM. I will be happy to yield.

Mr. MCCAIN. Is the Senator aware that the money is going to the National Defense Center of Excellence for Research in Ocean Studies, which is a Hawaiian State government agency, but that Hawaiian State government agency is solely federally funded? We are proving that money is fungible. They give it to an outfit called the National Defense Center of Excellence for Research in Ocean Studies which happens to be a State government organization, but that State government organization is fully federally funded.

This is a remarkable movement of money and, frankly, the \$29 million which is added for new money for NOAA is something that was not requested by the administration either. Is the Senator aware of that?

Mr. INOUE. Mr. President, will the Senator yield?

Mr. GRAMM. Let me yield the floor and let the Senator have the floor.

I was looking to find my place in the bill. I do not know this bill as well as the people who are on the committee, but I believe this was an addition to the President's request, as far as I can tell.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, CEROS, the National Center of Excellence for Research in Ocean Studies, is not a State government institution. It is a Federal institution. It was established by the Department of Defense. That is why it is called a national defense center.

Secondly, the \$2.5 million does not come out of this bill. The sums have already been appropriated for mapping of coral reefs. This just expedites it because NOAA wants it expedited. The amendment itself was drafted by the staff of NOAA. It is not to benefit any Hawaiian organization, I can assure you, Mr. President. This is to benefit the people of the United States who have been crying about the environment, about protecting the species of this planet. This is how we are going to do it.

If we do not do it, then it is going to be wide open to fishermen, and if the lobsters disappear, if the exotic fishes disappear from that area, do not blame me. We are carrying out the wishes of the administration.

I yield the floor.

Mr. MCCAIN. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. 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. WELLSTONE. Mr. President, I will not be able to fully detail some very good work that staff has done for me on this supplemental appropriations bill, but I want to speak about one part of this legislation that is of great concern to me.

Overall, I absolutely support the supplemental, but I want to talk about some of the language and some of the additional funding for support for Colombia. First, I want to make it clear, having visited the country of Colombia twice now, I believe we have a very important role to play.

I rise today to raise concerns about the administration's proposal for lifting the restrictions on aid to Colombia and providing an additional \$35 million to help it fight terrorism. President Bush is seeking authority to permit U.S.-funded combat helicopters to be used directly against FARC and the ELN, the two biggest leftist insurgency groups. The administration claims that the best way to fight drugs in Colombia is to help the country end the threat from guerrillas.

Violence, has wracked the Colombian countryside for more than 75 years, a product of poverty, inequality and the state's chronic weakness. The FARC's four-decade old insurgency, which grew out of an earlier civil war, has intensified dramatically since peace talks broke down in February, after several high-profile kidnappings. Narco-traffickers, working with left wing guerrillas and right wing paramilitaries, continue to make large portions of the country ungovernable.

In short, Colombia's democracy is in crisis. Colombian civil society is under siege. Union members and activists, clergy, human rights defenders, journalists, and politicians continue to bear the brunt of human rights violations including murders, disappearances and threats in the escalating conflict in Colombia. Most Colombians living in rural areas unprotected by state forces are under constant threat by the left and right.

While I believe we must help Colombia, I also believe that we must do so wisely. The Administration has requested \$35 million for Colombia—\$25 million of which will be used to train and equip anti-kidnapping police units, \$4 million to support police posts in areas out of government control, and \$6 million to start training troops to protect an oil pipeline. This is on top of the nearly \$2 billion we have already dedicated to Colombia in recent years.

I have serious concerns about this proposal. Expanding our role in Colombia is a major change in U.S. policy. In my view, such a change deserves to be considered and debated on its own terms, not within the context of an emergency supplemental appropriations bill. I am concerned further that this shortsighted approach will only compound the already tragic toll on civilian life in Colombia.

There are several serious problems with this approach, not least of which is the fact that the majority of U.S. assistance to Colombia goes to the Colombian armed forces, which continue to maintain ties to paramilitary groups that are listed on the State Department terrorist list. I cannot emphasize this point strongly enough. The administration is proposing to send hundreds of millions of dollars to a military force that has long, well-established ties to one of the very terrorist groups we purport to be fighting.

Another immediate effect of the changes in policy would be to permit the United States to expand how it shares intelligence information with Colombian security forces. Again, I think we should be careful about providing intel to a Colombian military that is sullied by ties to right wing paramilitary terrorist organizations which are deeply involved in drug trafficking.

I also am concerned that the Colombian military does not have the will to adequately protect its citizenry. For example, a May 2002 report prepared by the U.N. Office of the High Commis-

sioner for Human Rights in Colombia has placed equal blame on the FARC, the AUC, the government, and the military on fighting that left 119 civilians dead in the small town of Bojayá, in the remote jungles of northwest Colombia.

The UN report says that the government, the police and the army not only ignored warnings of an impending tragedy but also may have collaborated with the outlawed paramilitary forces to allow them to enter the region. The report lays out evidence that a 250-person paramilitary unit sailed up the River Atrato in seven large boats and passed through two police and one army checkpoint without the slightest problem. Anders Kompass, director of the UN's Colombia office, said in his report that paramilitary commanders flew into the town aboard light aircraft at a time when the town was under full military control and only army aircraft were authorized to land on the small airstrip.

Although this is just one of the most recent examples of Colombian military cooperation with the outlawed paramilitaries, it is emblematic of a broader pattern in Colombia. Military-paramilitary linkages in Colombia are real. It's high time we addressed this problem.

Like Human Rights Watch, the Washington Office on Latin America (WOLA), and Amnesty International, I have serious concerns about the State Department's decision to certify the Colombian government's compliance with human rights. In my view, the Colombian government and military have shirked their responsibility to suspend high-ranking military officers implicated in serious human rights abuses. In addition, the Colombian government has failed to arrest known human rights violators, and when they have done so, have failed to vigorously prosecute these individuals.

In particular, I am concerned about the characterization of army actions in Barrancabermeja as an example of progress in breaking army-paramilitary ties. Despite the high concentration of security forces in Barrancabermeja, the city remains under virtual paramilitary control. Paramilitaries move freely through the city, and the civilian population lives in an atmosphere of unmitigated terror. Surely this cannot be seen as progress.

Over time, I think it's safe to say that we can expect requests by the Colombian government for additional substantial aid increases in the near future, perhaps as soon as next year. Now is the time to raise important questions about our end game. We must ask now, rather than a year or two from now: how far are we willing to go? We should not broaden our assistance until we get a satisfactory answer.

As you know, the administration's Foreign Operations Appropriations request includes \$98 million for FY2003 to



train an additional brigade of Colombian troops to serve as a rapid-reaction force protecting the Cano-Limon pipeline used by the U.S. oil company, Occidental Petroleum, against guerrilla attack.

U.S. Ambassador Anne Patterson told Colombia's *El Tiempo* newspaper that "there are more than 300 infrastructure sites that are strategic for the United States in Colombia." Are we going to pay to protect all of these sites as well? Where do we draw the line? Why protect this pipeline and not another? Why not a dam, a coal mine, a power grid? We need to openly debate these questions before targeting assistance to one entity.

I also am concerned that the Administration may appear to want to circumvent congressional authority. They have requested \$6 million in this emergency supplemental for a program that Congress has not yet authorized. However, I am pleased to see that Senator LEAHY has reduced the amount of funding for pipeline security to \$3.5 million. He also has inserted language requiring Occidental and the other oil companies that would benefit from such protection to repay these funds. I applaud these efforts to check this glaring example of corporate welfare.

This is not to say that the United States should not help strengthen Colombia's democracy. The United States can and should help Colombia. Here's what I believe we should be doing instead: Support the civilian part of Colombia's state—judges and prosecutors, oversight agencies, honest legislators, and reformist police officers; protect human rights and anti-corruption reformers inside and outside of government; provide and more effectively implement alternative development and rural development programs to create the conditions for a functioning legal economy and alleviate the desperation of Colombia's countryside, which fuels the conflict; step up our provision of humanitarian aid to internally displaced persons and refugees; use the full weight of our diplomacy to support efforts to restart peace talks, perhaps with UN involvement; press the Colombian military to break ties with the paramilitaries, without sending mixed signals—like waivers and disingenuous certification processes; and, spend more money at home on efforts to reduce demand through treatment and prevention.

In Colombia, we should do all we can to strengthen the rule of law and democratic institutions. Economic and social development should be our highest priorities, and humanitarian delivery is essential. In addition, we need to invest in demand side interventions here in the U.S. Our militarized drug strategy overwhelmingly emphasizes drug eradication, interdiction and law enforcement when studies show that these are the least effective means of reducing illicit drug use.

A landmark study of cocaine markets by the conservative RAND Corporation

found that, dollar for dollar, providing treatment to addicts is 10 times more effective at reducing cocaine use than drug interdiction schemes and 23 times more cost effective than eradicating coca at its source.

Our counter-narcotics policy in Colombia has not worked. Although some drug laboratories have been destroyed, coca production in Colombia has risen. In fact, despite massive fumigation across Colombia, the area of Colombia planted with coca grew by 24.7 percent in 2001 to 419,000 acres, 169,800 hectares. CIA figures for 2000 showed final cocaine output at 580 tons.

What's more, just last month, General Gustavo Socha, the head of Colombia's anti-narcotics police force was removed from his post on Friday amid an inquiry into how some \$2 million provided by the U.S. disappeared from an administrative police account. His removal—and subsequent resignation—are positive steps, but ultimately the perpetrators must be arrested and prosecuted prior to any new infusion of assistance money.

Also, we do not know what the policies of any new Colombian administration will be. With the recent landslide victory of Alvaro Uribe in the Colombian Presidential elections, I think we have cause to be concerned. I hope Mr. Uribe will keep his campaign pledge to combat illegal right-wing paramilitary forces with as much vigor as he does the rebels, but I have cause for skepticism. I have serious concerns that Mr. Uribe's plans could lead to increased abuses that would mostly befall poor villagers who live in the areas where the fighting often takes place.

Uribe, a 49-year-old former state governor, has promised to wage a war without quarter against both the FARC and the AUC. In my view, an escalated military approach is doomed to fail. He says he will double the size of the army's combat force to 100,000 soldiers and the National Police to 200,000, create commando teams to root the terrorists and drug traffickers out of Colombia's vast jungles, and recruit hundreds of thousands of civilians for security squads. As governor, paramilitary forces flourished in his department, and his chief election opponent has alleged paramilitary and narco-trafficker links.

Uribe, whose campaign slogan is "Firm Hand, Big Heart," has raised concerns among human rights groups, who fear his anti-guerrilla rhetoric might encourage right-wing paramilitaries. I share this concern.

Most analysts agree that the military offensive proposed by President-elect Uribe will make things worse before they get better. It will most likely result in an increase of Colombian refugees and a rise in kidnappings, violence and drug production by FARC rebels in neighboring countries. The spillover effect of the war on neighboring countries could be compounded by the fact that the armed forces of Venezuela, Ecuador and Peru are consumed by inter-

nal troubles, Brazil is focused on its October presidential elections, and Panama does not even have an army. Again, I must ask: what are we trying to accomplish here?

Between 1995 and 1998, when he was governor of the prosperous and tortured state of Antioquia, whose capital is Medellin, Mr. Uribe oversaw the creation of a network of civilian patrol groups. At least two of these groups evolved into notorious death squads, but Uribe insists that the others were merely efficient neighborhood peacekeepers. I believe that we should be wary of these civilian militias. Some see this as a new "Self-Defense," or paramilitary, initiative.

That said, with the exception of the civilian patrol groups that turned into death squads, and a military campaign against the guerrillas in the Uraba region of Antioquia, which is often described as brutal, Uribe's record as governor of Antioquia is outstanding, particularly in this chaotic nation. Public health, education, and highway systems, which are among Colombia's worst problems, improved greatly in Antioquia during his tenure. As a result, I hold out hope that he will advance a platform of economic, social, and cultural development all of which have been in short supply in Colombia.

Ultimately, there is no military solution to this conflict. Most observers agree that a political solution is the only way out. Mr. Uribe has issued a call for the United Nations to attempt to restart peace talks with the rebels. In my view, our government should be more active in the quest for peace by encouraging negotiations like the sputtering "Havana process" of talks between the government and the ELN. This model could pave the way for eventual negotiations with the FARC. Moreover, we should encourage the Colombian government to accept a United Nations "good offices" mission, under Chapter 6 of the UN Charter, without preconditions.

However, Mr. Uribe's ideas are unlikely to succeed despite his recent attempts to reach out to the UN. Before there can be any talks, he has demanded that both FARC and the AUC agree to an end to violence—an unlikely proposition. Yet I encourage his peace overtures and hope that he will agree that a military solution is not the most effective means for improving Colombia's plight.

In conclusion, Mr. President, I am an internationalist. I am a first-generation American. I am interested in the world and I very much want to see us promoting sustainable economic development, promoting the environment, promoting human rights. I want to see good economic development assistance to Colombia. The truth is, I have some concerns about Mr. Uribe, who recently was elected President of Colombia. President Pastrana, I think, is a very honorable man, and I think had tremendous support in the Senate among Democrats and Republicans dealing

with a tremendous amount of violence. The city I visited twice, Barrancabermeja, has been like the Sarajevo of Colombia, a very dangerous place, especially for the people who have to live there.

In Colombia, there are a lot of innocent people who have been murdered by savage violence. There is the FARC, which is the guerrilla—if a label has to be used—left. There is the ELN, also the guerrilla left. Then there is the AUC, or the paramilitary, on the right.

Certainly, the Government deserves and needs our assistance. My concern is about the direction we are taking in this supplemental bill. This is a supplemental appropriations bill, and I do not think we should be changing policy, but we are. The change in policy, as I understand it, is twofold.

First, our military equipment, such as the Blackhawk helicopter, has been used in the war against drugs. That is what the original Plan Colombia was all about. Now this military assistance can be directly used in the counter insurgency war against the FARC and the ELN, no longer just for counter-narcotics. What worries me is the one-sidedness of the approach that the Government is taking, and I believe this new administration in Colombia will take.

That is to say, if we are concerned about narco-trafficking, there are a couple of things we can and should do. The first thing we ought to do is to reduce the demand for the drugs in our country. That is actually the most effective way to deal with this. I am not sure anybody has proven that we can—through aerial eradication, the spraying and the military effort—actually successfully fight this scourge.

The truth is, the drug trafficking business in Colombia continues to boom. Frankly, there is not anything we have done that has made much of a difference to date. The best thing we could do would be to reduce demand in our own country and have effective treatment programs in our own country. Above and beyond that, what has always worried me in what has been, up to now, counter-narcotics, is that all of the focus has been on the FARC and on the ELN, two organizations about which no one should have any illusions. These are not Robin Hood, justice organizations trying to redistribute the wealth and the income to the poor. These are organizations that are up to their eyeballs in narco-trafficking, having made a tremendous amount of money off of it.

These are organizations that have been engaged in a clear policy of terrorism, that is, of kidnapping and murder of innocent people. The truth is that if this Plan Colombia was all about going after narco-trafficking, we would have spent as much time focusing on the paramilitaries on the right because they are also implicated in the narco-trafficking up to their eyeballs.

My concern is that we are now becoming more involved in basically a

military effort. We are becoming more involved in what is now counter-insurgency, not counter-narcotics. I was never sure what the divide line was, but we have now changed this. We have said our military weaponry—and I also worry about our U.S. advisers being directly involved in the actual military effort—can now be used to fight an internal counter-insurgency effort. That is a different policy. We have now moved from counter-narcotics to counter-insurgency, and we are becoming directly involved.

Part of the problem is that we are relying on this Government and this military and we basically are turning our backs on blatant violations of human rights conditions. My concern is that the military in Colombia—and every human rights organization that does any independent research comes up with the same report—is too closely tied to the AUC or the paramilitary. And, therefore, I say to my colleagues, it is amazing to me, for example, that this administration has certified that the military is doing much better with respect to human rights, and they use Barrancabermeja, where I visited twice, as an example. In Barrancabermeja, it is not the case at all.

Senator LEAHY has shown important leadership on this question, but I see an administration that is turning its gaze away from all of this because in Barrancabermeja people's phones have been taken from them. They do not have any phones. The paramilitary moves into their homes. There is total terror and, frankly, many people have been murdered. The truth is that two-thirds of the extrajudicial killings every year in Colombia are done by the paramilitary, the AUC, the right. But we are now going to move forward and we are going to become directly involved in direct aid to the military, too much of which is closely tied to the paramilitary, which has been involved in too many slaughters of innocent people. It is counterinsurgency, and we are playing a different role than we played before. We are becoming more directly involved. This is all going to be done with our money. It is going to be done in our name. It is a change of policy.

I wish to say, so at least it is part of the record, that I think it is wrong to do so in the supplemental bill, and I want to issue a warning to people in our country that I think this is a profound mistake. I think this is a profoundly mistaken policy.

I have had a chance to visit and I especially have become familiar with the work of a priest, Francisco de Roux, who has done some of the finest economic development work, and his approach is manual eradication of the coca plant, not the aerial spraying where the chemicals are used, where many people say they have been sick, where legal crops also end up being destroyed. Frankly, on the ground, we were supposed to be providing money

for alternative social development. We haven't done that.

We have had the war on drugs. That has been quite unsuccessful. We have done this aerial spraying. Many say: This has affected our health; what are you doing? We have destroyed some of their legal crops. We said we would have alternative crops and economic development money. That has not happened on the ground. We have priests such as Francisco de Roux trying to do it a different way. I hope others will join me in supporting a more productive approach.

Now we have moved into a different kind of policy. We are now going to be involved in a joint effort to protect the pipeline. I think the oil companies, Occidental, et al, have a fair amount of money to protect their own pipeline. I don't know why we must use the taxpayers' money. Last time I looked, the oil industry was doing pretty well. I think they made \$40 billion in profits last year.

It is a long pipeline. I cannot remember how many miles. How many projects are we going to be directly involved in protecting? How much money goes to the military? What is the end game? What is a victory? What are we trying to accomplish? Why the change in policy?

We are told: By the way, this is part of the frontline fight against the terrorists. This is not al-Qaeda. A lot of this has gotten mixed up. This is now being justified as part of the war against terrorism. FARC and ELN are terrorist organizations. They have been involved in the indiscriminate murder of locals, and so has the AUC—which we indirectly support because they have ties to the some in the Colombian military.

When we directly let our equipment be used in military efforts in counter-insurgency against the terrorists and then try to wrap that up with the fight against al-Qaeda and what happened in the United States and what has happened in Afghanistan and what is going on in south Asia and the Middle East, it is sleight of hand. They are not one and the same. No one has presented one shred of evidence that al-Qaeda is operating in Colombia. No one has presented one shred of evidence this is part of this fight against this terrorist organization.

This is a slippery slope. We have made some policy changes. We better understand what we are doing. We are becoming more implicated in counter-insurgency. We are becoming more implicated in direct work with the military, which has been tied too closely to paramilitaries, and rightly have been harshly condemned.

I don't, with a broad stroke, condemn everyone, but there are too many elements of the military in Colombia that have been condemned, with irrefutable evidence presented by people who have done the reports—the State Department, human rights organizations and others—concerning massacres of innocent people.

We are basically turning our gaze from that and are quite uncritical. The good work that has been done has been done by Senator LEAHY. There are other Senators who care as well, and I appreciate some of the work on human rights conditions, and I appreciate some of the work he has done to slow this down.

Senators, I want it on the record—I will have a better formal statement in writing with much more clear evidence, many more facts and figures—that I believe we are making a profound mistake.

I say to the Ambassador, Anne Patterson, whom I met, I know we don't agree on all things. She is doing a heroic job under very difficult circumstances, but I do not believe this war against drugs has been anything close to a success. We are now making a change in policy that is of great concern to me. I don't want someone to say that nobody talked about this, or that there were no Senators who raised the questions about this change in policy. It is a small part of the overall bill, so I will vote for the bill, but I am absolutely opposed to this change in policy in relation to Colombia.

The administration is going in the wrong direction. I ask the administration to take human rights conditions more seriously.

With all due respect, do not certify that there has been compliance with human rights standards when that is patently not the case. I challenge anyone to go to Colombia and on the basis of 1 day come back here and say the military is doing a good job of protecting people. The people you met there, I am not talking about ELN or FARC, the civil society people, the people everyone here would respect who do the human rights work and economic development work, have nothing to do with the left guerrilla organizations. They are not opposed to the military and police but want their protection. They want to know how it can be that so many of them—innocent people who have had the courage to do this work—are murdered with impunity.

This administration seems to put all of those concerns in parenthesis, and this Senate, in this supplemental appropriations bill, to tell you the truth, is not giving a change in policy the kind of scrutiny and the kind of analysis or thoughtful deliberation we ought to give it. We are making a mistake.

#### MENTAL HEALTH RALLY

Mr. REID. Will the Senator answer a question?

Mr. WELLSTONE. I would be pleased.

Mr. REID. I was scheduled to appear with the Senator from Minnesota at a public hearing involving mental health. I was not able to be there because of floor duties. Would the Senator be kind enough to indicate what went on at that gathering today?

Mr. WELLSTONE. I thank the whip. First, we know Senator REID was not at the rally because of his duties in the Senate.

Senator REID from Nevada is a perfect example of someone who has taken his own life story in the most personal, powerful, and eloquent way and given a lot of other people inspiration. Thank you, thank you, thank you for your work.

It was very moving. I don't know what the temperature is out there, but it feels like it is 120. It was on the west side of the Capitol. The estimates were 1,500 or 2,000 people in attendance. There were a lot of people there for well over an hour.

A couple of things happened: First, this is a bill on the House side that now has 224 cosponsors. That is over a majority. That is enough to get a discharge petition. This is the work of MARGE ROUKEMA, Republican, and PATRICK KENNEDY, Democrat.

On the Senate side, the bill has 66 cosponsors. In addition, there are 200 organizations that support it. In addition, the majority of the people are saying end the discrimination. That is what it was about. Do not tell someone whose daughter is struggling with depression, and they are worried she might take her life: You only can have a few days in the hospital and that is it. You can only see a doctor a few times and that is it. Treat the illness like an illness, like any other illness, like a physical illness. End the discrimination.

It was very moving. People came to say end the discrimination. They came also to say it seems everyone is for it except the health insurance industry. Obviously, they are trying to block it. People are saying: We do not want to wait any longer.

My hope is the White House will be very involved in the negotiations. The President has called for full mental health parity. That is very important. We need the help. Last time we passed it on the Senate side and put it in the appropriations bill of Labor, Health, and Human Services, it was blocked in conference. This time, my hope is that we will get a chance to bring it to the floor this month. We have more than enough support. The House must pass it. The White House will weigh in. It may not be 100-percent perfect, but what a difference it will make.

Just to give some context, the people who came from all around the country, came to say the time is now. Just to give some context, I mentioned the New York Times, and the journalist should get a Pulitzer Prize for a three-part, front-page story. I could not bear to read it. It talked about adult care in New York City. Just imagine, in other States as well, people jumping out of windows because they do not get any care. They do not get pharmacological treatment—clients, men and women, adults in urine-stenched clothing day after day because of no adequate staffing; elderly people dying in the heat, in

the United States of America, in the year 2002. We can do better.

You asked me about the rally. Senator DOMENICI just came in, and it was really wonderful. Then we had a vote, so we had to leave. But Nancy Domenici was, what do you say, emceeding it? My own concern is that people drank enough water because it was so hot. But people are determined. People are determined to end the discrimination, to get this legislation passed. It was wonderful. I think it was really important.

They are working very hard today as citizen lobbyists, talking to Members of the House, hoping we will move to this legislation. That is what it is all about.

I see my colleague from New Mexico is here.

Mr. REID. The Senator from New Mexico and the Senator from Minnesota are in the Chamber. The Senator from Minnesota was speaking on another subject, and I asked him about the rally that I could not attend today, and he proceeded to tell us.

I want to spread on the record of this Senate the admiration and respect I have for the two Senators, both differing in political philosophies except that on this issue they are marching in lockstep to fruition. Because of their leadership and their advocacy, we are going to have, in this country, mental health care so someone who has a mental illness is going to be treated like someone who has a physical illness. They should be on a par. Because of the leadership of the two Senators, the Senator from Minnesota and the Senator from New Mexico, that is going to happen.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I did not quite get here in time to ask the distinguished majority whip where we were in terms of the business of the Senate. Might I ask, what is the parliamentary situation? What is pending before the Senate?

The PRESIDING OFFICER. An amendment of the Senator from Arizona was set aside by consent to recur at 2 o'clock.

Mr. DOMENICI. I yield the floor.

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 the order for the quorum call be rescinded.

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

#### EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2001—CONFERENCE REPORT

Mr. REID. Mr. President, I submit a report of the committee of conference on the bill (S. 1372) and ask for its immediate consideration.